Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2014

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Senate File 220

H-8013

1 Amend the amendment, H-8002, to Senate File 220, as
2 passed by the Senate, as follows:
3 1. Page 1, by striking lines 5 and 6 and inserting:
4 <___. Page 1, by striking lines 21 and 22 and
5 inserting:
6 <Sec. ___. EFFECTIVE UPON ENACTMENT. This Act,
7 being deemed of immediate importance, takes effect upon
8 enactment.
9 Sec. ___. RETROACTIVE APPLICABILITY. This Act
10 applies retroactively to retirement incentive programs
11 in existence on or after July 1, 2013.>
12 ___. Title page, line 2, after <including> by
13 inserting <effective date and retroactive>>

_____
FRY of Clarke

House File 2192

H-8014

1 Amend House File 2192 as follows:
2 1. Page 1, line 13, by striking <this section> and
3 inserting <this chapter>
4 2. Page 1, line 24, by striking <under>
5 3. Page 2, line 32, after <years> by inserting <of
6 receipt of the water plan submitted under paragraph
7 "a">
8 4. Page 3, line 1, after <"a".> by inserting <If
9 the city fails to provide notice to the district or
10 association, the district or association may provide
11 service in accordance with this paragraph, regardless
12 of whether the district or association has received
13 such notice.>
14 5. Page 3, line 7, after <"a".> by inserting <If
15 the district or association fails to provide notice to
16 the city, the city may provide service in accordance
17 with this paragraph, regardless of whether the city has
18 received such notice.>
19 6. Page 3, line 12, by striking <is adequately
20 provided.> and inserting <meets customer demand.>

DEYOE of Story

House File 2261 - Introduced

HOUSE FILE 2261
BY ISENHART, HUNTER, ANDERSON,
KAJTAZOVIC, GASKILL,
KEARNS, HANSON, JACOBY,
and WOLFE

A BILL FOR

1 An Act relating to wage and salary rates for certain public
2 officials and public employees.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5746YH (3) 85
tm/rj

H.F. 2261

1 Section 1. Section 2.10, Code 2014, is amended by adding the
2 following new subsection:
3 NEW SUBSECTION. 2A. The salaries provided in this section
4 shall not be increased unless the state minimum wage rates
5 provided in section 91D.1 are increased on or after July 1,
6 2014.
7 Sec. 2. Section 7.8, Code 2014, is amended to read as
8 follows:
9 **7.8 Salary — governor, lieutenant governor.**
10 The salary of the governor shall be as fixed by the general
11 assembly.
12 The salary, payment of expenses, and any per diem of the
13 lieutenant governor shall be as fixed by the general assembly.
14 The salary authorized in this section for the governor and
15 lieutenant governor shall not be increased unless the state
16 minimum wage rates provided in section 91D.1 are increased on
17 or after July 1, 2014.
18 Sec. 3. Section 9.5, Code 2014, is amended to read as
19 follows:
20 **9.5 Salary.**
21 The salary of the secretary of state shall be as fixed by the
22 general assembly and shall not be increased unless the state
23 minimum wage rates provided in section 91D.1 are increased on
24 or after July 1, 2014.
25 Sec. 4. Section 11.30, Code 2014, is amended to read as
26 follows:
27 **11.30 Salary.**
28 The salary of the auditor of state shall be as fixed by the
29 general assembly and shall not be increased unless the state
30 minimum wage rates provided in section 91D.1 are increased on
31 or after July 1, 2014.
32 Sec. 5. Section 12.18, Code 2014, is amended to read as
33 follows:
34 **12.18 Salary.**
35 The salary of the treasurer of state shall be as fixed by the

H.F. 2261

general assembly and shall not be increased unless the state minimum wage rates provided in section 91D.1 are increased on or after July 1, 2014.

Sec. 6. Section 13.9, Code 2014, is amended to read as follows:

13.9 Salary.

The salary of the attorney general shall be as fixed by the general assembly, and the salaries of the first assistant attorney general and other assistant attorneys general shall be such as may be fixed by law. The salary of the attorney general shall not be increased unless the state minimum wage rates provided in section 91D.1 are increased on or after July 1, 2014.

Sec. 7. Section 159.19, Code 2014, is amended to read as follows:

159.19 Salary.

The salary of the secretary of agriculture shall be as fixed by the general assembly and shall not be increased unless the state minimum wage rates provided in section 91D.1 are increased on or after July 1, 2014.

EXPLANATION

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

This bill relates to wage and salary rates for certain public officials and public employees.

The bill prohibits the salary of the members of the general assembly from being increased unless the state minimum wage rates in Code chapter 91D (state and federal minimum wages) are increased on or after July 1, 2014.

The bill prohibits the salary of the governor, lieutenant governor, secretary of agriculture, attorney general, auditor of state, secretary of state, and treasurer of state from being increased unless the state minimum wage rates are increased on or after July 1, 2014.

House File 2262 - Introduced

HOUSE FILE 2262
BY WOLFE

A BILL FOR

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

TLSB 5949HH (3) 85
jm/rj

H.F. 2262

Section 1. NEW SECTION. **901C.1 Not guilty verdicts and dismissals — expungement.**

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

2. Within one year of the person being found not guilty of a charge or when a charge is dismissed against the person, except as provided in section 907.9, the charge shall be expunged by the clerk of the district court. For purposes of this section, *"expunged"* means the same as provided in section 907.1.

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

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

EXPLANATION

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

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

The bill directs the state court administrator to remove charge records from the Iowa court information system that is available to the general public if a person is found not guilty of that charge or that charge is dismissed, unless the charge is subject to the expungement provisions of Code section 907.9.

The bill specifies that within one year of a person being found not guilty of a charge or when a charge is dismissed against the person, the charge shall be expunged by the clerk of the district court, unless the charge is subject to the expungement provisions of Code section 907.9.

H.F. 2262

1 Code section 907.1 defines "expunged" to mean the court's
2 criminal record with reference to a deferred judgment or any
3 other criminal record that has been segregated in a secure area
4 or database which is exempted from public access.

House File 2263 - Introduced

HOUSE FILE 2263
BY MASCHER

A BILL FOR

1 An Act relating to publicly funded preschool and early
2 childhood programming and making appropriations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5703YH (2) 85
jp/sc

H.F. 2263

1 Section 1. Section 256C.3, subsection 4, unnumbered
2 paragraph 1, Code 2014, is amended to read as follows:
3 Effective with the budget year beginning July 1, 2015, each
4 school district shall implement an approved local program
5 to provide preschool in accordance with this chapter. The
6 state board shall adopt rules to further define the following
7 requirements of school districts implementing the preschool
8 program:
9 Sec. 2. Section 256C.3, subsection 4, Code 2014, is amended
10 by adding the following new paragraph:
11 NEW PARAGRAPH. *e.* (1) A school district participating
12 in the preschool program shall utilize district information
13 and information accessed through the departmental data systems
14 to identify which children are receiving services under or
15 participating in a state-funded or district-funded preschool
16 program, the head start program, or other preschool program
17 reported by parents of the participating children. The
18 departmental data systems may include the unique student
19 identifier, the student reporting in Iowa system, or other
20 relevant data system. The school district and the early
21 childhood Iowa area governing board for any area encompassing
22 the school district shall review the information. The purpose
23 of the review is for the district and the area board to
24 implement action steps to assure that all of the eligible
25 children residing in the district and the area are aware of
26 and able to participate in publicly funded preschool programs.
27 The action steps shall focus on securing the participation of
28 children from low-income families.
29 (2) A school district participating in the preschool
30 program shall annually document how the district works
31 in collaboration with participating families, early care
32 providers, and community partners, as described in subsection
33 3, to expand the preschool programming to settings other than
34 the school district's facilities in order to be as convenient
35 and cost effective as possible for the families of the children

H.F. 2263

1 who are eligible for the programming.
2 (3) Each school district subject to this paragraph *"e"*
3 shall submit to the department an annual report describing the
4 reviews and action steps implemented pursuant to subparagraph
5 (1) and the information documented pursuant to subparagraph
6 (2). The report content, time frame, and other requirements
7 shall be determined by the department. The department shall
8 make the reports publicly available and shall summarize the
9 content of the reports submitted in the department's annual
10 condition of education report.
11 Sec. 3. Section 279.51, Code 2014, is amended by adding the
12 following new subsection:
13 NEW SUBSECTION. 2A. In addition to the amount allocated
14 under subsection 1, paragraph *"b"*, there is appropriated from
15 the general fund of the state to the department of education
16 for the following fiscal years, the following amounts for
17 allocation to the child development coordinating council
18 established in chapter 256A, to be used as additional funding
19 for the purposes set out in subsection 2 of this section and
20 section 256A.3:
21 *a.* For the fiscal year beginning July 1, 2014, fifteen
22 million dollars.
23 *b.* For the fiscal year beginning July 1, 2015, thirty
24 million dollars.
25 *c.* For the fiscal year beginning July 1, 2016, forty-five
26 million dollars.
27 *d.* For the fiscal year beginning July 1, 2017, and
28 succeeding fiscal years, sixty million dollars.
29 Sec. 4. STATE MANDATE FUNDING SPECIFIED. In accordance
30 with section 25B.2, subsection 3, the state cost of requiring
31 compliance with any state mandate included in this Act shall
32 be paid by a school district from state school foundation aid
33 received by the school district under section 257.16. This
34 specification of the payment of the state cost shall be deemed
35 to meet all of the state funding-related requirements of

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section 25B.2, subsection 3, and no additional state funding shall be necessary for the full implementation of this Act by and enforcement of this Act against all affected school districts.

EXPLANATION

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

This bill relates to publicly funded preschool and early childhood programming and makes appropriations.

Code section 256C.3, relating to preschool program requirements, is amended to require each school district to provide a preschool program approved by the department of education, effective with the school budget year beginning July 1, 2015.

In addition, Code section 256C.3 is amended to require each school district participating in the preschool program to review various data sources to identify the children in the district participating in publicly funded preschool. The school district and any early childhood Iowa area governing board for the area encompassing the school district are required to implement action steps to assure that all of the eligible children residing in the district and the area are aware of and able to participate in publicly funded preschool programs. Also, a school district participating in the preschool program must annually document how the district works in collaboration with participating families, early care providers, and community partners, to expand the preschool programming to settings other than the school district's facilities in order to be as convenient and cost effective as possible for the families of the children who are eligible for the programming. Each school district subject to the two new requirements must submit an annual report to the department of education describing the reviews and action steps implemented pursuant to, and the information on, collaboration. The report content, time frame, and other requirements are to be

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1 determined by the department. The department is required
2 to make the reports publicly available and to summarize the
3 content of the reports submitted in the department's annual
4 condition of education report.
5 A standing limited appropriation of $60 million is phased
6 in by the bill over a four-year period. The appropriation is
7 to be allocated to the child development coordinating council
8 to be used as additional funding for the council's grants to
9 school districts to establish programs for three-year-old,
10 four-year-old, and five-year-old at-risk children, which
11 programs are a combination of preschool and full-day
12 kindergarten, and to provide educational support services to
13 parents of at-risk children from birth through three years of
14 age.
15 The bill may include a state mandate as defined in Code
16 section 25B.3. The bill requires that the state cost of
17 any state mandate included in the bill be paid by a school
18 district from state school foundation aid received by the
19 school district under Code section 257.16. The specification
20 is deemed to constitute state compliance with any state mandate
21 funding-related requirements of Code section 25B.2. The
22 inclusion of this specification is intended to reinstate the
23 requirement of political subdivisions to comply with any state
24 mandates included in the bill.

House File 2264 - Introduced

HOUSE FILE 2264
BY HESS

A BILL FOR

1 An Act relating to public hospitals by allowing a hospital
2 board to hold closed sessions for strategic planning and
3 by allowing a city to reduce terms for trustees for city
4 hospitals or health care facilities.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5867YH (4) 85
aw/sc

H.F. 2264

1 Section 1. Section 21.5, subsection 1, paragraph 1, Code
2 2014, is amended to read as follows:
3 *1.* To discuss patient care quality and process improvement
4 initiatives in a meeting of a public hospital or to discuss
5 strategic planning, marketing and pricing strategies, or
6 similar proprietary information in a meeting of a public
7 hospital, where public disclosure of such information would
8 harm such a hospital's competitive position when no public
9 purpose would be served by public disclosure. The minutes and
10 the audio recording of a closed session under this paragraph
11 shall be available for public inspection when the public
12 disclosure would no longer harm the hospital's competitive
13 position. For purposes of this paragraph, *"public hospital"*
14 means a hospital licensed pursuant to chapter 135B and governed
15 pursuant to chapter 145A, 226, 347, 347A, or 392. This
16 paragraph does not apply to the information required to be
17 disclosed pursuant to section 347.13, subsection 11, or to any
18 discussions relating to terms or conditions of employment,
19 including but not limited to compensation of an officer or
20 employee or group of officers or employees.
21 Sec. 2. Section 392.6, subsections 1 and 2, Code 2014, are
22 amended to read as follows:
23 1. If a hospital or health care facility is established by a
24 city, the city shall by ordinance provide for the election, at
25 a special election held pursuant to section 39.2, subsection 4,
26 paragraph *"b"*, of three trustees, whose terms of office shall be
27 four years, unless otherwise provided pursuant to subsection
28 2A. However, at the first election, three shall be elected and
29 hold their office, one for four years and two for two years,
30 and they shall by lot determine their respective terms, unless
31 otherwise provided pursuant to subsection 2A. A candidate for
32 hospital or health care facility trustee must be a resident of
33 the hospital or health care facility service area within the
34 boundaries of the state at the time of the election at which
35 the person's name appears on the ballot. A board of trustees

H.F. 2264

elected pursuant to this section shall serve as the sole and only board of trustees for any and all institutions established by a city as provided for in this section.

2. The administration and management of an institution as provided for in this section is vested in a board of trustees consisting of three, five, or seven members. A three-member board may be expanded to a five-member board, and a five-member board may be expanded to a seven-member board. Expansion of the membership of the board shall occur only on approval of a majority of the current board of trustees. The additional members shall be appointed by the current board of trustees. One appointee shall serve until the next succeeding general or regular city election, at which time a successor shall be elected, and the other appointee shall serve until the second succeeding general or regular city election, at which time a successor shall be elected. The determination of which election an appointed additional member shall be required to seek election shall be determined by lot. Thereafter, the terms of office of such additional members shall be four years, unless otherwise provided pursuant to subsection 2A.

Sec. 3. Section 392.6, Code 2014, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. *a.* A city may by ordinance provide for the initial election, at a special election held pursuant to section 39.2, subsection 4, paragraph *"b"*, of three trustees, whose terms of office shall be three years. However, at the first election, three shall be elected and hold their office, one shall serve until the next succeeding general or regular city election, one shall serve until the second succeeding general or regular city election, and one shall serve until the third succeeding general or regular city election, and they shall by lot determine their respective terms.

b. (1) A city may by ordinance reduce the length of terms of all trustees of an existing three-member board of trustees from four-year terms to three-year terms, provided that the

H.F. 2264

1 ordinance specifies the following:
2 (a) That the trustee who has served the greatest number of
3 days of a four-year term shall serve until the next succeeding
4 general or regular city election.
5 (b) That the trustee elected who has served the fewest
6 number of days of a four-year term shall serve until the third
7 succeeding general or regular city election.
8 (c) If two trustees have served the same number of days,
9 that the determination of which trustee shall be required to
10 seek election at the second succeeding general or regular city
11 election shall be determined by lot.
12 (d) That not more than one trustee office shall appear on
13 the ballot at a general or regular city election.
14 (2) A city may by ordinance reduce the length of terms
15 of all trustees of an existing five-member board of trustees
16 from four-year terms to three-year terms, provided that the
17 ordinance specifies the following:
18 (a) That the two trustees who have served the greatest
19 number of days of a four-year term shall serve until the next
20 succeeding general or regular city election.
21 (b) That the two trustees who have served the fewest
22 number of days of a four-year term shall serve until the third
23 succeeding general or regular city election.
24 (c) If three trustees have served the same number of days,
25 that the determination of which trustee shall be required to
26 seek election at the second succeeding general or regular city
27 election shall be determined by lot.
28 (d) That not more than two trustee offices shall appear on
29 the ballot at a general or regular city election.
30 (3) A city may by ordinance reduce the length of terms of
31 all trustees of an existing seven-member board of trustees
32 from four-year terms to three-year terms, provided that the
33 ordinance specifies the following:
34 (a) That the three trustees who have served the greatest
35 number of days of a four-year term shall serve until the next

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1 succeeding general or regular city election.
2 (b) That the two trustees who have served the fewest
3 number of days of a four-year term shall serve until the third
4 succeeding general or regular city election.
5 (c) That the determination of which two trustees shall be
6 required to seek election at the second succeeding general or
7 regular city election shall be determined by lot, provided
8 that if there are four trustees that have all served the same
9 greatest number of days, that no more than one trustee of that
10 group be selected by lot and be required to seek election at
11 the second succeeding general or regular city election.
12 (d) That not more than three trustee offices shall appear on
13 the ballot at a general or regular city election.
14 EXPLANATION
15 **The inclusion of this explanation does not constitute agreement with**
16 **the explanation's substance by the members of the general assembly.**
17 This bill relates to boards of trustees for city hospitals or
18 health care facilities.
19 Under current law, a governmental body may hold a closed
20 session for certain reasons, and members of the public may be
21 denied access to the session. Current law provides that one
22 such reason is to discuss patient care quality and process
23 improvement initiatives in a meeting of a public hospital or to
24 discuss marketing and pricing strategies or similar proprietary
25 information in a meeting of a public hospital, where public
26 disclosure of such information would harm such a hospital's
27 competitive position when no public purpose would be served by
28 public disclosure. The bill provides that such a hospital may
29 also hold a closed session to discuss strategic planning. By
30 operation of current law, the minutes and the audio recording
31 of a closed session to discuss strategic planning shall be
32 available for public inspection when the public disclosure
33 would no longer harm the hospital's competitive position.
34 Under current law, a city council may adopt an ordinance
35 to provide for the election of an initial three-member board

H.F. 2264

of trustees for a city hospital or health care facility to serve four-year terms. The bill provides that a city council may also adopt an ordinance to provide for the election of an initial three-member board of trustees for a city hospital or health care facility to serve three-year terms. The bill further provides that a city may adopt an ordinance to reduce the terms of trustees from four to three years for an existing board of trustees with three, five, or seven members. The bill requires that such an ordinance include specific provisions for the reduction of terms of current trustees and specific provisions for the subsequent election of trustees.

House File 2265 - Introduced

HOUSE FILE 2265
BY WOLFE

A BILL FOR

1 An Act relating to driver's license sanctions imposed for a
2 first violation of requirements for meeting or overtaking a
3 school bus, and including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6046YH (4) 85
dea/tm

H.F. 2265

1 Section 1. SCHOOL BUS SAFETY VIOLATIONS — DRIVER
2 IMPROVEMENT PROGRAM OPTION FOR FIRST OFFENSE. Notwithstanding
3 2012 Iowa Acts, chapter 1015, section 5, subsection 2, by
4 July 1, 2014, the department of transportation shall initiate
5 rulemaking by amending 761 IAC 615.43 to include a person
6 who is convicted for a first violation of section 321.372,
7 subsection 3, among the persons who may be required, in lieu
8 of driver's license suspension, to attend and successfully
9 complete, at the person's own expense, a driver improvement
10 program approved by the department, subject to all other
11 provisions of 761 IAC 615.43.
12 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
13 immediate importance, takes effect upon enactment.
14 EXPLANATION
15 The inclusion of this explanation does not constitute agreement with
16 the explanation's substance by the members of the general assembly.
17 Under Code section 321.372, subsection 3, the driver of a
18 vehicle, when meeting a school bus with flashing amber lights,
19 must reduce the vehicle's speed, come to a complete stop when
20 the school bus stops and the stop signal arm is extended, and
21 remain stopped until the signal arm is retracted. A driver
22 of a vehicle overtaking a school bus shall not pass the bus
23 when red or amber warning lights are flashing. The driver must
24 stop no closer than 15 feet from the school bus when the school
25 bus is stopped with the stop signal arm extended and remain
26 stopped until the signal arm is retracted and the school bus
27 resumes motion. The penalty for a person convicted of a first
28 violation is a simple misdemeanor punishable by a fine of at
29 least $250 but not more than $675 or by imprisonment for not
30 more than 30 days, or by both. A second or subsequent offense
31 is a serious misdemeanor.
32 Pursuant to 2012 Iowa Acts, chapter 1015, section 5, the
33 department of transportation has established by administrative
34 rule that a violation of requirements for meeting or overtaking
35 a school bus by the driver of a motor vehicle is a serious

H.F. 2265

1 violation of motor vehicle laws, subjecting the violator to
2 an increasing tier of driver's license suspensions for first,
3 second, and subsequent offenses. Under current law, when a
4 person's driver's license is suspended, that person is required
5 to show and maintain proof of financial liability coverage with
6 respect to all motor vehicles registered in the person's name
7 for two years.
8 This bill directs the department of transportation to
9 initiate rulemaking by July 1, 2014, to allow the department
10 to require a person convicted of a first violation of
11 requirements for meeting or overtaking a school bus to attend
12 and successfully complete a driver improvement program in lieu
13 of suspending the person's driver's license. The department
14 currently may require completion of a driver improvement
15 program as an alternative to license suspension for habitual
16 violators, persons convicted of certain speeding violations,
17 and persons who commit a moving violation during a probationary
18 period following a license suspension or revocation. A
19 person who completes the program must then complete a one-year
20 probationary period without committing a moving violation.
21 The bill takes effect upon enactment.

House File 2266 - Introduced

HOUSE FILE 2266
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO HSB 603)

A BILL FOR

1 An Act relating to vital records by increasing the portion of
2 marriage license fees retained by a county.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5724HV (2) 85
ad/sc

H.F. 2266

Section 1. Section 144.46, subsection 2, Code 2014, is amended to read as follows:

2. Fees collected by the state registrar and by the county registrar on behalf of the state under this section shall be deposited in the general fund of the state and the vital records fund established in section 144.46A in accordance with an apportionment established by rule. ~~Fees~~ Those fees or portions of fees to be retained by the county when collected by the county registrar pursuant to section 331.605, subsection 1, ~~paragraph~~ paragraphs *"f"* and *"g"*, shall be deposited in the county general fund.

Sec. 2. Section 331.605, subsection 1, paragraph g, Code 2014, is amended to read as follows:

g. For filing an application for the license to marry, thirty-five dollars, which includes payment for one certified copy of the original certificate of marriage, to be issued following filing of the original certificate of marriage, ~~four~~ fourteen dollars of which shall be retained by the county ~~pursuant to paragraph *"f"*~~. For issuing an application for an order of the district court authorizing the validation of a license to marry before the expiration of three days from the date of issuance of the license, five dollars. The district court shall authorize the early validation of a marriage license without the payment of any fees imposed in this paragraph upon showing that the applicant is unable to pay the fees.

EXPLANATION

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

This bill increases the amount of the portion of the fee for a marriage license retained by the county from $4 to $14.

House File 2267 - Introduced

HOUSE FILE 2267
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO HSB 604)

A BILL FOR

1 An Act relating to county recorder duties, fees, and records
2 maintenance.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5598HV (2) 85
aw/sc

H.F. 2267

Section 1. Section 321G.1, Code 2014, is amended by adding the following new subsection:

NEW SUBSECTION. 9A. *"Document"* means a snowmobile certificate of title, registration certificate or registration renewal, user permit, or duplicate special registration certificate issued by the county recorder's office.

Sec. 2. Section 321G.27, subsection 1, Code 2014, is amended to read as follows:

1. *a.* The county recorder shall collect a writing fee of one dollar and twenty-five cents for ~~a snowmobile registration or for renewal of a registration~~ each document issued by the county recorder's office.

~~*b.* The county recorder shall retain a writing fee of one dollar and twenty-five cents from the sale of each user permit issued by the county recorder's office.~~

~~*c.* The county recorder shall collect a writing fee of one dollar and twenty-five cents for each duplicate special registration certificate issued by the county recorder's office.~~

~~*d.*~~ *b.* Writing fees collected or retained by the county recorder under this chapter shall be deposited in the general fund of the county.

Sec. 3. Section 321G.29, subsection 7, Code 2014, is amended to read as follows:

7. The county recorder shall maintain ~~a~~ an electronic record of any certificate of title which the county recorder issues ~~and shall keep each certificate of title on record~~ until the certificate of title has been inactive for five years. When issuing a title for a new snowmobile, the county recorder shall obtain and keep the certificate of origin on file ~~a copy of the certificate of origin~~. When issuing a title and registration for a used snowmobile for which there is no title or registration, the county recorder shall obtain and keep on file the affidavit for the unregistered and untitled snowmobile.

Sec. 4. Section 321G.30, subsection 1, Code 2014, is amended

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to read as follows:

1. The county recorder shall charge a ten dollar fee to issue a certificate of title, a transfer of title, a duplicate, or a corrected certificate of title plus a writing fee as provided in section 321G.27.

Sec. 5. Section 321G.32, subsection 1, paragraph a, Code 2014, is amended to read as follows:

a. To perfect the security interest, an application for security interest must be presented along with the original title. The county recorder shall note the security interest on the face of the title and ~~on~~ in the ~~copy in~~ electronic record maintained by the recorder's office.

Sec. 6. Section 321I.1, Code 2014, is amended by adding the following new subsection:

NEW SUBSECTION. 10A. *"Document"* means an all-terrain vehicle certificate of title, vehicle registration or registration renewal, user permit, or duplicate special registration certificate issued by the county recorder's office.

Sec. 7. Section 321I.29, subsection 1, Code 2014, is amended to read as follows:

1. *a.* The county recorder shall collect a writing fee of one dollar and twenty-five cents for ~~an all-terrain vehicle registration or for renewal of a registration~~ each document issued by the county recorder's office.

~~*b.* The county recorder shall retain a writing fee of one dollar and twenty-five cents from the sale of each user permit issued by the county recorder's office.~~

~~*c.* The county recorder shall collect a writing fee of one dollar and twenty-five cents for each duplicate special registration certificate issued by the county recorder's office.~~

~~*d.*~~ *b.* Writing fees collected or retained by the county recorder under this chapter shall be deposited in the general fund of the county.

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Sec. 8. Section 321I.31, subsection 7, Code 2014, is amended to read as follows:

7. The county recorder shall maintain ~~a~~ an electronic record of any certificate of title which the county recorder issues ~~and shall keep each certificate of title on record~~ until the certificate of title has been inactive for five years. When issuing a title for a new all-terrain vehicle, the county recorder shall obtain and keep the certificate of origin on file ~~a copy of the certificate of origin~~. When issuing a title and registration for a used all-terrain vehicle for which there is no title or registration, the county recorder shall obtain and keep on file the affidavit for the unregistered and untitled all-terrain vehicle.

Sec. 9. Section 321I.32, subsection 1, Code 2014, is amended to read as follows:

1. The county recorder shall charge a ten dollar fee to issue a certificate of title, a transfer of title, a duplicate, or a corrected certificate of title plus a writing fee as provided in section 321I.29.

Sec. 10. Section 321I.34, subsection 1, paragraph a, Code 2014, is amended to read as follows:

a. To perfect the security interest, an application for security interest must be presented along with the original title. The county recorder shall note the security interest on the face of the title and ~~on~~ in the ~~copy in~~ electronic record maintained by the recorder's office.

Sec. 11. Section 331.602, subsection 39, Code 2014, is amended to read as follows:

39. Accept applications for passports if approved to accept such applications by the United States department of state.

Sec. 12. Section 359A.10, Code 2014, is amended to read as follows:

359A.10 Entry and record of orders.

Such orders, decisions, notices, and returns shall be entered of record at length by the township clerk, and a copy

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thereof certified by the township clerk to the county recorder, who shall record the same in the recorder's office in ~~a book kept for that purpose~~ the manner specified in sections 558.49 and 558.52, and index such record in the name of each adjoining owner as grantor to the other. The county recorder shall collect fees specified in section 331.604.

Sec. 13. Section 462A.5, subsection 1, paragraph a, Code 2014, is amended to read as follows:

a. The owner of the vessel shall file an application for registration with the appropriate county recorder on forms provided by the commission. The application shall be completed and signed by the owner of the vessel and shall be accompanied by the appropriate fee, and the writing fee specified in section 462A.53. Upon applying for registration, the owner shall display a bill of sale, receipt, or other satisfactory proof of ownership as provided by the rules of the commission to the county recorder. If the county recorder is not satisfied as to the ownership of the vessel or that there are no undisclosed security interests in the vessel, the county recorder may register the vessel but shall, as a condition of issuing a registration certificate, require the applicant to follow the procedure provided in section 462A.5A. Upon receipt of the application in approved form accompanied by the required fees, the county recorder shall enter it upon the records of the recorder's office and shall issue to the applicant a pocket-size registration certificate. The certificate shall be executed ~~in triplicate, one copy to be~~ and delivered to the owner~~, one copy to the commission, and one copy to be retained on file by the county recorder~~. The county recorder shall maintain an electronic record of each registration certificate issued by the county recorder under this chapter. The registration certificate shall bear the number awarded to the vessel, the passenger capacity of the vessel, and the name and address of the owner. In the use of all vessels except nonpowered sailboats, nonpowered canoes,

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and commercial vessels, the registration certificate shall be carried either in the vessel or on the person of the operator of the vessel when in use. In the use of nonpowered sailboats, nonpowered canoes, or commercial vessels, the registration certificate may be kept on shore in accordance with rules adopted by the commission. The operator shall exhibit the certificate to a peace officer upon request or, when involved in an occurrence of any nature with another vessel or other personal property, to the owner or operator of the other vessel or personal property.

Sec. 14. Section 462A.5, subsection 4, paragraphs a and d, Code 2014, are amended to read as follows:

a. If a person, after registering a vessel, moves from the address shown on the registration certificate, the person shall, within ten days, notify the county recorder in writing of the old and new address. ~~If appropriate, the county recorder shall forward all past records of the vessel to the recorder of the county in which the owner resides.~~

d. ~~If a registration certificate is lost, mutilated or becomes illegible, the owner shall immediately make application for and obtain a duplicate registration certificate by furnishing information satisfactory to the county recorder.~~ A ~~fee of one dollar plus a writing fee shall be paid to the~~ county recorder ~~for~~ may issue a duplicate registration certificate upon payment of one dollar plus a writing fee as provided in section 462A.53.

Sec. 15. Section 462A.77, subsection 7, Code 2014, is amended to read as follows:

7. The county recorder shall maintain ~~a~~ an electronic record of ~~any~~ each certificate of title ~~which~~ issued by the county recorder ~~issues and shall keep each certificate of title on record~~ under this chapter until the certificate of title has been inactive for five years.

Sec. 16. Section 462A.84, subsection 1, paragraph a, Code 2014, is amended to read as follows:

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a. To perfect the security interest, an application for security interest must be presented along with the original title. The county recorder shall note the security interest on the face of the title and ~~on~~ in the ~~copy in~~ electronic record maintained by the recorder's office.

EXPLANATION

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

This bill relates to certain county recorder fees and records maintenance.

The bill makes technical changes related to the writing fees collected for the issuance of registrations, registration renewals, user permits, and duplicate special registration certificates charged by a county recorder for snowmobiles and all-terrain vehicles. The bill also requires that a county recorder collect a writing fee of $1.25 for each certificate of title issued by the recorder for snowmobiles and all-terrain vehicles.

The bill makes changes to the records maintenance requirements for certificates of title for snowmobiles, all-terrain vehicles, and boats. Under current law, the county recorder is required to keep a physical record of such documents. The bill requires that the county recorder maintain such records electronically. The bill makes corresponding changes related to electronically noting security interests for snowmobiles, all-terrain vehicles, and boats.

The bill modifies the current requirement that a county recorder accept passport applications by providing that the recorder may do so only if the county recorder is approved by the United States department of state to accept applications.

Under current law, a county recorder is required to enter and record certain orders, decisions, notices, and returns related to township fences in a book kept for that purpose. The bill provides instead that such orders, decisions, notices, and returns be recorded in the same manner as conveyances, which is

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1 by index records and alphabetical arrangement.

House File 2268 - Introduced

HOUSE FILE 2268
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HF 2082)

A BILL FOR

1 An Act providing an individual income tax credit for qualified
2 adoption expenses paid or incurred in connection with
3 certain adoptions and including retroactive applicability
4 provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5163HV (2) 85
mm/sc

H.F. 2268

1 Section 1. NEW SECTION. **422.12A Adoption tax credit.**
2 1. For purposes of this section, unless the context
3 otherwise requires:
4 *a. "Adoption"* means the permanent placement in this state of
5 an eligible individual by the department of human services, by
6 a licensed agency under chapter 238, by an agency that meets
7 the provisions of the interstate compact in section 232.158, or
8 by a person making an independent placement according to the
9 provisions of chapter 600.
10 *b. "Child with special needs"* means an individual,
11 regardless of citizenship, who is under the age of eighteen
12 years and who has been determined by the department of human
13 services prior to the finalization of the adoption to be a
14 child with physical or mental disabilities or an older or
15 otherwise hard-to-place child. A child shall not fail to
16 qualify as a child with special needs because the person
17 adopting the child does not receive financial assistance
18 pursuant to section 600.17.
19 *c. "Eligible individual"* means an individual who is under
20 the age of eighteen years, or an individual who is unable, by
21 reason of physical or mental disability, to live independently.
22 *d. "Qualified adoption expenses"* means unreimbursed
23 expenses paid or incurred in connection with the adoption
24 of an eligible individual, including medical and hospital
25 expenses of the biological mother which are incident to the
26 eligible individual's birth, welfare agency fees, legal fees,
27 and all other fees and costs which relate to the adoption of
28 an eligible individual. *"Qualified adoption expenses"* does not
29 include expenses paid or incurred in violation of state or
30 federal law.
31 2. The taxes imposed under this division, less the credits
32 allowed under section 422.12, shall be reduced by an adoption
33 tax credit equal to the amount of qualified adoption expenses
34 paid or incurred by the taxpayer during the tax year in
35 connection with the adoption of an eligible individual by the

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1 taxpayer, not to exceed two thousand five hundred dollars per
2 adoption, or five thousand dollars if the adopted eligible
3 individual is a child with special needs.
4 3. Any credit in excess of the tax liability is refundable.
5 In lieu of claiming a refund, the taxpayer may elect to have
6 the overpayment shown on the taxpayer's final, completed return
7 credited to the tax liability for the following tax year.
8 4. The department of revenue and the department of human
9 services shall each adopt rules to jointly administer this
10 section.
11 Sec. 2. Section 422.9, subsection 2, paragraph c, Code 2014,
12 is amended to read as follows:
13 *c.* Add the amount by which expenses paid or incurred
14 in connection with the adoption of a child by the taxpayer
15 exceed three percent of the net income of the taxpayer, or of
16 the taxpayer and spouse in the case of a joint return. The
17 expenses may include medical and hospital expenses of the
18 biological mother which are incident to the child's birth and
19 are paid by the taxpayer, welfare agency fees, legal fees, and
20 all other fees and costs relating to the adoption of a child if
21 the child is placed by a child-placing agency licensed under
22 chapter 238 or by a person making an independent placement
23 according to the provisions of chapter 600. <u>If the taxpayer</u>
24 <u>claims an adoption tax credit under section 422.12A, the</u>
25 <u>taxpayer shall recompute for purposes of this subsection the</u>
26 <u>amount of the deduction by excluding the amount of qualified</u>
27 <u>adoption expenses, as defined in section 422.12A, used in</u>
28 <u>computing the adoption tax credit.</u>
29 Sec. 3. RETROACTIVE APPLICABILITY. This Act applies
30 retroactively to January 1, 2014, for tax years beginning on
31 or after that date.
32 EXPLANATION

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

35 This bill provides an individual income tax credit equal to

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1 the amount of qualified adoption expenses paid or incurred by a
2 taxpayer during the tax year in connection with the adoption of
3 an eligible individual. The tax credit cannot exceed $2,500
4 per adoption, or $5,000 if the adopted eligible individual is a
5 child with special needs.
6 The adoption of a person qualifies for the tax credit if
7 the adoption is completed by the department of human services,
8 a child-placing agency licensed under Code chapter 238, an
9 agency complying with the interstate compact on placement of
10 children in Code section 232.158, or a person petitioning
11 for an independent placement according to the provisions of
12 Code chapter 600, and if the person to be adopted is to be
13 permanently placed in this state and is either less than 18
14 years old or unable to live independently because of physical
15 or mental disability.
16 "Child with special needs" means an individual, regardless
17 of citizenship, who is under 18 years of age and who has been
18 determined by the department of human services prior to the
19 finalization of the adoption to be a child with physical or
20 mental disabilities or an older or otherwise hard-to-place
21 child, regardless of whether the person adopting the child
22 receives financial assistance pursuant to Code section 600.17.
23 In order to be "qualified adoption expenses" the expenses
24 must be paid or incurred by the taxpayer during the tax year,
25 unreimbursed, and connected with the adoption. "Qualified
26 adoption expenses" include medical and hospital expenses of
27 the biological mother which are incident to the birth of
28 the adopted individual, welfare agency and legal fees, and
29 all other fees and costs relating to the adoption of the
30 individual. "Qualified adoption expenses" does not include
31 expenses paid or incurred in violation of state or federal law.
32 Under Iowa law, a taxpayer may claim an itemized deduction
33 for the amount of adoption expenses that exceed 3 percent
34 of the net income of the taxpayer. The bill provides that
35 taxpayers who claim the itemized deduction are required

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1 to reduce that deduction by the amount of expenses used to
2 calculate the adoption tax credit.
3 Any credit in excess of the taxpayer´s liability is
4 refundable or may be carried forward one tax year at the
5 election of the taxpayer.
6 The bill applies retroactively to tax years beginning on or
7 after January 1, 2014.

House File 2269 - Introduced

HOUSE FILE 2269
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 560)

A BILL FOR

1 An Act relating to the administrator quality program and
2 to a coaching and support system for school district
3 administrators.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5267HV (2) 85
kh/rj

H.F. 2269

Section 1. Section 256.9, subsection 63, paragraph b, Code 2014, is amended to read as follows:

b. Develop and implement in collaboration with education stakeholders, subject to an appropriation of funds by the general assembly, a coaching and support system for administrators. The coaching and support system shall be aligned with the beginning administrator mentoring and induction program created pursuant to section 284A.5 and shall also be designed to support administrators in school districts approved to implement the framework and comparable systems set forth pursuant to sections 284.15, 284.16, and 284.17. For the fiscal year beginning July 1, 2017, and each subsequent fiscal year, the coaching and support system for administrators shall be available to any school district whether or not the district has been approved to implement the framework and comparable systems set forth pursuant to sections 284.15, 284.16, and 284.17.

Sec. 2. Section 284A.2, subsection 1, Code 2014, is amended to read as follows:

1. *"Administrator"* means an individual holding a professional administrator license issued under chapter 272 who is employed in a school district administrative position by a school district or area education agency pursuant to a contract issued by a board of directors under section 279.23 and is engaged in instructional leadership. An administrator may be employed in both an administrative and a nonadministrative position by a board of directors and shall be considered a part-time administrator for the portion of time that the individual is employed in an administrative position. ~~*"Administrator"* does not include assistant principals or assistant superintendents.~~

EXPLANATION

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

This bill relates to the administrator quality program

H.F. 2269

by providing that the term "administrator", for purposes of the program, may include assistant principals and assistant superintendents. The bill expands and modifies a requirement that the director of the department of education establish a coaching and support system for administrators in school districts that is aligned with the Iowa standards for administrators. The bill makes the requirement contingent on an appropriation by the general assembly, and adds that the system must also be designed in collaboration with education stakeholders to support administrators in school districts that are implementing approved career path, leadership roles, and compensation frameworks or comparable systems for teachers. The bill requires that the system by made available to any school district beginning July 1, 2017.

House File 2270 - Introduced

HOUSE FILE 2270
BY R. TAYLOR

A BILL FOR

1 An Act creating a physician donated services tax credit
2 available against the individual income tax, and including
3 effective date and applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5670YH (2) 85
mm/sc

H.F. 2270

1 Section 1. NEW SECTION. **422.11C Physician donated services**
2 **tax credit.**
3 1. As used in this section:
4 *a. "Average hourly rate"* means, with regard to a tax
5 year, the average hourly rate charged by the physician in the
6 immediately preceding tax year for the provision of health care
7 services.
8 *b. "Health care services"* means services included
9 in the furnishing to any individual of medical care, or
10 hospitalization, or incident to the furnishing of such care or
11 hospitalization, as well as the furnishing to any person of all
12 other services for the purposes of preventing, alleviating,
13 curing, or healing human physical or mental illness, injury,
14 or disability.
15 *c. "Physician"* means an individual who meets all of the
16 following requirements:
17 (1) The individual holds an unrestricted license under
18 chapter 148.
19 (2) The individual, either through the individual's
20 own practice or through the office or group with which the
21 physician practices, offers a charity care or hardship program
22 that offers free health care services to patients.
23 (3) The individual, either through the individual's
24 own practice or through the office or group with which the
25 physician practices, participates in the Medicaid program or
26 federal Medicare program.
27 2. The taxes imposed under this division, less the
28 credits allowed under section 422.12, shall be reduced by a
29 physician donated services tax credit equal to the product of
30 a physician's average hourly rate multiplied by the number of
31 hours of free health care services furnished on a voluntary
32 basis in this state by a physician during the tax year but
33 before July 1, 2019, rounded down to the nearest whole dollar,
34 not to exceed ten thousand dollars per physician per tax year.
35 3. Any credit in excess of the taxpayer's tax liability is

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1 not refundable and shall not be credited to the tax liability
2 for any following year.
3 4. This section is repealed January 1, 2020.
4 Sec. 2. EFFECTIVE DATE. This Act takes effect January 1,
5 2015.
6 Sec. 3. APPLICABILITY. This Act applies to tax years
7 beginning on or after January 1, 2015, but before January 1,
8 2020.
9 Sec. 4. APPLICABILITY. This Act applies to free health
10 care services furnished on a voluntary basis in this state by a
11 physician on or after January 1, 2015, but before July 1, 2019.
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 creates a physician donated services tax credit
16 available against the individual income tax.
17 The credit will be equal to the product of a physician's
18 average hourly rate multiplied by the number of hours of free
19 health care services furnished on a voluntary basis in this
20 state by a physician during the tax year. The credit shall not
21 exceed $10,000 per physician per tax year. The credit applies
22 to services furnished by a physician on or after January 1,
23 2015, but before July 1, 2019. "Average hourly rate", "health
24 care services", and "physician" are all defined in the bill.
25 Any credit in excess of the taxpayer's tax liability is
26 nonrefundable and shall not be credited to the tax liability
27 for any following year.
28 The credit takes effect January 1, 2015, and applies to
29 tax years beginning on or after that date but before January
30 1, 2020. The credit applies to free health care services
31 furnished on a voluntary basis in this state by a physician on
32 or after January 1, 2015, but before July 1, 2019.
33 The credit is repealed January 1, 2020.

House File 2271 - Introduced

HOUSE FILE 2271
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HF 2103)

A BILL FOR

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

TLSB 5729HV (2) 85
md/sc

H.F. 2271

Section 1. Section 257.11, subsection 7, paragraph a, subparagraph (1), Code 2014, is amended to read as follows:

(1) In order to provide additional funding to increase student opportunities and redirect more resources to student programming for school districts that share operational functions, ~~a supplementary weighting of two hundredths per pupil shall be assigned to pupils enrolled in~~ a district that shares with a political subdivision one or more operational functions of a curriculum director, ~~school administration manager, social worker, school nurse,~~ school counselor, ~~or school librarian,~~ or one or more operational functions in the areas of superintendent management, business management, human resources, transportation, or operation and maintenance for at least twenty percent of the school year shall be assigned a supplementary weighting for each shared operational function. A school district that shares an operational function in the area of superintendent management shall be assigned a supplementary weighting of eight pupils for the function. A school district that shares an operational function in the area of business management, human resources, transportation, or operation and maintenance shall be assigned a supplementary weighting of five pupils for the function. A school district that shares the operational functions of a curriculum director or a school counselor shall be assigned a supplementary weighting of three pupils for the function. The additional weighting shall be assigned for each discrete operational function shared. However, a school district may receive the additional weighting under this subsection for sharing the services of an individual with a political subdivision even if the type of operational function performed by the individual for the school district and the type of operational function performed by the individual for the political subdivision are not the same operational function, so long as both operational functions are eligible for weighting under this subsection. In such case, the school district shall be assigned the additional

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weighting for the type of operational function that the individual performs for the school district, and the school district shall not receive additional weighting for any other function performed by the individual. The operational function sharing arrangement does not need to be a newly implemented sharing arrangement to receive supplementary weighting under this subsection. ~~However, to receive supplementary weighting under this subsection for an ongoing operational function sharing arrangement that began before July 1, 2014, the district shall submit information to the department documenting the cost savings directly attributable to the shared operational functions and describe the district's consideration of additional shared operational functions.~~

Sec. 2. Section 257.11, subsection 7, paragraphs c and d, Code 2014, are amended to read as follows:

c. Supplementary weighting pursuant to this subsection shall be available to a school district for a maximum of five years during the period commencing with the budget year beginning July 1, 2014, through the budget year beginning July 1, 2019. ~~The minimum amount of additional weighting for which a school district shall be eligible is an amount equivalent to ten additional pupils, and the maximum amount of additional weighting for which a school district shall be eligible is an amount equivalent to forty additional pupils.~~ Receipt of supplementary weighting by a school district pursuant to this subsection for more than one year shall be contingent upon the annual submission of information by the district to the department documenting cost savings directly attributable to the shared operational functions. Criteria for determining the number of years for which supplementary weighting shall be received pursuant to this subsection, subject to the five-year maximum, and for determining qualification of operational functions for supplementary weighting shall be determined by the department by rule, through consideration of long-term savings by the school district or increased student

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opportunities.

d. Supplementary weighting pursuant to this subsection shall be available to an area education agency for a maximum of five years during the period commencing with the budget year beginning July 1, 2014, through the budget year beginning July 1, 2019. <u>However, in lieu of the amount of weighting provided to school districts for shared operational functions under paragraph *"a"*, a supplementary weighting of two hundredths per pupil shall be assigned to each pupil within the area served by the area education agency.</u> The minimum amount of additional funding for which an area education agency shall be eligible is fifty thousand dollars, and the maximum amount of additional funding for which an area education agency shall be eligible is two hundred thousand dollars. The department of management shall annually set a weighting for each area education agency to generate the approved operational sharing expense using the area education agency's special education cost per pupil amount and foundation level. Receipt of supplementary weighting by an area education agency for more than one year shall be contingent upon the annual submission of information by the district to the department documenting cost savings directly attributable to the shared operational functions. Criteria for determining the number of years for which supplementary weighting shall be received pursuant to this subsection, subject to the five-year maximum, and the amount generated by the supplementary weighting, and for determining qualification of operational functions for supplementary weighting shall be determined by the department by rule, through consideration of long-term savings by the area education agency or increased student opportunities.

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

EXPLANATION

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

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1 Code section 257.11(7), enacted in 2013 Iowa Acts, ch 65
2 (HF 472), established supplementary weighting of 0.02 per
3 pupil for school districts and area education agencies that
4 share with a political subdivision one or more operational
5 functions of a curriculum director, school administration
6 manager, social worker, school nurse, school counselor, or
7 school librarian, or one or more operational functions in the
8 areas of superintendent management, business management, human
9 resources, transportation, or operation and maintenance for at
10 least 20 percent of the school year. The additional weighting
11 is assigned for each discrete operational function shared. The
12 supplementary weighting is available to a school district for
13 a maximum of five years during the period commencing with the
14 budget year beginning July 1, 2014, through the budget year
15 beginning July 1, 2019. Code section 257.11(7) establishes a
16 minimum amount and a maximum amount of additional weighting
17 for which a school district or area education agency may be
18 eligible.
19 This bill strikes school administration manager, social
20 worker, school nurse, and school librarian from the list of
21 operational functions for which supplementary weighting is
22 provided to school districts and area education agencies.
23 The bill also strikes the 0.02 per pupil supplementary
24 weighting for school districts and establishes an additional
25 weighting for each shared operational function of the school
26 district based on the type of operational function. A school
27 district that shares an operational function in the area of
28 superintendent management shall be assigned a supplementary
29 weighting of eight pupils. A school district that shares
30 an operational function in the area of business management,
31 human resources, transportation, or operation and maintenance
32 shall be assigned a supplementary weighting of five pupils.
33 A school district that shares the operational functions of a
34 curriculum director or a school counselor shall be assigned a
35 supplementary weighting of three pupils.

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1 The bill also provides that a school district may receive
2 the additional weighting for sharing the services of an
3 individual with a political subdivision even if the type of
4 operational function performed by the individual for the school
5 district and the type of operational function performed by
6 the individual for the political subdivision are not the same
7 operational function, so long as both operational functions
8 are eligible for weighting under the bill. In such case, the
9 school district shall be assigned the additional weighting for
10 the type of operational function that the individual performs
11 for the school district, and the school district shall not
12 receive additional weighting for any other function performed
13 by the individual.
14 The bill also strikes the minimum and maximum amounts
15 of additional weighting for which a school district may be
16 eligible and language relating to ongoing operational function
17 sharing agreements that began before July 1, 2014.
18 The bill retains the 0.02 per pupil supplementary weighting
19 provided to area education agencies. The bill also retains the
20 minimum amount and maximum amount of additional weighting for
21 which an area education agency may be eligible.
22 The bill takes effect upon enactment.

House File 2272 - Introduced

HOUSE FILE 2272
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 558)

A BILL FOR

1 An Act relating to incentives for whole grade sharing and
2 reorganization or dissolution by school districts.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5223HV (2) 85
kh/rj

H.F. 2272

Section 1. Section 257.3, subsection 2, paragraph d, Code 2014, is amended to read as follows:

d. For purposes of this section, a reorganized school district is one which absorbs at least thirty percent of the enrollment of the school district affected by a reorganization or dissolved during a dissolution and in which action to bring about a reorganization or dissolution is initiated by a vote of the board of directors or jointly by the affected boards of directors to take effect on or after July 1, 2007, and on or before July 1, ~~2014~~ 2019. Each district which initiated, by a vote of the board of directors or jointly by the affected boards, action to bring about a reorganization or dissolution to take effect on or after July 1, 2007, and on or before July 1, ~~2014~~ 2019, shall certify the date and the nature of the action taken to the department of education by January 1 of the year in which the reorganization or dissolution takes effect. ~~For a reorganization or dissolution that took effect on or after July 1, 2002, and on or before July 1, 2006, the reorganized school district shall continue to receive the benefits of paragraphs "a" and "b" of this subsection for the time specified in those paragraphs.~~

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

c. Pupils attending class for all or a substantial portion of a school day pursuant to a whole grade sharing agreement executed under sections 282.10 through 282.12 shall be eligible for supplementary weighting pursuant to this subsection. A school district which executes a whole grade sharing agreement and which adopts a resolution jointly with other affected boards to study the question of undergoing a reorganization or dissolution to take effect on or before July 1, ~~2014~~ 2019, shall receive a weighting of one-tenth of the percentage of the pupil's school day during which the pupil attends classes in another district, attends classes taught by a teacher who is jointly employed under section 280.15, or attends classes

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1 taught by a teacher who is employed by another school district.
2 A district shall be eligible for supplementary weighting
3 pursuant to this paragraph for a maximum of three years.
4 Receipt of supplementary weighting for a second and third year
5 shall be conditioned upon submission of information resulting
6 from the study to the school budget review committee indicating
7 progress toward the objective of reorganization on or before
8 July 1, ~~2014~~ 2019.
9 Sec. 3. Section 257.11, subsection 5, Code 2014, is amended
10 by striking the subsection.
11 Sec. 4. Section 257.11A, Code 2014, is amended to read as
12 follows:
13 **257.11A Supplementary weighting and school reorganization.**
14 1. In determining weighted enrollment under section 257.6,
15 if the board of directors of a school district has approved a
16 contract for sharing pursuant to section 257.11 and the school
17 district has approved an action to bring about a reorganization
18 to take effect on and after July 1, 2007, and on or before July
19 1, ~~2014~~ 2019, the reorganized school district shall include,
20 for a period of three years following the effective date of
21 the reorganization, additional pupils added by the application
22 of the supplementary weighting plan, equal to the pupils added
23 by the application of the supplementary weighting plan in the
24 year preceding the reorganization. For the purposes of this
25 subsection, the weighted enrollment for the period of three
26 years following the effective date of reorganization shall
27 include the supplementary weighting in the base year used for
28 determining the combined district cost for the first year of
29 the reorganization. However, the weighting shall be reduced by
30 the supplementary weighting added for a pupil whose residency
31 is not within the reorganized district.
32 2. For purposes of this section, a reorganized district is
33 one in which the reorganization was approved in an election
34 pursuant to sections 275.18 and 275.20 and takes effect on or
35 after July 1, 2007, and on or before July 1, ~~2014~~ 2019. Each

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1 district which initiates, by a vote of the board of directors
2 or jointly by the affected boards, action to bring about a
3 reorganization or dissolution to take effect on or after July
4 1, 2007, and on or before July 1, ~~2014~~ 2019, shall certify the
5 date and the nature of the action taken to the department of
6 education by January 1 of the year in which the reorganization
7 or dissolution takes effect.
8 3. A school district shall be eligible for a combined
9 maximum total of six years of supplementary weighting under the
10 provisions of this section and section 257.11, subsection 2,
11 paragraph *"c"*. ~~A school district participating in a whole grade~~
12 ~~sharing arrangement during the budget year beginning July 1,~~
13 ~~2001, that adopted a resolution jointly with other affected~~
14 ~~boards to study the question of undergoing a reorganization~~
15 ~~or dissolution to take effect on or after July 1, 2002, and~~
16 ~~on or before July 1, 2006, shall continue to receive the~~
17 ~~supplementary weighting to which it was entitled pursuant to~~
18 ~~the provisions of this section and section 257.11, subsection~~
19 ~~2, paragraph *"c"*.~~
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 extends to July 1, 2019, certain incentives for
24 school district reorganization or dissolution, and strikes
25 obsolete language relating to supplementary weighting for
26 students attending classes in a regional academy.
27 The bill provides for a reduced uniform levy as an incentive
28 for school districts that reorganize on or before July 1, 2019.
29 The bill also allows school districts that execute a whole
30 grade sharing agreement and adopt a resolution to study the
31 effect of undergoing a reorganization or dissolution to take
32 effect on or before July 1, 2019, to receive a weighting of
33 one-tenth of a percentage of a student's school day during
34 which the student attends classes in another district, is
35 taught by a teacher jointly employed, or attends classes taught

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by a teacher employed by another district. This supplementary weighting is available for not more than three years.

The bill amends a provision that provides for supplementary weighting funding for three years for a reorganized school district, whose reorganization takes effect on or before July 1, 2019, in an amount that is equal to the funding that it received in the year preceding the effective date of its reorganization.

Obsolete language, providing for a reduced uniform levy or reorganization or dissolution that took effect between July 1, 2002, and July 1, 2006, is stricken.

House File 2273 - Introduced

HOUSE FILE 2273
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO HSB 605)

A BILL FOR

1 An Act relating to certain state and local government
2 activities related to vehicle registrations and levee and
3 drainage districts.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5748HV (1) 85
md/sc

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DIVISION I
VEHICLE REGISTRATION CREDIT

Section 1. Section 321.46, subsection 3, paragraphs a, b, and d, Code 2014, are amended to read as follows:

a. The credit shall be claimed within six months from the date the vehicle for which credit is granted was sold, ~~transferred~~ traded, or junked. After six months, all credits shall be disallowed.

b. Any credit granted to the owner of a vehicle which has been sold, traded, or junked may only be claimed by that person or that person's spouse toward the annual registration fee for another vehicle purchased by that person or that person's spouse, and the credit may not be sold, transferred, or assigned to any other person.

d. To claim a credit for the unexpired annual registration fee on a junked vehicle, the county treasurer shall disallow any claim for credit unless the owner or the owner's spouse presents a junking certificate or other evidence as required by the department to the county treasurer.

Sec. 2. Section 321.48, subsection 3, Code 2014, is amended to read as follows:

3. In a transaction in which a vehicle is traded to a dealer as defined in chapter 322 or chapter 322C toward the purchase price of another vehicle and each vehicle is owned in whole or in part by the same person or the person's spouse, the person acquiring the vehicle from the dealer shall be entitled to a credit under section 321.46.

Sec. 3. Section 321.52, subsection 3, paragraph c, Code 2014, is amended to read as follows:

c. Within the fourteen-day period, the person who was issued the junking certificate and to whom the vehicle was titled or assigned may surrender to the county treasurer the junking certificate, and upon the person's payment of appropriate fees and taxes and payment of any credit for annual registration fees received ~~by the person~~ for the vehicle under section

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321.46, subsection 3, the county treasurer shall issue to the person a certificate of title for the vehicle. After the expiration of the fourteen-day period, a county treasurer shall not issue a certificate of title for a junked vehicle for which a junking certificate is issued. The county treasurer shall cancel the record of the vehicle and forward the certificate of title to the department.

Sec. 4. Section 321.126, subsection 1, paragraph f, unnumbered paragraph 1, Code 2014, is amended to read as follows:

If a vehicle is sold or junked, the owner in whose name the vehicle was registered may make claim to the county treasurer or department for a refund of the sold or junked vehicle's annual registration fee. Also if the owner of a vehicle <u>or the owner's spouse</u> receives a vehicle registration fee credit under section 321.46, subsection 3, and the credit allowed exceeds the amount of the annual registration fee for the vehicle acquired, the owner <u>or the owner's spouse</u> may claim a refund for the balance of the credit. The refund is subject to the following limitations:

Sec. 5. Section 321.126, subsection 1, paragraph f, subparagraph (1), Code 2014, is amended to read as follows:

(1) If a vehicle registration fee credit has not been received by the owner of the vehicle <u>or the owner's spouse</u> under section 321.46, subsection 3, the refund shall be computed on the basis of the number of unexpired months remaining in the registration year at the time the vehicle was sold or junked. The refund shall be rounded to the nearest whole dollar. Section 321.127, subsection 1, does not apply.

DIVISION II

TRAILER REGISTRATION

Sec. 6. Section 321.105A, subsection 2, paragraph c, subparagraph (6), Code 2014, is amended to read as follows:

(6) Vehicles subject to registration in any state when purchased for rental or registered and titled by a motor

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1 vehicle dealer licensed pursuant to chapter 322 for rental use,
2 and held for rental for a period of one hundred twenty days or
3 more and actually rented for periods of sixty days or less by a
4 person regularly engaged in the business of renting vehicles,
5 including but not limited to motor vehicle dealers licensed
6 pursuant to chapter 322 who rent automobiles to users, if the
7 rental of the vehicles is subject to taxation under chapter
8 423C, or persons who rent trailers to users if the rental of
9 the trailers is subject to taxation under chapter 423.
10 DIVISION III
11 LEVEE AND DRAINAGE DISTRICTS
12 Sec. 7. Section 331.552, subsection 35, Code 2014, is
13 amended to read as follows:
14 35. *a.* Destroy special assessment records required by
15 section 445.11 within the county system after ten years have
16 elapsed from the end of the fiscal year in which the special
17 assessment was paid in full. The county treasurer shall
18 also destroy the resolution of necessity, plat, and schedule
19 of assessments required by section 384.51 after ten years
20 have elapsed from the end of the fiscal year in which the
21 entire schedule was paid in full. This subsection applies to
22 documents described in this subsection that are in existence
23 before, on, or after July 1, 2003.
24 *b.* Destroy assessment records required by chapter 468 within
25 the county system after ten years have elapsed from the end of
26 the fiscal year in which the assessment was paid in full. The
27 county treasurer shall also destroy the accompanying documents
28 including any resolutions, plats, or schedule of assessments
29 after ten years have elapsed from the end of the fiscal year in
30 which the entire schedule was paid in full. This subsection
31 applies to documents described in this subsection that are in
32 existence before, on, or after July 1, 2014.
33 Sec. 8. Section 468.50, Code 2014, is amended to read as
34 follows:
35 **468.50 Levy — interest.**

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When the board has finally determined the matter of assessments of benefits and apportionment, the board shall levy the assessments as fixed by it upon the lands within the district, but an assessment on a tract, parcel, or lot within the district which is computed at less than five dollars shall be fixed at the sum of five dollars. All assessments shall be levied at that time as a tax and shall bear interest at a rate determined by the board notwithstanding chapter 74A from that date, payable annually, except as provided as to ~~cash~~ payments within a specified time.

Sec. 9. Section 468.82, subsection 1, Code 2014, is amended by striking the subsection.

Sec. 10. Section 468.82, subsection 2, Code 2014, is amended to read as follows:

2. The board, at the time of making the levy, shall fix a time within which all assessments in excess of one hundred dollars may be paid ~~in cash~~, and before any bonds are issued, publish notice in an official newspaper in the county where the district is located, of such time. After the expiration of such time, no assessments may be paid except in the manner and at the times fixed by the board in the resolution authorizing the issue of the bonds.

Sec. 11. Section 468.544, Code 2014, is amended to read as follows:

468.544 Requirements of notice.

Said notice shall be directed to each person whose name appears upon the transfer books in the auditor's office as owner of lands within said drainage district upon which said drainage assessments are unpaid, naming the owner, and also to the person or persons in actual occupancy of any of said tracts of land without naming them, and shall state the amount of unpaid assessments upon each forty-acre tract of land or less, and that all of said unpaid assessments, installment or installments thereof as proposed to be extended, may be paid ~~in cash~~ on or before the time fixed for said hearing, and that

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after the expiration of such time no assessments may be paid except in the manner and at the times fixed by the board in the resolution authorizing the issuance of said drainage refunding bonds.

EXPLANATION

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

This bill relates to certain state and local government activities related to vehicle registrations and levee and drainage districts.

Under current law, an annual registration fee credit granted to the owner of a vehicle that has been sold, traded, or junked may only be claimed by that person. Division I of the bill provides that a vehicle registration credit may also be claimed by the owner's spouse. The bill makes corresponding changes to other provisions of law to reflect the authorization of the owner's spouse to claim the vehicle registration credit.

Current Code section 321.105A(3)(c) establishes exemptions from the fee for new registration of a vehicle. Division II of the bill exempts vehicles subject to registration in any state when purchased for rental by persons who rent vehicles that are trailers to users, and if the rental of the trailers is subject to taxation under Code chapter 423.

Division III of the bill authorizes the county treasurer to destroy assessment records required by Code chapter 468 within the county system after 10 years have elapsed from the end of the fiscal year in which the assessment was paid in full. The bill also directs the county treasurer to destroy the accompanying documents including any resolutions, plats, or schedule of assessments after 10 years have elapsed from the end of the fiscal year in which the entire schedule was paid in full. The county treasurer's authority to destroy the records and accompanying documents applies to those records and documents that are in existence before, on, or after July 1, 2014.

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1 The bill strikes a provision in Code section 468.82
2 requiring that all levee and drainage district assessments of
3 $20 and less be paid in cash. The bill also strikes the words
4 "in cash" from a provision that allows the board of supervisors
5 to fix a time within which all assessments in excess of $100
6 may be paid. The bill makes corresponding changes to other
7 provisions of Code chapter 468.

House File 2274 - Introduced

HOUSE FILE 2274
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HF 2058)

A BILL FOR

1 An Act concerning notice of fees imposed and collected by state
2 agencies.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5139HV (2) 85
ec/nh

H.F. 2274

Section 1. NEW SECTION. **17A.6B Agency fees internet site — notice.**

1. The office of the chief information officer shall establish and maintain a user-friendly state services fee database and internet site for use by the public. Each agency shall make available through the internet site the current fees, rates, and charges imposed by the agency on the public.

2. The state services fee internet site shall provide timely notice of any modifications in fees, rates, and charges imposed by an agency by providing for an electronic mail notification system for interested parties.

Sec. 2. AGENCY FEES INTERNET SITE — DEVELOPMENT. By December 1, 2014, the office of the chief information officer shall, in coordination with applicable state agencies, develop and establish an initial version of a state service fee database and internet site as provided by this Act. Each agency shall assist the office of the chief information officer in development of the database and internet site.

EXPLANATION

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

This bill requires the office of the chief information officer to establish and maintain a user-friendly state services fee database and internet site for use by the public. The bill also provides that the internet site shall provide timely notice of any modifications in fees, rates, and charges imposed by an agency by providing for an electronic mail notification system for interested parties. The bill directs the office of the chief information officer, in coordination with applicable state agencies, to develop and establish an initial version of a state service fee database and internet site by December 1, 2014.

House File 2275 - Introduced

HOUSE FILE 2275
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HSB 563)

A BILL FOR

1 An Act establishing asset, income, and identity verification
2 requirements for medical assistance applicants and
3 recipients.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5677HV (2) 85
pf/nh

H.F. 2275

1 Section 1. MEDICAL ASSISTANCE PROGRAM — ASSET, INCOME, AND
2 IDENTITY VERIFICATION.
3 1. The department of human services shall contract with
4 a third-party vendor to develop and implement procedures
5 for verifying the income, assets, and identity of medical
6 assistance program applicants and recipients, whose eligibility
7 for medical assistance is based upon the applicant's or
8 recipient's age, blindness, or disability, to prevent
9 fraud, misrepresentation, and inadequate documentation when
10 determining an applicant's eligibility for assistance prior
11 to the distribution of benefits and during eligibility
12 redeterminations and reviews. The procedures developed shall
13 ensure that the verifications apply to every case. Each
14 verification shall include utilization of the asset, income,
15 and identity verification system established under this
16 section.
17 2. The department of human services shall contract with
18 a third-party vendor to establish a computerized asset,
19 income, and identity eligibility verification system to
20 complete the eligibility determinations, redeterminations,
21 and reviews specified in subsection 1. The vendor shall be
22 able to demonstrate access to a current financial institution
23 network representing at least ninety percent of the financial
24 institutions in the state and nationally. Unless a financial
25 institution enters into an agreement with the department
26 under this section, provision of account balances for asset
27 verification by a financial institution shall remain voluntary.
28 3. As a condition of awarding or continuing assistance under
29 the medical assistance program, the department shall verify
30 the name, date of birth, and social security number of each
31 applicant and recipient as specified in subsection 1 against
32 the following public records:
33 a. A nationwide public records data source of physical
34 asset ownership such as real property, automobiles, watercraft,
35 aircraft, and luxury vehicles.

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1 b. A nationwide public records data source of incarcerated
2 individuals.
3 c. A comprehensive public records database that identifies
4 potential identity fraud or identity theft that can closely
5 associate name, social security number, date of birth,
6 telephone, and address information.
7 4. Pursuant to 42 U.S.C. §1396w, the director of
8 human services shall enter into agreements with financial
9 institutions in this state to operate the financial record
10 matching program applicable to applicants for or recipients of
11 medical assistance whose eligibility for medical assistance
12 is based upon the applicant's or recipient's age, blindness,
13 or disability for the purpose of verifying the assets of
14 the applicant or recipient. Financial institutions are not
15 required to enter into agreements with the department under
16 this section. Under the financial record matching program,
17 and with the authorization of the applicant for or recipient
18 of medical assistance, the department of human services may
19 request and receive from any financial institution doing
20 business in this state or nationally that has entered into an
21 agreement with the department under this section, the financial
22 records of the applicant or recipient. Within fifteen days
23 of the department's request, the department shall collect
24 the current account balance information for open and closed
25 accounts for a period of up to the sixty previous months. The
26 department shall systematically canvass financial institutions
27 nationally, regionally, and locally.
28 a. The department of human services or any financial
29 institution that discloses financial records under this
30 subsection shall not be subject to civil liability or criminal
31 prosecution which is based upon its disclosure under this
32 section, or for any other action taken in reasonably good faith
33 to comply with the requirements of this section.
34 b. Any records established or information collected
35 pursuant to the provisions of this subsection shall be made

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1 available only to the director of human services or the
2 director's designee, the applicant or recipient, and the
3 applicant's or recipient's authorized representative as
4 provided by the rules of the department. Such records and
5 information shall be available and used only for purposes
6 directly connected with the determination and verification
7 of eligibility for medical assistance for applicants and
8 recipients whose eligibility for medical assistance is
9 based upon the applicant's or recipient's age, blindness, or
10 disability. The records and information made available to
11 the applicant or recipient, or the applicant's or recipient's
12 authorized representative shall not include information
13 provided to the department that is prohibited from release by
14 federal or state law or under contract or agreement between the
15 department and another entity if such contract or agreement
16 prohibits release of such information.
17 5. The department of human services shall provide a status
18 report regarding the implementation of this Act six months
19 after the date of implementation to the governor and the
20 general assembly. The report shall summarize the department's
21 time and labor associated with implementation of this Act,
22 the feedback and reactions of applicants and recipients, any
23 barriers to implementation that were overcome, anticipated
24 future actions, and the department's assessment of the relative
25 success of the implementation.
26 6. As used in this section, "financial institution" means
27 financial institution as defined in 12 U.S.C. §3401.
28 7. If an applicant for or recipient of medical assistance
29 who is eligible on the basis of age, blindness, or disability
30 refuses to provide or revokes any authorization to the
31 department of human services to have access to the individual's
32 asset, income, and identity records as provided in this
33 section, the department may, on that basis, deny or terminate
34 eligibility for medical assistance.
35 8. The department of human services shall adopt rules

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1 pursuant to chapter 17A to administer this section.
2 EXPLANATION
3 The inclusion of this explanation does not constitute agreement with
4 the explanation's substance by the members of the general assembly.
5 This bill relates to asset, income, and identity
6 verification for medical assistance applicants and recipients
7 who are eligible based upon age, blindness, or disability.
8 The bill directs the department of human services (DHS) to
9 contract with a third-party vendor to develop and implement
10 procedures for verifying the income, assets, and identity of
11 medical assistance program applicants and recipients who are
12 eligible based upon their age, blindness, or disability to
13 prevent fraud, misrepresentation, and inadequate documentation
14 when determining an applicant's eligibility for assistance
15 prior to the distribution of benefits and during eligibility
16 redeterminations and reviews. Each verification is required
17 to include utilization of the asset, income, and identity
18 verification system to be established under the bill. DHS is
19 directed to contract with a third-party vendor to establish
20 a computerized asset, income, and identity eligibility
21 verification system. The vendor must demonstrate access to a
22 current financial institution network representing at least
23 90 percent of the financial institutions in the state and
24 nationally.
25 As a condition of awarding or continuing assistance under
26 the medical assistance program, DHS is required to verify
27 the name, date of birth, and social security number of each
28 applicant and recipient whose eligibility is based on age,
29 blindness, or disability against certain public records
30 specified in the bill.
31 The bill directs DHS to enter into agreements with financial
32 institutions in the state to operate the financial record
33 matching program as required under federal law. Under such
34 program, and with the authorization of the applicant or
35 recipient, DHS may request and receive from any financial

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1 institution doing business in this state or nationally
2 the financial records of any applicant for or recipient of
3 medical assistance whose eligibility for medical assistance is
4 based upon the applicant's or recipient's age, blindness, or
5 disability. Financial institutions are not required to enter
6 into agreements with DHS under the bill. DHS must, within
7 15 days of the request, collect the current account balance
8 information for open and closed accounts for a period of up
9 to the 60 previous months. DHS must systematically canvass
10 financial institutions nationally, regionally, and locally.
11 The bill provides for immunity from civil liability and
12 criminal prosecution for DHS and any financial institution
13 that discloses financial records under the bill or for any
14 other action taken in reasonably good faith to comply with the
15 requirements of the bill.
16 Any records established or information collected under the
17 bill are only available to the director of human services
18 or the director's designee, the applicant or recipient, and
19 the applicant's or recipient's authorized representative as
20 provided by the rules of the department. The records and
21 information are to be available and used only for purposes
22 directly connected with the determination and verification
23 of eligibility for medical assistance for applicants and
24 recipients whose eligibility for medical assistance is
25 based upon the applicant's or recipient's age, blindness, or
26 disability. The records and information made available to
27 the applicant or recipient, or the applicant's or recipient's
28 authorized representative, shall not include information
29 provided to the department that is prohibited from release by
30 federal or state law or under contract or agreement between the
31 department and another entity if such contract or agreement
32 prohibits release of such information.
33 DHS is directed to provide a status report to the governor
34 and the general assembly regarding the implementation of the
35 bill six months after the date of implementation. The report

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1 shall summarize the department's time and labor associated
2 with implementation of the bill, the feedback and reactions of
3 applicants and recipients, any barriers to implementation that
4 were overcome, anticipated future actions, and the department's
5 assessment of the relative success of the implementation.
6 Under the bill, an individual who is an applicant for or
7 recipient of medical assistance based on the individual's
8 age, blindness, or disability who refuses or revokes an
9 authorization required in the bill may be subject to denial or
10 termination of eligibility.
11 The bill directs DHS to adopt rules pursuant to Code chapter
12 17A to administer the bill.

House File 2276 - Introduced

HOUSE FILE 2276
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HSB 528)

A BILL FOR

1 An Act concerning licensure requirements for dietetics as
2 established or approved by the academy of nutrition and
3 dietetics.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5310HV (2) 85
ad/nh

H.F. 2276

Section 1. Section 152A.2, subsection 1, Code 2014, is amended to read as follows:

1. An applicant shall be issued a license to practice dietetics by the board when the applicant satisfies all of the following:

a. Possesses a baccalaureate degree or postbaccalaureate degree with a major course of study in human nutrition, food and nutrition, dietetics, or food systems management, or in an equivalent major course of study which meets minimum academic requirements as established by the ~~American dietetic association~~ accreditation council for education in nutrition and dietetics of the academy of nutrition and dietetics and approved by the board.

b. Completes an ~~internship or preplanned professional experience program~~ accredited competency-based supervised experience program approved by the ~~American dietetic association~~ accreditation council for education in nutrition and dietetics of the academy of nutrition and dietetics and approved by the board.

c. Satisfactorily completes ~~an~~ the commission on dietetic registration of the academy of nutrition and dietetics examination ~~designed~~ approved by the board.

Sec. 2. Section 152A.3, subsection 2, Code 2014, is amended to read as follows:

2. Dietetics students who engage in clinical practice under the supervision of a dietitian as part of a dietetic education program ~~approved or accredited by the American dietetic association~~ or a competency-based supervised experience program approved by the accreditation council for education in nutrition and dietetics of the academy of nutrition and dietetics.

Sec. 3. Section 152A.3, subsection 4, paragraph b, Code 2014, is amended to read as follows:

b. Conducting a teaching clinical demonstration in connection with a program of basic clinical education, graduate

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education, or postgraduate education which is sponsored by a dietetic education program or ~~accredited by the American dietetic association and carried out in an educational institution or its affiliated clinical facility or health care agency, or before a group of licensed dietitians~~ a competency-based supervised experience program approved by the accreditation council for education in nutrition and dietetics of the academy of nutrition and dietetics.

EXPLANATION

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

This bill relates to licensure requirements for dietetics. The bill changes references from the American dietetic association to the academy of nutrition and dietetics to reflect the association's name change. The bill also specifies that the accreditation council for education in nutrition and dietetics is the credentialing agency within the academy of nutrition and dietetics. Further, the bill states that a dietitian, to obtain licensure in Iowa, must complete an examination approved by both the academy of nutrition and dietetics and the board of dietetics rather than just the board. The bill allows an exemption from licensure for dietetic students engaged in a competency-based supervised experience program approved by the academy of nutrition and dietetics and for dietitians conducting a teaching demonstration in connection with clinical education sponsored by a competency-based supervised experience program, rather than just a dietetic education program.

House File 2277 - Introduced

HOUSE FILE 2277
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 608)

A BILL FOR

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

TLSB 5481HV (3) 85
da/rj

H.F. 2277

DIVISION I
VOTING TRUSTS AND
SHAREHOLDER AGREEMENTS

Section 1. Section 490.730, Code 2014, is amended to read as follows:

490.730 Voting trusts.

1. One or more shareholders may create a voting trust, conferring on a trustee the right to vote or otherwise act for them, by signing an agreement setting out the provisions of the trust, which may include anything consistent with its purpose, and transferring their shares to the trustee. When a voting trust agreement is signed, the trustee ~~shall~~ must prepare a list of the names and addresses of all voting trust beneficial owners ~~of beneficial interests in the trust~~, together with the number and class of shares each transferred to the trust, and deliver copies of the list and agreement to the corporation's principal office.

2. A voting trust becomes effective on the date the first shares subject to the trust are registered in the trustee's name. ~~A voting trust is valid for not more than ten years after its effective date unless extended under subsection 3.~~

3. ~~All or some of the parties to a voting trust may extend it for additional terms of not more than ten years each by signing an extension agreement and obtaining the voting trustee's written consent to the extension. An extension is valid for ten years from the date the first shareholder signs the extension agreement. The voting trustee must deliver copies of the extension agreement and list of beneficial owners to the corporation's principal office. An extension agreement binds only those parties signing it.~~ Limits, if any, on the duration of a voting trust shall be as set forth in the voting trust. A voting trust that became effective between December 31, 1989, and June 30, 2014, both dates inclusive, remains governed by the provisions of this section then in effect, unless the voting trust is amended to provide otherwise by

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unanimous agreement of the parties to the voting trust.

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

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

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

DIVISION II

FINANCIAL STATEMENTS FOR SHAREHOLDERS

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

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

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

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

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

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

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1 *b.* Are required by state or federal law to be filed with a
2 state or federal agency within one hundred twenty days after
3 the close of each fiscal year.
4 *c.* Are available to the public, including via internet
5 access, without charge.
6 EXPLANATION
7 **The inclusion of this explanation does not constitute agreement with**
8 **the explanation's substance by the members of the general assembly.**
9 BILL'S PROVISIONS —— VOTING TRUSTS AND SHAREHOLDER
10 AGREEMENTS. This bill amends provisions which govern voting
11 trusts and shareholder agreements. Through these arrangements,
12 shareholders may fundamentally affect how a corporation is
13 controlled, the management of its assets, and the rights and
14 duties of its shareholders and officers by entering into
15 certain arrangements (Code sections 490.730 and 490.732). This
16 bill eliminates a 10-year term restriction imposed on a voting
17 trust or shareholder agreement. However, a voting trust or
18 shareholder agreement formed prior to the effective date of the
19 bill continues to be subject to the 10-year term restriction.
20 BILL'S PROVISIONS —— FINANCIAL STATEMENTS FOR SHAREHOLDERS.
21 The bill provides that a corporation other than a public
22 corporation (e.g., closed corporation), is not required to
23 deliver financial statements to shareholders if the corporation
24 files certain reports with a state or federal agency. The
25 reports must include a balance sheet as of the end of the
26 fiscal year and an income statement for that year. The reports
27 must be filed with a state or federal agency within 120 days
28 after the close of the fiscal year. Finally, the records must
29 be available to the public without charge.
30 CURRENT LAW —— VOTING TRUSTS. A voting trust is a special
31 arrangement between one or more shareholders and a trustee
32 (either through a single agreement or many separate agreements
33 made between a number of shareholders and a trustee) in which
34 the shareholder or shareholders surrenders legal ownership of
35 their respective shares of common stock and the trustee acts

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

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

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

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

House File 2278 - Introduced

HOUSE FILE 2278
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 523)

A BILL FOR

1 An Act restricting disclosures of specified information by
2 regional transit districts, and providing a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5426HV (4) 85
rn/nh

H.F. 2278

Section 1. Section 28M.1, Code 2014, is amended by adding the following new subsections:

NEW SUBSECTION. 0A. *"Aggregate data on user and customer transaction history and fare card use"* means data relating to the dates fare cards were used, the times fare cards were used, the types of transit services used, the types of fare products used, and information about the dates, times, and types of fare products purchased.

NEW SUBSECTION. 1B. *"Fare collection system"* means a system created and administered by a regional transit district that is used for collecting fares or providing fare cards or passes for public transit services including fixed-route bus service, paratransit bus service, rideshare programs, transportation services provided pursuant to section 249A.12, and light rail or commuter rail service.

NEW SUBSECTION. 1C. *"Governmental entity"* means the same as defined in section 8A.101.

NEW SUBSECTION. 1D. *"Personalized internet services"* means services for which regional transit district applicants, users, and customers must establish an internet user account.

Sec. 2. NEW SECTION. **28M.7 Regional transit district customer data — disclosure restrictions — penalty.**

1. Data concerning applicants, users, and customers of a regional transit district collected by or through personalized internet services or a fare collection system shall be considered private and not subject to disclosure except as provided in this section.

2. A regional transit district may disclose aggregate data on user and customer transaction history and fare card use to government entities, organizations, school districts, educational institutions, and employers that subsidize or provide fare cards to their clients, students, or employees. Government entities, organizations, school districts, educational institutions, and employers may use the aggregate data only for purposes of measuring and promoting fare card

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use and evaluating the cost-effectiveness of their fare card programs. The disclosure of nonaggregate or personalized data on user and customer transaction history and fare card use to government entities, organizations, school districts, educational institutions, and employers shall be strictly prohibited.

3. A regional transit district may disclose data concerning applicants, users, and customers collected by or through personalized internet services or a fare collection system to another government entity to prevent a breach of security regarding electronic systems maintained by the regional transit district or the governmental entity, or pursuant to a subpoena issued in connection with a civil or criminal investigation.

4. A violation of this section is punishable by a civil penalty in an amount not to exceed five thousand dollars for each violation.

EXPLANATION

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

This bill restricts disclosure of specified information by regional transit districts.

The bill provides several new definitions. The bill defines "aggregate data on user and customer transaction history and fare card use" to mean data relating to the dates fare cards were used, the times fare cards were used, the types of transit services used, the types of fare products used, and information about the dates, times, and types of fare products purchased.

The bill defines "fare collection system" to mean a system created and administered by a regional transit district that is used for collecting fares or providing fare cards or passes for public transit services including fixed-route bus service, paratransit bus service, rideshare programs, transportation services provided pursuant to Code section 249A.12, and light rail or commuter rail service.

The bill defines "personalized internet services" to mean

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1 services for which regional transit district applicants, users,
2 and customers must establish an internet user account.
3 Additionally, the bill references an existing definition
4 of "governmental entity" defined in Code section 8A.101 as
5 meaning any unit of government in the executive, legislative,
6 or judicial branch of government; an agency or political
7 subdivision; any unit of another state government, including
8 its political subdivisions; any unit of the United States
9 government; or any association or other organization whose
10 membership consists primarily of one or more of any of the
11 foregoing.
12 The bill provides that data concerning applicants, users,
13 and customers of a regional transit district collected by or
14 through personalized internet services or a fare collection
15 system shall be considered private and not subject to
16 disclosure. The bill provides exceptions to this nondisclosure
17 restriction. The bill provides that disclosure of aggregate
18 data on user and customer transaction history and fare card
19 use may be made to governmental entities, organizations,
20 school districts, educational institutions, and employers that
21 subsidize or provide fare cards to their clients, students,
22 or employees strictly for purposes of measuring and promoting
23 fare card use and evaluating the cost-effectiveness of fare
24 card programs. The bill also provides that disclosure may be
25 made to governmental entities to prevent a breach of security
26 regarding electronic systems maintained by the regional transit
27 district or the governmental entity, or pursuant to a subpoena
28 issued in connection with a civil or criminal investigation.
29 The bill provides that a violation of the bill's provisions
30 is punishable by a civil penalty in an amount not to exceed
31 $5,000 per violation.

House File 2279 - Introduced

HOUSE FILE 2279
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 120)

A BILL FOR

1 An Act relating to the issuance of and violations of civil
2 protective orders and criminal no-contact orders and
3 modifying penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1329HV (3) 85
rh/nh

H.F. 2279

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

2. *"Protective order"* means a protective order issued pursuant to chapter 232, a court order or court-approved consent agreement entered pursuant to chapter 236, including a valid foreign protective order under section 236.19, subsection 3, a ~~temporary or permanent~~ protective order or order to vacate the homestead under chapter 598, ~~or an order that establishes conditions of release or is a protective order or sentencing order in a criminal prosecution arising from a domestic abuse assault under section 708.2A,~~ or a civil injunction issued pursuant to section 915.22.

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

664A.3 Entry of ~~temporary~~ no-contact order.

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

a. Probable cause exists to believe that any public offense ~~referred to in section 664A.2, subsection 1, or a violation of a no-contact order, protective order, or consent agreement~~ has occurred.

b. The presence of or contact with the defendant poses a threat to the safety of the alleged victim, persons residing with the alleged victim, or members of the alleged victim's family.

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

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~~3.~~ 2. A no-contact order issued pursuant to this section shall be issued in addition to any other conditions of release imposed by a magistrate pursuant to section 811.2. The no-contact order has force and effect until it is modified or terminated by subsequent court action ~~in a contempt proceeding or criminal or juvenile court action~~ and is reviewable in the manner prescribed in section 811.2. ~~Upon final disposition of the criminal or juvenile court action, the court shall terminate or modify the no-contact order pursuant to section 664A.5.~~

~~4.~~ 3. A no-contact order requiring the defendant to have no contact with ~~the alleged victim's~~ a child or children shall prevail over any ~~existing~~ custodial, visitation, or other conflicting order ~~which may be in conflict with the no-contact order~~.

~~5.~~ 4. A no-contact order ~~issued pursuant to this section~~ shall restrict the defendant from having contact with the victim, persons residing with the victim, ~~or~~ and the victim's immediate family.

~~6.~~ 5. A no-contact order ~~issued pursuant to this section~~ shall specifically include notice that the person may be required to relinquish all firearms, offensive weapons, and ammunition ~~upon the issuance of a permanent no-contact order pursuant to section 664A.5~~.

Sec. 3. Section 664A.5, Code 2014, is amended to read as follows:

664A.5 Modification ~~— entry~~ of ~~permanent~~ no-contact order or protective order.

If a defendant is convicted of, receives a deferred judgment for, or pleads guilty to a public offense ~~referred to in section 664A.2, subsection 1,~~ or is held in contempt for a violation of a no-contact order ~~issued under section 664A.3~~ or ~~for a violation of~~ a protective order ~~issued pursuant to chapter 232, 236, 598, or 915~~, the court shall ~~either~~ continue, terminate, or modify the ~~temporary~~ no-contact order or

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protective order issued by the magistrate. The ~~court may enter a~~ no-contact order or protective order ~~continue the no-contact order already in effect~~ may be issued for a period of five years from the date the judgment or contempt finding is entered or the deferred judgment is granted, regardless of whether the defendant is placed on probation.

Sec. 4. Section 664A.6, Code 2014, is amended to read as follows:

664A.6 Mandatory arrest for violation of no-contact order or protective order — immunity for actions.

1. If a peace officer has probable cause to believe that a person has violated a no-contact order ~~issued under this chapter~~ or a protective order, the peace officer shall take the person into custody and shall take the person without unnecessary delay before the nearest or most accessible magistrate in the judicial district in which the person was taken into custody. Notwithstanding chapters 804 and 805, a person taken into custody pursuant to this subsection may be released on bail or otherwise only after initial appearance before a magistrate as provided in chapter 804 and the rules of criminal procedure, or section 236.11, whichever is applicable.

2. If the peace officer is investigating a domestic abuse assault pursuant to section 708.2A, the officer shall also comply with sections 236.11 and 236.12.

3. A peace officer shall not be held civilly or criminally liable for acting pursuant to this section provided the peace officer acts in good faith and on reasonable grounds and the peace officer's acts do not constitute a willful or wanton disregard for the rights or safety of another.

Sec. 5. Section 664A.7, Code 2014, is amended to read as follows:

664A.7 Violation of no-contact order or protective order — contempt ~~or simple misdemeanor penalties~~.

1. Violation of a no-contact order ~~issued under this chapter~~ or a protective order ~~issued pursuant to chapter 232, 236, or~~

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~~598, including a modified no-contact order,~~ is punishable by ~~summary~~ contempt proceedings.

2. A hearing in a contempt proceeding brought pursuant to this section shall be held not less than five and not more than fifteen days after ~~the issuance of a rule to show cause, as determined by the court~~ the initial appearance.

3. If ~~convicted of or~~ held in contempt for a violation of a no-contact order ~~or a modified no-contact order for a public offense referred to in section 664A.2, subsection 1, or held in contempt of a no-contact order issued during a contempt proceeding brought pursuant to section 236.11~~, the person shall be confined in the county jail for a minimum of seven days and a maximum of one hundred eighty days per violation. A jail sentence imposed pursuant to this subsection shall be served on consecutive days. No portion of the mandatory minimum term of confinement imposed by this subsection shall be deferred or suspended. A deferred judgment, deferred sentence, or suspended sentence shall not be entered for a violation of a no-contact order~~, modified no-contact order,~~ or protective order and the court shall not impose a fine in lieu of the minimum sentence, although a fine may be imposed in addition to the minimum sentence.

4. If ~~convicted or~~ held in contempt for a violation of a ~~civil~~ protective order referred to in section 664A.2, the person shall serve a jail sentence. A jail sentence imposed pursuant to this subsection shall be served on consecutive days. A person who is ~~convicted of or~~ held in contempt for a violation of a protective order referred to in section 664A.2 may be ordered by the court to pay the plaintiff's attorney's fees and court costs.

~~5. Violation of a no-contact order entered for the offense or alleged offense of domestic abuse assault in violation of section 708.2A or a violation of a protective order issued pursuant to chapter 232, 236, 598, or 915 constitutes a public offense and is punishable as a simple misdemeanor.~~

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~~Alternatively, the court may hold a person in contempt of court for such a violation, as provided in subsection 3.~~

~~6.~~ 5. A person shall not be held in contempt ~~or convicted of violations~~ under multiple no-contact orders, protective orders, or consent agreements, for the same set of facts and circumstances that constitute a single violation.

Sec. 6. Section 664A.8, Code 2014, is amended to read as follows:

664A.8 Extension of no-contact order.

Upon the filing of an application by the state or by ~~the victim of any public offense referred to in section 664A.2, subsection 1~~ a protected party which is filed within ninety days prior to the expiration of a modified no-contact order, the court shall modify and extend the no-contact order for an additional period of five years, unless the court finds that the defendant no longer poses a threat to the safety of the victim, persons residing with the victim, or members of the victim's family. The number of modifications extending the no-contact order permitted by this section is not limited.

Sec. 7. NEW SECTION. **664A.9 Termination of no-contact order.**

Upon the filing of an application by the state or a protected party, the court shall terminate a no-contact order if the court finds by a preponderance of the evidence that the defendant no longer poses a threat to the safety of the victim, persons residing with the victim, or members of the victim's family.

Sec. 8. Section 907.3, subsection 1, paragraph a, subparagraph (8), Code 2014, is amended to read as follows:

(8) The offense is a ~~conviction for or plea of guilty to a violation of section 664A.7 or a~~ finding of contempt pursuant to section 664A.7.

Sec. 9. Section 907.3, subsection 2, paragraph a, subparagraph (4), Code 2014, is amended to read as follows:

(4) ~~Section 664A.7 or for~~ For contempt pursuant to section

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1 664A.7.

2 EXPLANATION

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

5 This bill relates to the issuance of and violations of civil
6 protective orders and criminal no-contact orders, and modifies
7 penalties.
8 Current law defines a no-contact order as a court order
9 issued in a criminal proceeding requiring a defendant to have
10 no contact with the alleged victim, persons residing with the
11 alleged victim, or members of the alleged victim's immediate
12 family, and to refrain from harassing the alleged victim,
13 persons residing with the alleged victim, or members of the
14 alleged victim's family. A protective order is defined as a
15 protective order issued pursuant to Code chapter 232 (juvenile
16 justice), a court order or court-approved consent agreement
17 entered pursuant to Code chapter 236 (civil domestic abuse),
18 including a valid foreign protective order, a temporary or
19 permanent protective order or order to vacate the homestead
20 under Code chapter 598 (dissolution of marriage and domestic
21 relations), an order that establishes conditions of release
22 or is a protective order or sentencing order in a criminal
23 prosecution arising from a domestic abuse assault (criminal
24 domestic abuse), or a civil injunction issued to restrain
25 harassment or intimidation of victims or witnesses in a
26 criminal case. The bill amends the definition of protective
27 order to eliminate language allowing for the issuance of a
28 protective order in criminal proceedings. The bill amends a
29 related provision allowing the court to issue a no-contact
30 order as a result of a violation of a protective order.
31 Current law allows a court to issue a temporary no-contact
32 order and a permanent no-contact order. The bill eliminates
33 the distinction between temporary and permanent no-contact
34 orders.
35 Current law provides for a mandatory arrest procedure for

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1 violations of no-contact orders but not for violations of
2 protective orders. The bill amends this provision to provide
3 that a person who violates a protective order is also subject
4 to mandatory arrest.
5 Under current law, if a person violates a no-contact order or
6 a protective order, the person may be charged with a criminal
7 offense (simple misdemeanor) or may be held to be in contempt
8 of court. The bill eliminates the criminal offense option
9 for violations of no-contact orders or protective orders. A
10 person held in contempt for a violation of a no-contact order
11 or a protective order is subject to confinement in the county
12 jail for a minimum of seven days and a maximum of 180 days per
13 violation. A $500 fine may also be imposed.
14 The bill requires the court to terminate a no-contact order
15 if the court finds by a preponderance of the evidence that the
16 defendant no longer poses a threat to the safety of the victim,
17 persons residing with the victim, or members of the victim's
18 family upon the filing of an application by the state or a
19 protected party.
20 The bill makes conforming changes.

House File 2280 - Introduced

HOUSE FILE 2280
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO HSB 594)

A BILL FOR

1 An Act restricting the regulatory authority of the Iowa
2 utilities board with regard to municipal utility
3 disconnection of service requirements.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5647HV (2) 85
rn/nh

H.F. 2280

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

e. Disconnection of service, as set forth in section 476.20, subsections 1 through 4.

EXPLANATION

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

This bill relates to the regulatory authority of the Iowa utilities board with regard to municipal utility disconnection procedures.

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

The bill modifies this reference to Code section 476.20 to limit the applicability of board regulation to subsections 1 through 4 of the Code section. This renders provisions contained in Code section 476.20, subsection 5, regarding the board establishing rules relating to deposits which may be required by a utility for the initiation or reinstatement of service, inapplicable to municipal utilities.

House File 2281 - Introduced

HOUSE FILE 2281
BY HEARTSILL and LYKAM

A BILL FOR

1 An Act authorizing the rebate of state sales and use tax to
2 the owner or operator of a raceway facility, and providing
3 penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5744YH (3) 85
mm/sc

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1 Section 1. Section 423.2, subsection 11, paragraph b, Code
2 2014, is amended by adding the following new subparagraph:
3 NEW SUBPARAGRAPH. (7) Beginning the first day of the
4 quarter following the effective date of this Act, transfer
5 to the raceway facility tax rebate fund created in section
6 423.4, subsection 11, paragraph *"e"*, that portion of the sales
7 tax receipts collected and remitted upon sales of tangible
8 personal property or services furnished by retailers at a
9 raceway facility meeting the qualifications of section 423.4,
10 subsection 11, that remains after the transfers required in
11 subparagraphs (1) through (6) of this paragraph *"b"*. This
12 subparagraph is repealed June 30, 2025, or thirty days
13 following the date on which two million dollars in total
14 rebates have been provided under section 423.4, subsection 11,
15 or thirty days following the date rebates cease as provided in
16 section 423.4, subsection 11, paragraph *"c"*, subparagraph (5),
17 whichever is earliest.
18 Sec. 2. Section 423.4, Code 2014, is amended by adding the
19 following new subsection:
20 NEW SUBSECTION. 11. *a.* For purposes of this subsection:
21 (1) *"Change of control"* means a change in ownership such
22 that the fair that was the owner or operator on the effective
23 date of this Act ceases to own a majority of the equity
24 interests in the raceway facility.
25 (2) *"Fair"* means the same as defined in section 174.1.
26 (3) *"Owner or operator"* means a fair that is the owner or
27 operator of a raceway facility and is a promoter of races.
28 (4) *"Population"* means the population based upon the 2010
29 certified federal census.
30 (5) *"Raceway facility"* means a raceway facility located
31 as part of a racetrack and entertainment complex and located
32 on fairgrounds, as defined in section 174.1, in a city with a
33 population of at least seven thousand but not more than seven
34 thousand five hundred residents, which city is located in a
35 county with a population of at least thirty-three thousand

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1 but not more than thirty-three thousand four hundred fifty
2 residents, and which facility was placed in service before the
3 effective date of this Act.
4 *b.* The owner or operator of a raceway facility may apply to
5 the department for a rebate of the following:
6 (1) Sales tax imposed and collected by retailers upon
7 sales of tangible personal property or services furnished to
8 purchasers at the raceway facility. Notwithstanding the state
9 sales tax imposed in section 423.2, a sales tax rebate issued
10 pursuant to this subparagraph shall not exceed the amounts
11 transferred to the raceway facility tax rebate fund pursuant to
12 section 423.2, subsection 11, paragraph *"b"*, subparagraph (7).
13 (2) (a) Sales or use tax upon the sales price of all
14 tangible personal property, or from services furnished to a
15 contractor, used in the fulfillment of a written contract with
16 the owner or operator if the property becomes an integral part
17 of the project under contract and at the completion of the
18 project becomes part of the raceway facility.
19 (b) Notwithstanding the state sales tax imposed in section
20 423.2, a sales tax rebate issued pursuant to this subparagraph
21 shall not exceed the amounts remaining after the transfers
22 required under section 423.2, subsection 11, paragraph *"b"*,
23 subparagraphs (1) through (6), have been made from the total
24 amount of sales tax for which the rebate is requested.
25 (c) Notwithstanding the state use tax imposed in section
26 423.5, a use tax rebate issued pursuant to this subparagraph
27 shall not exceed the amounts remaining after the transfers
28 required under section 423.43, subsection 1, have been made
29 from the total amount of use tax for which the rebate is
30 requested.
31 *c.* The rebate may be obtained only in the following amounts
32 and manner and only under the following conditions:
33 (1) For rebates pursuant to paragraph *"b"*, subparagraph (1),
34 on forms furnished by the department within the time period
35 provided by the department by rule, which time period shall not

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be longer than quarterly.

(2) For rebates pursuant to paragraph *"b"*, subparagraph (2), on forms furnished by the department within the time period provided by the department by rule, but not more than one year after the final settlement has been made.

(3) The owner or operator shall provide information as deemed necessary by the department.

(4) The transactions for which sales or use tax was collected and the rebate is sought occurred on or after January 1, 2015, but before January 1, 2025. However, not more than two million dollars in total rebates shall be provided pursuant to this subsection.

(5) Notwithstanding subparagraph (4), the rebate of sales or use tax shall cease for transactions occurring on or after the date of the change of control of the raceway facility.

(6) The raceway facility has not received or shall not receive any grants under the community attraction and tourism program pursuant to chapter 15F, subchapter II, or the vision Iowa program pursuant to chapter 15F, subchapter III.

d. To assist the department in determining the amount of the rebate, the following shall occur:

(1) For rebates pursuant to paragraph *"b"*, subparagraph (1), the owner or operator shall identify to the department retailers located at the raceway facility who will be collecting sales tax. The department shall verify such identity and ensure that all proper permits have been issued. For purposes of this subsection, advance ticket and admissions sales shall be considered occurring at the raceway facility regardless of where the transactions actually occur.

(2) For rebates pursuant to paragraph *"b"*, subparagraph (2), the contractor shall state under oath, on forms provided by the department, the amount of such sales of tangible personal property, or services furnished and used in the performance of a contract, and upon which sales or use tax has been paid, and shall file such forms with the owner or operator which has

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1 made any written contract for performance by the contractor.
2 The forms shall be filed by the contractor with the owner or
3 operator before final settlement is made. Any contractor who
4 willfully makes a false report of tax paid under the provisions
5 of this subsection is guilty of a simple misdemeanor and in
6 addition shall be liable for the payment of the tax and any
7 applicable penalty and interest.
8 *e.* There is established within the state treasury under
9 the control of the department a raceway facility tax rebate
10 fund consisting of the amount of state sales tax revenues
11 transferred pursuant to section 423.2, subsection 11, paragraph
12 *"b"*, subparagraph (7). An account is created within the
13 fund for each raceway facility meeting the qualifications of
14 this subsection. Moneys in the fund shall only be used to
15 provide rebates of state sales tax pursuant to paragraph *"b"*,
16 subparagraph (1). Not more than two million dollars in total
17 rebates shall be paid from the fund. Any moneys in the fund
18 which represent state sales tax revenue for which the time
19 period in paragraph *"c"* for receiving a rebate has expired,
20 or which otherwise represent state sales tax revenue that has
21 become ineligible for rebate pursuant to this subsection shall
22 immediately revert to the general fund of the state.
23 *f.* Upon determining that the conditions and requirements
24 of this subsection and the department are met, the department
25 shall issue a warrant to the owner or operator in the amount
26 equal to the amount claimed and verified by the department.
27 *g.* This subsection is repealed June 30, 2025, or thirty
28 days following the date on which two million dollars in total
29 rebates have been provided, or thirty days following the
30 date on which rebates cease as provided in paragraph *"c"*,
31 subparagraph (5), whichever is the earliest.
32 EXPLANATION

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

35 This bill authorizes the department of revenue to rebate

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1 sales and use tax for certain transactions related to a
2 raceway facility. To be eligible for the rebate the raceway
3 facility must be located on fairgrounds, and must be located
4 in a city with a population between 7,000 and 7,500, which
5 city is located in a county with a population between 33,000
6 and 33,450. In addition, the raceway facility must have been
7 placed in service before the effective date of the bill.
8 The person eligible to receive the rebate is the owner or
9 operator of the raceway facility. "Owner or operator" means
10 a fair that is the owner or operator of a raceway facility and
11 is the promoter of races. "Fair" means the same as defined
12 in Code section 174.1 and generally means an organization
13 incorporated under the laws of Iowa that holds fair events and
14 meets certain property ownership requirements.
15 The rebate applies to two types of transactions. One, the
16 state sales tax collected upon tangible personal property or
17 services furnished to purchasers at the raceway facility. Two,
18 the state sales or use tax paid in fulfillment of a written
19 contract with the owner or operator if the property becomes an
20 integral part of the project under contract and upon completion
21 of the project becomes part of the raceway facility. The
22 rebates only apply to transactions occurring on or after
23 January 1, 2015, but before January 1, 2025, and are limited to
24 a maximum of $2 million.
25 With regard to the rebate of sales tax revenues collected
26 upon tangible personal property or services furnished to
27 purchasers at the raceway facility, the bill creates a raceway
28 facility tax rebate fund consisting of the remaining amount
29 of state sales tax revenue from these transactions after
30 subtracting the local option sales tax under Code chapter 423B,
31 the natural resources and outdoor recreation trust transfer
32 pursuant to Article VII, section 10, of the Constitution of
33 the State of Iowa if applicable, the secure an advanced vision
34 for education fund transfer pursuant to Code section 423F.2,
35 and any transfers required, if applicable, to a baseball and

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1 softball tournament facility and movie site sales tax rebate
2 fund, flood mitigation sales tax increment fund, or Iowa
3 reinvestment Act sales tax increment fund. Rebates from these
4 transactions are paid only from this rebate fund, are limited
5 to the amounts in the fund, and are made on forms furnished by
6 the department of revenue.
7 With regard to the rebate of sales or use tax paid in
8 fulfillment of a written contract with the owner or operator,
9 the bill specifies that the rebate of sales tax shall not
10 exceed the amount remaining after the transfers listed above
11 have been subtracted from the total amount of the sales tax
12 rebate requested, as applicable. The bill also specifies that
13 the rebate of use tax shall not exceed the amount remaining
14 after subtracting the local option taxes under Code chapter
15 423B and the secure an advanced vision for education fund
16 transfer pursuant to Code section 423F.2. A contractor
17 that has a written contract with the owner or operator is
18 required to provide information under oath to the owner or
19 operator regarding the amount of property or services used in
20 performance of the contract upon which sales or use tax has
21 been paid. A contractor who willfully makes a false report is
22 guilty of a simple misdemeanor and is liable for the payment
23 of the tax and any applicable penalty and interest. A simple
24 misdemeanor is punishable by confinement for no more than
25 30 days or a fine of at least $65 but not more than $625 or
26 by both. Rebates from these transactions are made on forms
27 furnished by the department of revenue.
28 The rebate ceases if control of the facility changes. A
29 change in control will occur when the fair that is the owner
30 or operator on the effective date of the bill ceases to own a
31 majority of the equity interests in the raceway facility. The
32 rebate provision is repealed June 30, 2025, or 30 days after
33 a total of $2 million has been rebated, or 30 days following
34 the change of control causing the rebates to cease, whichever
35 occurs earlier.

House Study Bill 643 - Introduced

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

A BILL FOR

1 An Act relating to statutory corrections which may adjust
2 language to reflect current practices, insert earlier
3 omissions, delete redundancies and inaccuracies, delete
4 temporary language, resolve inconsistencies and conflicts,
5 update ongoing provisions, or remove ambiguities and
6 providing effective and applicability dates.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5493HC (1) 85
lh/nh

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DIVISION I
MISCELLANEOUS CHANGES

Section 1. Section 2C.16, subsection 3, Code 2014, is amended to read as follows:

3. If the ombudsman believes that a law resulted in an administrative action ~~has occurred because of laws of~~ which ~~results are~~ is unfair or otherwise objectionable, the ombudsman shall notify the general assembly concerning desirable statutory change.

Sec. 2. Section 6B.4, Code 2014, is amended to read as follows:

6B.4 Commission to assess damages.

1. Annually the board of supervisors of a county shall appoint not less than twenty-eight residents of the county and the names of such persons shall be placed on a list and they shall be eligible to serve as members of a compensation commission. One-fourth of the persons appointed shall be owner-operators of agricultural property, one-fourth of the persons appointed shall be owners of city property, one-fourth shall be licensed real estate salespersons or real estate brokers, and one-fourth shall be persons having knowledge of property values in the county by reason of their occupation, such as bankers, auctioneers, property managers, property appraisers, and persons responsible for making loans on property.

2. *a.* The chief judge of the judicial district or the chief judge's designee shall select by lot six persons from the list, ~~two~~ who shall constitute a compensation commission to assess the damages to all property to be taken by the applicant and located in the county, as follows:

(1) Two persons who are owner-operators of agricultural property when the property to be condemned is agricultural property~~; two~~.

(2) Two persons who are owners of city property when the property to be condemned is other than agricultural property~~;~~

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1 ~~and two~~.
2 (3) Two persons from each of the remaining two
3 representative groups~~, who shall constitute a compensation~~
4 ~~commission to assess the damages to all property to be taken~~
5 ~~by the applicant and located in the county, and shall name a~~
6 ~~chairperson from the persons selected~~.
7 *b.* The chief judge or the judge's designee shall name a
8 chairperson from the persons selected and may appoint such
9 alternate members and chairpersons to the commission as are
10 deemed necessary and appropriate under the circumstances. A
11 person shall not be selected as a member or alternate member
12 of the compensation commission if the person possesses any
13 interest in the proceeding which would cause the person to
14 render a biased decision. The applicant shall mail a copy
15 of the list of commissioners and alternates appointed by the
16 chief judge by certified mail to the property owner at the
17 owner's last known address. The applicant shall also cause
18 the list of commissioners and alternates to be published once
19 in a newspaper of general circulation in the county, not less
20 than four nor more than twenty days before the meeting of
21 the compensation commission to assess the damages. Service
22 of the list of commissioners and alternates by publication
23 shall be deemed complete on the day of publication. In
24 lieu of mailing and publishing the list of commissioners and
25 alternates, the applicant may cause the list to be served upon
26 the owner of the property in the manner provided by the Iowa
27 rules of civil procedure for the personal service of original
28 notice. The list of commissioners and alternates shall be
29 mailed and published or served, as above provided, prior to or
30 contemporaneously with service of the notice of assessment as
31 provided in section 6B.8.
32 3. Written instructions for members of compensation
33 commissions shall be prepared under the direction of the chief
34 justice of the supreme court and distributed to the sheriff
35 in each county. The sheriff shall transmit copies of the

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instructions to each member of a compensation commission, and such instructions shall be read aloud to each commission before it commences its duties.

Sec. 3. Section 6B.37, Code 2014, is amended to read as follows:

6B.37 Form of record — certificate.

~~Said~~ The papers described in sections 6B.35 and 6B.36 shall be securely fastened together, arranged in the order named ~~above~~ in those sections, and be accompanied by a certificate of the officer filing the papers that the papers are true and correct copies of the original files in the proceedings and that the statements accompanying the papers are true.

Sec. 4. Section 6B.40, Code 2014, is amended to read as follows:

6B.40 Failure to record — liability.

Any sheriff, or clerk of the district court, as the case may be, who fails to present ~~said~~ the required papers, statements, and certificate for record, and any recorder who fails to record the same as ~~above~~ provided in section 6B.38 shall be liable for all damages caused by such failure.

Sec. 5. Section 7C.12, subsection 2, paragraph a, Code 2014, is amended to read as follows:

a. Shall promulgate rules which are necessary or expedient to carry out the intent and purposes of ~~the private activity bond allocation Act~~ this chapter.

Sec. 6. Section 9I.3, subsection 3, paragraph d, subparagraphs (5) and (6), Code 2014, are amended to read as follows:

~~(5) Reserved.~~

~~(6)~~ (5) Effective July 1, 2001, a nonresident alien, foreign business, or foreign government or an agent, trustee, or fiduciary of the alien, business, or government shall not~~, except as provided in subparagraph (5),~~ acquire or hold agricultural land used for the primary purpose of testing, developing, or producing animals.

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1 Sec. 7. Section 12C.16, subsection 1, paragraph b,
2 subparagraph (1), subparagraph division (d), Code 2014, is
3 amended to read as follows:
4 (d) To the extent of the guarantee, loans, obligations,
5 or nontransferable letters of credit upon which the payment
6 of principal and interest is fully secured or guaranteed by
7 the United States of America or an agency or instrumentality
8 of the United States of America ~~or the United States central~~
9 ~~credit union~~, a corporate central credit union organized
10 under section 533.213, or a corporate credit union whose
11 activities are subject to regulation by the national credit
12 union administration, and the rating of any one of such credit
13 unions remains within the two highest classifications of prime
14 established by at least one of the standard rating services
15 approved by the superintendent of banking by rule pursuant to
16 chapter 17A. The treasurer of state shall adopt rules pursuant
17 to chapter 17A to implement this section.
18 Sec. 8. Section 12C.17, subsection 1, paragraph c, Code
19 2014, is amended to read as follows:
20 *c.* The securities shall be deposited with the federal
21 reserve bank, the federal home loan bank of Des Moines, Iowa,
22 ~~or the United States central credit union,~~ a corporate central
23 credit union organized under section 533.213, or a corporate
24 credit union whose activities are subject to regulation by the
25 national credit union administration pursuant to a bailment
26 agreement or a pledge custody agreement.
27 Sec. 9. Section 12C.17, subsection 4, Code 2014, is amended
28 to read as follows:
29 4. Upon written request from the appropriate public
30 officer but not less than monthly, the federal reserve bank,
31 the federal home loan bank of Des Moines, Iowa, ~~the United~~
32 ~~States central credit union,~~ a corporate central credit union
33 organized under section 533.213, or a corporate credit union
34 whose activities are subject to regulation by the national
35 credit union administration shall report a description, the

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par value, and the market value of any pledged collateral by a credit union.

Sec. 10. Section 16.2, subsection 1, unnumbered paragraph 1, Code 2014, is amended to read as follows:

An Iowa finance authority board of directors is created. The powers of the authority are vested in and shall be exercised by the board. The ~~board~~ authority includes nine members appointed by the governor subject to confirmation by the senate.

Sec. 11. Section 16.197, Code 2014, is amended to read as follows:

16.197 Limitation of liability.

~~The~~ A member of the authority, a person acting on behalf of the authority while acting within the scope of their employment or agency, or the treasurer of state shall not be subject to personal liability resulting from carrying out the powers and duties of the authority or the treasurer, as applicable, in sections 16.193 through 16.196.

Sec. 12. Section 16.221, subsection 3, paragraph c, Code 2014, is amended to read as follows:

c. Obtain affordable operating capital~~, including as provided by section 175.35~~.

Sec. 13. Section 17A.4, subsection 3, paragraph c, Code 2014, is amended to read as follows:

c. If an objection to a rule is filed under this subsection, a copy of the objection, properly dated, shall be forwarded to the agency at the time of filing the objection. In any action contesting a rule or portion of a rule adopted pursuant to this subsection, the burden of proof shall be on the agency to show that the procedures of subsection 1 were impracticable, unnecessary, or contrary to the public interest ~~and that, if a category of rules was involved, the category was very narrowly tailored~~.

Sec. 14. Section 17A.4, subsection 5, Code 2014, is amended to read as follows:

5. ~~No~~ A rule ~~adopted after July 1, 1975,~~ is not valid unless

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1 adopted in substantial compliance with the ~~above~~ requirements
2 of this section that are in effect at the time of adoption of
3 the rule. However, a rule shall be conclusively presumed to
4 have been made in compliance with all of the ~~above~~ procedural
5 requirements of this section if it has not been invalidated on
6 the grounds of noncompliance in a proceeding commenced within
7 two years after its effective date.
8 Sec. 15. Section 17A.4, subsection 9, Code 2014, is amended
9 to read as follows:
10 9. Upon the vote of two-thirds of its members, the
11 administrative rules review committee, following notice of
12 intended action as provided in subsection 1 and prior to
13 adoption of a rule pursuant to that notice, may suspend further
14 action relating to that notice for seventy days. Notice ~~of~~
15 that a notice of intended action ~~that~~ was suspended under this
16 provision shall be published in the Iowa administrative code
17 and bulletin.
18 Sec. 16. Section 23.6, subsection 6, Code 2014, is amended
19 to read as follows:
20 6. ~~The board may examine~~ Examine, as deemed necessary by
21 the board, a record of a governmental body or a government body
22 that is the subject matter of a complaint, including any record
23 that is confidential by law. Confidential records provided to
24 the board by a governmental body or a government body shall
25 continue to maintain their confidential status. Any member
26 or employee of the board is subject to the same policies and
27 penalties regarding the confidentiality of the document as an
28 employee of the governmental body or ~~a~~ the government body.
29 Sec. 17. Section 23.9, Code 2014, is amended to read as
30 follows:
31 **23.9 Informal assistance.**
32 After accepting a complaint, the board shall promptly work
33 with the parties, through employees ~~on its own staff~~ of the
34 board, to reach an informal, expeditious resolution of the
35 complaint.

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1 Sec. 18. Section 24.13, Code 2014, is amended to read as
2 follows:
3 **24.13 Procedure by levying board.**
4 Any board which has the power to levy a tax without the same
5 first being certified to it, shall follow the same procedure
6 for hearings as is ~~hereinbefore~~ required of certifying boards
7 under this chapter.
8 Sec. 19. Section 28D.6, subsection 4, Code 2014, is amended
9 to read as follows:
10 4. Any employee of a sending agency assigned in this
11 state who suffers disability or death as a result of personal
12 injury arising out of and in the course of such assignment, or
13 sustained in the performance of duties in connection therewith,
14 shall be treated for the purpose of the receiving agency's
15 employee compensation program, as an employee, as defined in
16 such compensation program, who has sustained such injury in the
17 performance of such duty, but shall not receive benefits under
18 that compensation program for any period for which the employee
19 elects to receive similar benefits as an employee under the
20 sending agency's employee compensation program.
21 Sec. 20. Section 29A.50, Code 2014, is amended to read as
22 follows:
23 **29A.50 Immunity.**
24 The commanding officer and members of any of the military
25 forces engaged in the suppression of an insurrection,
26 assistance to civil authorities in emergencies, homeland
27 defense~~,~~ or security duties, or the enforcement of the laws,
28 shall have the same immunity as peace officers.
29 Sec. 21. Section 35D.2, subsection 1, Code 2014, is amended
30 to read as follows:
31 1. Persons described in section 35D.1 who are disabled by
32 disease, injury, or old age, and who meet the qualifications
33 for nursing or residential care, and who are unable to earn a
34 livelihood, and who are residents of the state of Iowa on the
35 date of the application and immediately preceding the date the

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1 application is accepted, may be admitted to the home as members
2 under rules adopted by the commission. The commission shall
3 adopt rules to emphasize the admission of homeless honorably
4 discharged veterans. Eligibility determinations are subject
5 to approval by the commandant.
6 Sec. 22. Section 80D.12, subsection 2, Code 2014, is amended
7 to read as follows:
8 2. For reserve ~~police~~ peace officers of a tribal government,
9 hospital and medical assistance and benefits shall be provided
10 by the tribal government to members of the reserve force who
11 sustain injury while performing official duties in the same
12 manner as for a regular peace officer of the tribal government.
13 Sec. 23. Section 89.3, subsection 8, Code 2014, is amended
14 to read as follows:
15 8. Inspections of unfired steam pressure vessels operating
16 in excess of fifteen pounds per square inch and low pressure
17 steam boilers shall be conducted at least once each calendar
18 year. The inspections conducted ~~over~~ within each two-year
19 period shall include an external inspection conducted while
20 the boiler is operating and an internal inspection, where
21 construction permits. No more than one inspection shall be
22 conducted ~~over a~~ per six-month period. An internal inspection
23 of an unfired steam pressure vessel or low pressure steam
24 boiler may be required at any time by the commissioner upon the
25 observation by an inspector of conditions, enumerated by the
26 commissioner through rules, warranting an internal inspection.
27 Sec. 24. Section 101.21, subsection 1, paragraph a, Code
28 2014, is amended to read as follows:
29 *a.* An aboveground tank which ~~complies with~~ meets any of the
30 following criteria:
31 (1) Has one thousand one hundred gallons or less capacity.
32 (2) Stores flammable liquids on a farm located outside the
33 limits of a city, if the aboveground tank has two thousand
34 gallons or less capacity.
35 (3) Stores combustible liquids on a farm located outside

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1 the limits of a city, if the aboveground tank has five thousand
2 gallons or less capacity.
3 Sec. 25. Section 101A.2, subsection 4, Code 2014, is amended
4 to read as follows:
5 4. Except as permitted in section 101A.3 and sections
6 101A.9 ~~to~~ through 101A.11, it shall be unlawful for any person
7 to willfully manufacture, import, store, detonate, sell, or
8 otherwise transfer any explosive materials unless such person
9 is the holder of a valid license issued pursuant to this
10 section.
11 Sec. 26. Section 105.10, subsection 2, Code 2014, is amended
12 to read as follows:
13 2. Except as provided in section 105.11, a person shall not
14 engage in the business of designing, installing, or repairing
15 plumbing, mechanical, HVAC, refrigeration, sheet metal, or
16 hydronic systems unless at all times a licensed master, who
17 shall be responsible for the proper designing, installing, and
18 repairing of the plumbing, HVAC, refrigeration, sheet metal,
19 or hydronic system, is employed by the person and is actively
20 in charge of the plumbing, mechanical, HVAC, refrigeration,
21 sheet metal, or hydronic work of the person. An individual who
22 performs such work pursuant to a business operated as a sole
23 proprietorship shall be a licensed master in the applicable
24 discipline.
25 Sec. 27. Section 123.3, subsection 5, Code 2014, is amended
26 to read as follows:
27 5. *"Alcoholic liquor"* or *"intoxicating liquor"* means the
28 varieties of liquor defined in subsections 3 and 43 which
29 contain more than five percent of alcohol by weight, beverages
30 made as described in subsection 7 which beverages contain more
31 than five percent of alcohol by weight or six and twenty-five
32 hundredths percent of alcohol by volume but which are not
33 wine as defined in subsection 47 or high alcoholic content
34 beer as defined in subsection 19, and every other liquid or
35 solid, patented or not, containing spirits and every beverage

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1 obtained by the process described in subsection 47 containing
2 more than seventeen percent alcohol by weight or twenty-one
3 and twenty-five hundredths percent of alcohol by volume, and
4 susceptible of being consumed by a human being, for beverage
5 purposes. Alcohol manufactured in this state for use as fuel
6 pursuant to an experimental distilled spirits plant permit or
7 its equivalent issued by the federal bureau of alcohol, tobacco
8 and firearms is not an *"alcoholic liquor"*.
9 Sec. 28. Section 123.30, subsection 1, paragraph b, Code
10 2014, is amended to read as follows:
11 *b.* As a condition for issuance of a liquor control license
12 or wine or beer permit, the applicant must give consent to
13 members of the fire, police, and health departments and the
14 building inspector of cities; the county sheriff~~,~~ or deputy
15 sheriff~~,~~; members of the department of public safety~~,~~;
16 representatives of the division and of the department of
17 inspections and appeals~~,~~; certified police officers~~,~~; and
18 any official county health officer to enter upon areas of
19 the premises where alcoholic beverages are stored, served,
20 or sold, without a warrant during business hours of the
21 licensee or permittee to inspect for violations of this
22 chapter or ordinances and regulations that cities and boards
23 of supervisors may adopt. However, a subpoena issued under
24 section 421.17 or a warrant is required for inspection of
25 private records, a private business office, or attached living
26 quarters. Persons who are not certified peace officers shall
27 limit the scope of their inspections of licensed premises
28 to the regulatory authority under which the inspection is
29 conducted. All persons who enter upon a licensed premises to
30 conduct an inspection shall present appropriate identification
31 to the owner of the establishment or the person who appears
32 to be in charge of the establishment prior to commencing
33 an inspection; however, this provision does not apply to
34 undercover criminal investigations conducted by peace officers.
35 Sec. 29. Section 123.138, subsection 1, Code 2014, is

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amended to read as follows:

1. Each class "A" or special class "A" permittee shall keep proper records showing the amount of beer sold by the permittee, and these records shall be at all times open to inspection by the administrator and to other persons pursuant to section 123.30, subsection 1. Each class "B" permittee, class "C" permittee, ~~and~~ or retail liquor control licensee shall keep proper records showing each purchase of beer made by the permittee ~~and~~ or licensee, and the date and the amount of each purchase and the name of the person from whom each purchase was made, which records shall be open to inspection pursuant to section 123.30, subsection 1, during normal business hours of the permittee or licensee.

Sec. 30. Section 125.10, subsection 16, Code 2014, is amended to read as follows:

16. Encourage all health and disability insurance programs to include ~~substance abuse~~ substance-related disorders as ~~a~~ covered ~~illness~~ illnesses.

Sec. 31. Section 135C.41, Code 2014, is amended to read as follows:

135C.41 Licensee's response to citation.

Within twenty business days after service of a citation under section 135C.40, a facility shall ~~either~~ do one of the following:

1. If ~~it~~ the facility does not desire to contest the citation, take one of the following actions:

a. Remit to the department the amount specified by the department pursuant to section 135C.36 as a penalty for each Class I violation cited, and for each Class II violation unless the citation specifically waives the penalty, which funds shall be paid by the department into the state treasury and credited to the general fund~~; or~~.

b. In the case of a Class II violation for which the penalty has been waived in accordance with the standards prescribed in section 135C.36, subsection 2, or a Class III violation, send

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1 to the department a written response acknowledging that the
2 citation has been received and stating that the violation will
3 be corrected within the specific period of time allowed by the
4 citation~~; or~~.
5 2. ~~Notify~~ If the facility desires to contest the citation,
6 notify the director that the facility desires to contest the
7 citation and request an informal conference with an independent
8 reviewer pursuant to section 135C.42.
9 Sec. 32. Section 144A.2, subsection 8, paragraph b, Code
10 2014, is amended to read as follows:
11 *b. "Life-sustaining procedure"* does not include the
12 provision of nutrition or hydration except when required
13 to be provided parenterally or through intubation, or the
14 administration of medication or performance of any medical
15 procedure deemed necessary to provide comfort care or to
16 alleviate pain.
17 Sec. 33. Section 159.18, subsection 3, Code 2014, is amended
18 to read as follows:
19 3. The department shall cooperate with private institutions
20 and public agencies in order to carry out this section,
21 including the economic development authority, the Iowa finance
22 authority, and the United States department of agriculture.
23 Sec. 34. Section 161A.44, Code 2014, is amended to read as
24 follows:
25 **161A.44 Rules by commissioners — scope.**
26 1. The commissioners of each soil and water conservation
27 district shall, with approval of and within time limits set by
28 administrative order of the state soil conservation committee,
29 adopt reasonable regulations as are deemed necessary to
30 establish a soil loss limit or limits for the district and
31 provide for the implementation of the limit or limits, and
32 may subsequently amend or repeal their regulations as they
33 deem necessary. The committee shall review the soil loss
34 limit regulations adopted by the soil and water conservation
35 districts at least once every five years, and shall recommend

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1 changes in the regulations of a soil and water conservation
2 district which the committee deems necessary to assure that the
3 district's soil loss limits are reasonable and attainable. The
4 commissioners may:
5 ~~1.~~ *a.* Classify land in the district on the basis of
6 topography, soil characteristics, current use, and other
7 factors affecting propensity to soil erosion.
8 ~~2.~~ *b.* Establish different soil loss limits for different
9 classes of land in the district if in their judgment and that
10 of the state soil conservation committee a lower soil loss
11 limit should be applied to some land than can reasonably be
12 applied to other land in the district, it being the intent of
13 the general assembly that no land in the state be assigned a
14 soil loss limit that cannot reasonably be applied to such land.
15 ~~3.~~ *c.* Require the owners of real property in the district
16 to employ either soil and water conservation practices or
17 erosion control practices, and~~:~~
18 ~~*a.* May not specify the particular practices to be employed~~
19 ~~so long as such owners voluntarily comply with the applicable~~
20 ~~soil loss limits established for the district.~~
21 ~~*b.* May~~ may specify two or more approved soil and water
22 conservation practices or erosion control practices, one of
23 which shall be employed by the landowner to bring erosion from
24 land under the landowner's control within the applicable soil
25 loss limit of the district when an administrative order is
26 issued to the landowner.
27 ~~*c.* In no case may the commissioners require:~~
28 ~~(1) The employment of erosion control practices as defined~~
29 ~~in section 161A.42, subsection 4, on land used in good faith~~
30 ~~for agricultural or horticultural purposes only.~~
31 ~~(2) The employment of soil and water conservation practices~~
32 ~~or erosion control practices on that portion of any public~~
33 ~~street, road or highway completed or under construction within~~
34 ~~the corporate limits of any city, which is or will become the~~
35 ~~traveled or surfaced portion of such street, road, or highway.~~

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1 ~~(3) That any owner or operator of agricultural land refrain~~
2 ~~from fall plowing of land on which the owner or operator~~
3 ~~intends to raise a crop during the next succeeding growing~~
4 ~~season, however on those lands which are prone to excessive~~
5 ~~wind erosion the commissioners may require that reasonable~~
6 ~~temporary measures be taken to minimize the likelihood of wind~~
7 ~~erosion so long as such measures do not unduly increase the~~
8 ~~cost of operation of the farm on which the land is located.~~
9 ~~However, fall plowing of soil which is commonly known as gumbo~~
10 ~~shall always be permitted.~~
11 *d.* ~~May require~~ Require that a person under an order to
12 employ soil and water conservation practices or erosion control
13 practices submit up to three bids to the commissioners for the
14 work and provide an explanation to the commissioners if a bid
15 other than the lowest bid has been selected by that person.
16 2. The commissioners shall not:
17 *a.* Specify the particular practices to be employed by
18 owners of real property in the district, so long as such
19 owners voluntarily comply with the applicable soil loss limits
20 established for the district.
21 *b.* Require the employment of erosion control practices as
22 defined in section 161A.42, subsection 4, on land used in good
23 faith for agricultural or horticultural purposes only.
24 *c.* Require the employment of soil and water conservation
25 practices or erosion control practices on that portion of any
26 public street, road, or highway completed or under construction
27 within the corporate limits of any city, which is or will
28 become the traveled or surfaced portion of such street, road,
29 or highway.
30 *d.* Require that any owner or operator of agricultural
31 land refrain from fall plowing of land on which the owner or
32 operator intends to raise a crop during the next succeeding
33 growing season, however on those lands which are prone to
34 excessive wind erosion the commissioners may require that
35 reasonable temporary measures be taken to minimize the

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1 likelihood of wind erosion so long as such measures do not
2 unduly increase the cost of operation of the farm on which
3 the land is located. However, fall plowing of soil which is
4 commonly known as gumbo shall always be permitted.
5 Sec. 35. Section 172A.10, Code 2014, is amended to read as
6 follows:
7 **172A.10 Injunctions — criminal penalties.**
8 1. If any person who is required by this chapter to be
9 licensed fails to obtain the required license, or if any person
10 who is required by this chapter to maintain proof of financial
11 responsibility fails to maintain such proof, or if any licensee
12 fails to discontinue engaging in licensed activities when that
13 person's license has been suspended, such failure shall be
14 deemed a nuisance and the secretary may bring an action on
15 behalf of the state to enjoin such nuisance. Such actions may
16 be heard on not less than five days' notice to the person whose
17 activities are sought to be enjoined. The failure to obtain
18 a license when required, or the failure to maintain proof of
19 financial responsibility shall constitute a violation of this
20 chapter.
21 2. Any person convicted of violating any provision of this
22 chapter shall be guilty of a serious misdemeanor.
23 Sec. 36. Section 175.31, Code 2014, is amended to read as
24 follows:
25 **175.31 Programs in progress.**
26 The authority shall complete the administration of programs
27 in progress on July 1, 1980, to the extent that funds were
28 committed, obligations incurred or rights accrued prior to July
29 1, 1980, under the programs authorized under sections 234.15
30 to 234.20, ~~prior to the repeal of those sections~~ Code 1979.
31 Moneys received under this section shall be deposited to the
32 authority.
33 Sec. 37. Section 175.37, subsection 4, unnumbered paragraph
34 1, Code 2014, is amended to read as follows:
35 The tax credit is allowed only for agricultural assets that

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are subject to an agricultural assets transfer agreement. The agreement shall provide for the lease of agricultural land located in this state, including any improvements, and may provide for the rental of agricultural equipment as defined in section 322F.1.

Sec. 38. Section 203.10, subsection 2, Code 2014, is amended to read as follows:

2. The department may issue an order to suspend or revoke the license of a grain dealer who violates a provision of this chapter, including a rule adopted in accordance with this chapter~~,~~ pursuant to chapter 17A.

Sec. 39. Section 203C.10, subsection 2, Code 2014, is amended to read as follows:

2. The department may issue an order to suspend or revoke the license of a warehouse operator who violates a provision of this chapter, including a rule adopted in accordance with this chapter~~,~~ pursuant to chapter 17A.

Sec. 40. Section 203C.15, subsection 10, paragraph d, Code 2014, is amended to read as follows:

d. Warehouse operators and owners of bulk grain.

Sec. 41. Section 206.2, subsection 1, unnumbered paragraph 1, Code 2014, is amended to read as follows:

~~The term *"active ingredient"*~~ *"Active ingredient"* means:

Sec. 42. Section 206.2, subsections 2, 3, 10, 11, 13, and 14, Code 2014, are amended to read as follows:

2. ~~The term *"adulterated"*~~ *"Adulterated"* shall apply to any pesticide if its strength or purity falls below the professed standard or quality as expressed on labeling or under which it is sold, or if any substance has been substituted wholly or in part for the article, or if any valuable constituent of the article has been wholly or in part abstracted.

3. ~~The term *"antidote"*~~ *"Antidote"* means the most practical immediate treatment in case of poisoning and includes first aid treatment.

10. ~~The term *"device"*~~ *"Device"* means any instrument or

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1 contrivance intended for trapping, destroying, repelling, or
2 mitigating insects, birds, or rodents or destroying, repelling,
3 or mitigating fungi, nematodes, weeds, or such other pests as
4 may be designated by the secretary, but not including equipment
5 used for the application of pesticides when sold separately
6 therefrom.
7 11. ~~The term *"distribute"*~~ *"Distribute"* means to offer for
8 sale, hold for sale, sell, barter, or supply pesticides in this
9 state.
10 13. ~~The term *"hazard"*~~ *"Hazard"* means a probability that
11 a given pesticide will have an adverse effect on man or the
12 environment in a given situation, the relative likelihood
13 of danger or ill effect being dependent on a number of
14 interrelated factors present at any given time.
15 14. ~~The term *"inert ingredient"*~~ *"Inert ingredient"* means an
16 ingredient which is not an active ingredient.
17 Sec. 43. Section 206.2, subsection 15, unnumbered paragraph
18 1, Code 2014, is amended to read as follows:
19 ~~The term *"ingredient statement"*~~ *"Ingredient statement"* means
20 either:
21 Sec. 44. Section 206.2, subsection 16, Code 2014, is amended
22 to read as follows:
23 16. ~~The term *"label"*~~ *"Label"* means the written, printed,
24 or graphic matter on, or attached to, the pesticide or device,
25 or the immediate container thereof, and the outside container
26 or wrapper of the retail package, if any there be, of the
27 pesticide or device.
28 Sec. 45. Section 206.2, subsection 17, unnumbered paragraph
29 1, Code 2014, is amended to read as follows:
30 ~~The term *"labeling"*~~ *"Labeling"* means all labels and other
31 written, printed, or graphic matter:
32 Sec. 46. Section 206.2, subsection 18, unnumbered paragraph
33 1, Code 2014, is amended to read as follows:
34 ~~The term *"misbranded"*~~ *"Misbranded"* shall apply:
35 Sec. 47. Section 206.2, subsections 19, 20, 21, 22, 23, 26,

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27, 30, and 31, Code 2014, are amended to read as follows:

19. ~~The term *"permit"*~~ *"Permit"* means a written certificate, issued by the secretary or the secretary's agent under rules adopted by the department authorizing the use of certain state restricted use pesticides.

20. ~~The term *"person"*~~ *"Person"* means any individual, partnership, association, corporation, or organized group of persons whether incorporated or not.

21. ~~The term *"pesticide"* shall mean *(a)* any~~ *"Pesticide"* means any of the following:

a. Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating directly or indirectly any insects, rodents, nematodes, fungi, weeds, and other forms of plant or animal life or viruses, except viruses on or in living persons, which the secretary shall declare to be a pest~~, and *(b)* any~~.

b. Any substances intended for use as a plant growth regulator, defoliant, or desiccant.

22. ~~The term *"pesticide dealer"*~~ *"Pesticide dealer"* means any person who distributes restricted use pesticides~~;~~, pesticide for use by commercial or public pesticide applicators~~;~~, or general use pesticides labeled for agricultural or lawn and garden use with the exception of dealers whose gross annual pesticide sales are less than ten thousand dollars for each business location owned or operated by the dealer.

23. ~~The term *"plant growth regulator"*~~ *"Plant growth regulator"* means any substance or mixture of substances intended, through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of ornamental or crop plants or the produce thereof, but shall not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, and soil amendments.

26. ~~The term *"registrant"*~~ *"Registrant"* means the person

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1 registering any pesticide or device or who has obtained a
2 certificate of license from the department pursuant to the
3 provisions of this chapter.
4 27. ~~The term *"restricted use pesticide"*~~ *"Restricted use*
5 *pesticide"* means any pesticide restricted as to use by rule of
6 the secretary as adopted under section 206.20.
7 30. ~~The term *"under the direct supervision of"*~~ *"Under the*
8 *direct supervision of"* means the act or process whereby the
9 application of a pesticide is made by a competent person acting
10 under the instructions and control of a certified applicator
11 or a state licensed commercial applicator who is available
12 if and when needed, even though such certified applicator is
13 not physically present at the time and place the pesticide is
14 applied.
15 31. ~~The term *"unreasonable adverse effects on the*~~
16 ~~*environment"*~~ *"Unreasonable adverse effects on the environment"*
17 means any unreasonable risk to man or the environment, taking
18 into account the economic, social, and environmental costs and
19 benefits of the use of any pesticide.
20 Sec. 48. Section 216A.2, subsection 2, Code 2014, is amended
21 to read as follows:
22 2. The department director is the chief administrative
23 officer of the department and in that capacity administers
24 the programs and services of the department in compliance
25 with applicable federal and state laws and regulations.
26 The duties of the department director include preparing a
27 budget, establishing an internal administrative structure, and
28 employing personnel.
29 Sec. 49. Section 230.2, Code 2014, is amended to read as
30 follows:
31 **230.2 Finding of residence.**
32 If a person's residency status is disputed, the residency
33 shall be determined in accordance with section 331.394.
34 Otherwise, the district court may, when the person is
35 ordered placed in a hospital for psychiatric examination and

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appropriate treatment, or as soon thereafter as the court obtains the proper information, ~~determine~~ make one of the following determinations and enter of record whether the residence of the person is in a county or the person is deemed to be a state case, as follows:

1. ~~In~~ That the person's residence is in the county from which the person was placed in the hospital.

2. ~~In~~ That the person's residence is in another county of the state.

3. ~~In~~ That the person's residence is in a foreign state or country and the person is deemed to be a state case.

4. ~~Unknown~~ That the person's residence is unknown and the person is deemed to be a state case.

Sec. 50. Section 230.11, Code 2014, is amended to read as follows:

230.11 Recovery of costs from state.

Costs and expenses attending the taking into custody, care, and investigation of a person who has been admitted or committed to a state hospital, United States department of veterans affairs hospital, or other agency of the United States government, for persons with mental illness and who has no residence in this state or whose residence is unknown, including cost of commitment, if any, shall be paid as a state case as approved by the administrator. The amount of the costs and expenses approved by the administrator is appropriated to the department from any money in the state treasury not otherwise appropriated~~,~~. Payment shall be made on itemized vouchers executed by the auditor of the county which has paid them, and approved by the administrator.

Sec. 51. Section 230.34, Code 2014, is amended to read as follows:

230.34 Definitions.

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

1. ~~As used in this chapter, *"administrator"*~~ *"Administrator"*

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means the administrator of the department of human services assigned, in accordance with section 218.1, to control the state mental health institutes, or that administrator's designee.

2. ~~As used in this chapter, "auditor"~~ "Auditor" means the county auditor or the auditor's designee.

3. ~~As used in this chapter, unless the context otherwise requires, "book"~~ "Book", "list", "record", or "schedule" kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.

4. ~~As used in this chapter, unless the context otherwise requires, "department"~~ "Department" means the department of human services.

Sec. 52. Section 231.4, subsection 1, paragraph j, Code 2014, is amended to read as follows:

j. "Home and community-based services" means a continua of services available in an individual's home or community which include but are not limited to case management, ~~homemaker, home~~ homemaker-home health aide, personal care, adult day, respite, home delivered meals, nutrition counseling, and other medical and social services which contribute to the health and well-being of individuals and their ability to reside in a home or community-based care setting.

Sec. 53. Section 232.80, Code 2014, is amended to read as follows:

232.80 Homemaker services.

A homemaker-home health aide may be assigned to give care to a child in the child's place of residence. Whenever possible, the services shall be provided in preference to removal of the child from the home. The care may be provided under this ~~Act~~ chapter on an emergency basis for up to twenty-four hours without court order, and may be ordered by the court for a period of time extending until dismissal or disposition of the case.

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1 Sec. 54. Section 232.90, subsection 4, Code 2014, is amended
2 to read as follows:
3 4. The county attorney and the attorney general shall comply
4 with the requirements of chapter 232B and the federal Indian
5 Child Welfare Act, Pub. L. No. 95-608, when either chapter 232B
6 or the federal Indian Child Welfare Act is determined to be
7 applicable in any proceeding under this division.
8 Sec. 55. Section 232.102, subsection 3, Code 2014, is
9 amended to read as follows:
10 3. After a dispositional hearing and upon written
11 findings of fact based upon evidence in the record that an
12 alternative placement set forth in subsection 1, paragraph
13 *"a"*, subparagraph (1), has previously been made and is not
14 appropriate the court may enter an order transferring the
15 guardianship of the child for the purposes of subsection ~~8~~ 9,
16 to the director of human services for the purposes of placement
17 in the Iowa juvenile home at Toledo.
18 Sec. 56. Section 249A.47, subsection 1, paragraph h, Code
19 2014, is amended to read as follows:
20 *h.* A provider who intentionally and purposefully and without
21 good cause fails to grant timely access, upon reasonable
22 request ~~and without good cause~~, to the department for the
23 purpose of audits, investigations, evaluations, or other
24 functions of the department, is subject to a civil penalty of
25 fifteen thousand dollars for each day of the failure.
26 Sec. 57. Section 252.27, unnumbered paragraph 2, Code 2014,
27 is amended to read as follows:
28 The board shall record its proceedings relating to the
29 provision of assistance to specific persons under this chapter.
30 A person who is aggrieved by a decision of the board may appeal
31 the decision as if it were a contested case before an agency
32 and as if the person had exhausted administrative remedies in
33 accordance with the procedures and standards in section 17A.19,
34 subsections 2 ~~to~~ through 12, except section 17A.19, subsection
35 10, paragraphs *"b"* and *"g"*, and section 17A.20.

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1 Sec. 58. Section 252.37, Code 2014, is amended to read as
2 follows:
3 **252.37 Appeal to supervisors.**
4 If a poor person, on application to the general assistance
5 director, is refused the required assistance, the applicant may
6 appeal to the board of supervisors, who, upon examination into
7 the matter, may order the director to provide assistance, or ~~it~~
8 who may direct specific assistance.
9 Sec. 59. Section 256.7, subsection 26, paragraph a,
10 subparagraph (3), Code 2014, is amended to read as follows:
11 (3) The rules establishing a core curriculum shall address
12 the core content standards in subsection 28 and the skills and
13 knowledge students need to be successful in the twenty-first
14 century. The core curriculum shall include social studies and
15 twenty-first century learning skills which include but are
16 not limited to civic literacy, health literacy, technology
17 literacy, financial literacy, and employability skills; and
18 shall address the curricular needs of students in kindergarten
19 through grade twelve in those areas. The ~~department~~ state
20 board shall further define the twenty-first century learning
21 skills components by rule.
22 Sec. 60. Section 256.42, subsection 4, Code 2014, is amended
23 to read as follows:
24 4. Each participating school district and accredited
25 nonpublic school shall submit its online curricula to the
26 department for review. Each participating school district and
27 accredited nonpublic school shall include in its comprehensive
28 school improvement plan submitted pursuant to section 256.7,
29 subsection 21, a list and description of the online coursework
30 offered by the district or school.
31 Sec. 61. Section 258.6, Code 2014, is amended to read as
32 follows:
33 **258.6 Definitions.**
34 As used in this chapter:
35 1. *"Approved practitioner preparation school, department,*

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or class" means a school, department, or class approved by the board as entitled under this chapter to federal moneys for the training of teachers of vocational subjects.

2. *"Approved school, department, or class"* means a school, department, or class approved by the board as entitled under this chapter to federal and state moneys for the salaries and authorized travel of teachers of vocational subjects. ~~*"Approved practitioner preparation school, department, or class"* means a school, department, or class approved by the board as entitled under this chapter to federal moneys for the training of teachers of vocational subjects.~~

Sec. 62. Section 258.12, Code 2014, is amended to read as follows:

258.12 Custodian of funds.

The treasurer of state shall be custodian of the funds paid to the state from the appropriations made under ~~said~~ the federal Carl D. Perkins Vocational and Technical Education Act ~~of Congress~~ of 1998, and shall disburse the same on vouchers audited as provided by law.

Sec. 63. Section 278.3, Code 2014, is amended to read as follows:

278.3 Power given electors not to limit directors' power.

The power vested in the electors by section 278.1 shall not affect or limit the power granted to the board of directors of a school district in section 297.7, subsection 2, and the authority granted in ~~said~~ section 297.7, subsection 2, shall be construed as independent of the power vested in the electors by section 278.1.

Sec. 64. Section 283A.1, unnumbered paragraph 1, Code 2014, is amended to read as follows:

For the purpose of this chapter, unless the context otherwise requires:

Sec. 65. Section 297.30, Code 2014, is amended to read as follows:

297.30 Public sale.

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1 If the owner of the tract from which said site was taken
2 fails to pay the amount of such appraisement to ~~such executive~~
3 ~~council~~ the department within thirty days after the filing of
4 the same with the sheriff, the ~~executive council~~ department may
5 sell said site or building to any other person at the appraised
6 value, or may sell the same at public sale to the highest
7 bidder and the proceeds of such sale are to be added to the
8 permanent school fund of the state.
9 Sec. 66. Section 299.6A, subsection 1, Code 2014, is amended
10 to read as follows:
11 1. In lieu of a criminal proceeding under section 299.6,
12 a county attorney may bring a civil action against a parent,
13 guardian, or legal or actual custodian of a child who is of
14 compulsory attendance age, has not completed educational
15 requirements, and is truant, if the parent, guardian, or legal
16 or actual custodian has failed to cause the child to attend
17 a public school or an accredited nonpublic school, or ~~placed~~
18 to place the child under competent private instruction or
19 independent private instruction in the manner provided in this
20 chapter. If the court finds that the parent, guardian, or
21 legal or actual custodian has failed to cause the child to
22 attend as required in this section, the court shall assess a
23 civil penalty of not less than one hundred but not more than
24 one thousand dollars for each violation established.
25 Sec. 67. Section 306D.1, subsection 2, Code 2014, is amended
26 to read as follows:
27 2. In addition to other goals for the program, it is the
28 intention of the general assembly that the scenic highways
29 program be coordinated with the state's open space program
30 under chapter 465A.
31 Sec. 68. Section 307.23, Code 2014, is amended to read as
32 follows:
33 **307.23 General counsel.**
34 1. The general counsel shall be a special assistant attorney
35 general appointed by the attorney general who shall act as the

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1 attorney for the department ~~and the~~. The general counsel shall
2 have the following duties and responsibilities:
3 *a.* Act as legal advisor to the commission and the director~~,~~
4 ~~and provide~~.
5 *b.* Provide all legal services for the department.
6 2. The attorney general shall appoint additional assistant
7 attorneys general as the director deems necessary to carry out
8 the duties assigned to the office of the general counsel. The
9 salary of the general counsel shall be fixed by the director,
10 subject to the approval of the attorney general. The director
11 shall provide and furnish a suitable office for the general
12 counsel upon request of the attorney general.
13 Sec. 69. Section 309.41, Code 2014, is amended to read as
14 follows:
15 **309.41 Optional advertisement and letting.**
16 1. Contracts not embraced within the provisions of section
17 309.40 or 309.40A shall be either advertised and let at
18 a public letting~~;~~, or, where the cost does not exceed the
19 engineer's estimate, let through informal bid procedure by
20 contacting at least three qualified bidders prior to letting
21 the contract. The informal bids received together with a
22 statement setting forth the reasons for use of the informal
23 procedure and bid acceptance shall be entered in the minutes
24 of the board of supervisors meeting at which such action was
25 taken.
26 2. Nothing contained in this section shall be deemed to
27 prohibit the board of supervisors from purchasing material
28 and using county equipment and regularly employed county road
29 personnel on a project within their capability as determined
30 by the county engineer.
31 Sec. 70. Section 309.43, Code 2014, is amended to read as
32 follows:
33 **309.43 Record of bids.**
34 All bids received shall be publicly opened, at the time and
35 place specified in the advertisement, and shall be recorded

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in detail~~,~~ in the road book~~,~~ by the county auditor~~; and the~~. The county engineer shall in all instances of day labor~~,~~ and private or public contracts~~,~~ file a detailed cost accounting sheet with the county auditor~~; said~~. The road book and cost sheets shall at all times be open to public inspection.

Sec. 71. Section 313.2, Code 2014, is amended to read as follows:

313.2 "Road systems" defined — roadside parks.

1. The roads and streets of the state are, for the purpose of this chapter, those roads and streets established under chapter 306.

2. *a.* Whenever the board of supervisors of a county and the department mutually determine that a portion of a highway under the jurisdiction of either party should be transferred to the jurisdiction of the other party, the board and department may enter into an agreement to effect such transfer. Such agreement may provide that each party may undertake or share responsibility for improving said road with the costs of such improvement to be borne entirely by either the county or the department or equitably divided between the two jurisdictions. All such improvements shall be completed and all actual costs thereof paid or reimbursed prior to the time transfer of the road is made. In carrying out such agreement, the board of supervisors may expend secondary road funds of the county and the department may expend primary road funds.

b. However, prior to entering into the agreement, a notice of intent to execute such agreement shall be published in a newspaper of general circulation within the county and the cost of such notice shall be jointly borne by the department and the board of supervisors. If one hundred or more residents of the county request by petition or in writing that a hearing be held in regard to such agreement within ten days after the publication of the notice, the board of supervisors and the department shall hold such a hearing not more than seven days after receiving the petition or written instrument, and

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1 based upon evidence presented at such hearing shall reexamine
2 the merits of executing such agreement and make a decision in
3 regard to it.
4 3. The department may, for the purpose of affording access
5 to cities or state parks, or for the purpose of shortening
6 the direct line of travel on important routes, or to effect
7 connections with interstate roads at the state line, add such
8 road or roads to the primary system.
9 4. The department, either alone or in cooperation with any
10 county, shall have the authority to utilize any land acquired
11 incidental to the acquisition of land for highway right-of-way
12 and to also accept by gift~~,~~ lands not exceeding two acres in
13 area for roadside parks and parking areas. The department may
14 furnish necessary maintenance. The department shall also have
15 authority to accept by gift~~,~~ equipment or other installations
16 incidental to the use of said parks and parking areas. ~~Said~~
17 The parks and parking areas shall be a part of the primary
18 road system and the department may at its discretion sell or
19 otherwise dispose of ~~said~~ the lands.
20 5. Reasonable maintenance and surveillance of rest area
21 sites and buildings located ~~thereon~~ on the sites shall be
22 provided by employees of the department within the limits of
23 appropriations provided for such purpose.
24 Sec. 72. Section 313.28, subsection 1, Code 2014, is amended
25 to read as follows:
26 1. When the department, for the purpose of establishing,
27 constructing, or maintaining any primary road, determines
28 that any secondary road or portion thereof is necessary for a
29 detour or haul road, the department, after consultation with
30 the county board of supervisors having jurisdiction of the
31 route, shall by order temporarily designate the secondary road
32 or portion thereof as a temporary primary road detour or as
33 a temporary primary road haul road, and the department shall
34 maintain the same as a primary road until it shall revoke the
35 temporary designation order. Prior to use of a secondary road

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as a primary road haul road or detour, the department shall designate a representative to inspect the secondary road with the county engineer to determine and note the condition of the road.

Sec. 73. Section 313.65, Code 2014, is amended to read as follows:

313.65 Approval of taxing bodies.

Before any bridge owned by any individual or private corporation shall be accepted by the department under the provisions of sections 313.59 to 313.64, the ~~said~~ proposal and acceptance shall first be approved by the following tax levying and tax certifying bodies located in the ~~said~~ tax district:

1. The board of supervisors~~, the~~.

2. The city councils ~~and the~~.

3. The school board or boards.

Sec. 74. Section 313.66, subsection 4, Code 2014, is amended to read as follows:

4. Before the purchase of any such bridge shall be completed by the department under the provisions of this section, the purchase thereof shall first be approved by the following tax levying and tax certifying bodies located in ~~said~~ the district:

a. The board of supervisors~~, the~~.

b. The city councils~~, and the~~.

c. The school board or boards.

Sec. 75. Section 317.25, subsection 1, Code 2014, is amended to read as follows:

1. *a.* A person shall not import, sell, offer for sale, or distribute ~~teasel~~ in this state in any form, including the seeds, any of the following plants:

(1) Teasel (Dipsacus) biennial~~, the multiflora~~.

(2) Multiflora rose (Rosa multiflora)~~, purple~~.

(3) Purple loosestrife (Lythrum salicaria)~~, purple~~.

(4) Purple loosestrife (Lythrum virgatum)~~, garlic~~.

(5) Garlic mustard (Alliaria petiolata)~~, oriental~~.

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1 (6) Oriental bittersweet (Celastrus orbiculatus)~~,~~.
2 (7) Japanese knotweed (Fallopia japonica)~~, or~~.
3 (8) Japanese hop (Humulus japonicus)~~, including the seeds~~
4 ~~of those plants, in any form in this state~~.
5 *b.* However, ~~this subsection~~ paragraph *"a"* does not prohibit
6 the sale, offer for sale, or distribution of the multiflora
7 rose (Rosa multiflora) used for understock for either
8 cultivated roses or ornamental shrubs in gardens.
9 Sec. 76. Section 321.24, subsections 7 and 10, Code 2014,
10 are amended to read as follows:
11 7. The certificate shall contain the name of the county
12 treasurer or of the department and, if the certificate of
13 title is printed, the signature of the county treasurer, the
14 deputy county treasurer, or the department director or deputy
15 designee. The certificate of title shall contain upon the
16 reverse side a form for assignment of title or interest and
17 warranty by the owner, for reassignments by a dealer licensed
18 in this state or in another state if the state in which the
19 dealer is licensed permits Iowa licensed dealers to similarly
20 reassign certificates of title. However, titles for mobile
21 homes or manufactured homes shall not be reassigned by licensed
22 dealers. Notwithstanding section 321.1, subsection 17, as
23 used in this ~~paragraph~~ subsection, *"dealer"* means every person
24 engaged in the business of buying, selling, or exchanging
25 vehicles of a type required to be registered under this
26 chapter.
27 10. A vehicle shall be registered for the registration
28 year. A vehicle registered for the first time in this state
29 shall be registered for the remaining unexpired months of the
30 registration year and pay an annual registration fee prorated
31 for the remaining unexpired months of the registration year
32 plus a fee for new registration if applicable pursuant to
33 section 321.105A. Except for a vehicle registered under
34 chapter 326, a vehicle registered for the first time during
35 the eleventh month of the owner's registration year may

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be registered for the remaining unexpired months of the registration year as provided in this ~~paragraph~~ subsection or for the remaining unexpired months of the registration year and for the next registration year, upon payment of the applicable registration fees.

Sec. 77. Section 321.178, subsection 2, paragraph a, subparagraph (2), subparagraph division (b), Code 2014, is amended to read as follows:

(b) ~~For the period beginning July 1, 2010, through June 30, 2011, peace officers shall issue only warning citations for violations of subparagraph division (a).~~ The department, in cooperation with the department of public safety, shall establish educational programs to foster compliance with the requirements of subparagraph division (a).

Sec. 78. Section 321.180A, subsection 1, Code 2014, is amended to read as follows:

1. Notwithstanding other provisions of this chapter, a person with a physical disability, who is not suffering from a convulsive disorder and who can provide a favorable medical report, whose license renewal has been denied under section 321.177, subsection 6 or 7, or whose driver's license has been suspended under section 321.210, subsection 1, paragraph *"a"*, subparagraph (3), upon meeting the requirements of section 321.186, other than a driving demonstration or elimination of the person's limitations which caused the denial under section 321.177, subsection 6 or 7, or suspension under section 321.210, subsection 1, paragraph *"a"*, subparagraph (3), and upon paying the fee required in section 321.191, shall be issued a special instruction permit by the department. Upon issuance of the permit the denial or suspension shall be stayed and the stay shall remain in effect as long as the permit is valid.

Sec. 79. Section 321.180B, subsection 6, paragraph b, Code 2014, is amended to read as follows:

b. ~~For the period beginning July 1, 2010, through June 30,~~

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~~2011, peace officers shall issue only warning citations for violations of paragraph "a".~~ The department, in cooperation with the department of public safety, shall establish educational programs to foster compliance with the requirements of paragraph "a".

Sec. 80. Section 321.194, subsection 1, paragraph d, subparagraph (2), Code 2014, is amended to read as follows:

(2) ~~For the period beginning July 1, 2010, through June 30, 2011, peace officers shall issue only warning citations for violations of subparagraph (1).~~ The department, in cooperation with the department of public safety, shall establish educational programs to foster compliance with the requirements of subparagraph (1).

Sec. 81. Section 321.498, subsection 1, Code 2014, is amended to read as follows:

1. The acceptance by any nonresident of this state of the privileges extended by the laws of this state to nonresident operators or owners of operating a motor vehicle, or having the same operated, within this state shall be deemed to be all of the following:

a. An agreement by the nonresident that the nonresident shall be subject to the jurisdiction of the district court of this state over all civil actions and proceedings against the nonresident for damages to person or property growing or arising out of such use and operation~~, and~~.

b. An appointment by such nonresident of the director of this state as the nonresident's lawful attorney upon whom may be served all original notices of suit pertaining to such actions and proceedings~~, and~~.

c. An agreement by such nonresident that any original notice of suit so served shall be of the same legal force and validity as if personally served on the nonresident in this state.

Sec. 82. Section 321.555, unnumbered paragraph 1, Code 2014, is amended to read as follows:

As used in this ~~division~~ section and sections 321.556

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1 through 321.562, *"habitual offender"* means any person who has
2 accumulated convictions for separate and distinct offenses
3 described in subsection 1, 2, or 3, committed after July 1,
4 1974, for which final convictions have been rendered, as
5 follows:
6 Sec. 83. Section 321.562, Code 2014, is amended to read as
7 follows:
8 **321.562 Rule of construction.**
9 Nothing in sections 321.555 through 321.561 or this
10 ~~division~~ section shall be construed as amending, modifying, or
11 repealing any existing law of this state or any ordinance of
12 any political subdivision relating to the operation of motor
13 vehicles, the licensing of persons to operate motor vehicles,
14 or providing penalties for the violation thereof.
15 Sec. 84. Section 321A.8, Code 2014, is amended to read as
16 follows:
17 **321A.8 Application to unlicensed drivers and unregistered**
18 **motor vehicles.**
19 In case the operator or the owner of a motor vehicle
20 involved in an accident within this state has no license or
21 registration, the operator or owner shall not be allowed
22 a license or registration until the operator or owner has
23 complied with the requirements of sections 321A.4 ~~to~~ through
24 321A.7, this section, and sections 321A.9 through 321A.11 to
25 the same extent that would be necessary if, at the time of
26 the accident, the operator or owner had held a license and
27 registration.
28 Sec. 85. Section 321A.9, subsection 1, Code 2014, is amended
29 to read as follows:
30 1. The security required under sections 321A.4 ~~to~~ through
31 321A.8, this section, and sections 321A.10 and 321A.11 shall be
32 in such form and in such amount as the department may require
33 but in no case in excess of the limits specified in section
34 321A.5 in reference to the acceptable limits of a policy or
35 bond. The person depositing security shall specify in writing

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the person or persons on whose behalf the deposit is made and, at any time while such deposit is in the custody of the department or state treasurer, the person depositing it may, in writing, amend the specification of the person or persons on whose behalf the deposit is made to include an additional person or persons; provided, however, that a single deposit of security shall be applicable only on behalf of persons required to furnish security because of the same accident.

Sec. 86. Section 321A.10, Code 2014, is amended to read as follows:

321A.10 Custody, disposition, and return of security.

Security deposited in compliance with the requirements of sections 321A.4 ~~to~~ through 321A.9, this section, and section 321A.11 shall be placed by the department in the custody of the state treasurer and shall be applicable only to the payment of a judgment or judgments rendered against the person or persons on whose behalf the deposit was made, for damages arising out of the accident in question in an action at law, begun not later than one year after the date of such accident, or within one year after the date of deposit of any security under subsection 3 of section 321A.7, and such deposit or any balance thereof shall be returned to the depositor or the depositor's personal representative when evidence satisfactory to the department has been filed with the department that there has been a release from liability, or a final adjudication of nonliability, or a warrant for confession of judgment, or a duly acknowledged agreement, in accordance with subsection 4 of section 321A.6, or whenever, after the expiration of one year from the date of the accident, or within one year after the date of deposit of any security under subsection 3 of section 321A.7, the department shall be given reasonable evidence that there is no such action pending and no judgment rendered in such action left unpaid.

Sec. 87. Section 321A.13, subsection 3, Code 2014, is amended to read as follows:

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1 3. Any person whose license, registration, or nonresident's
2 operating privilege has been suspended or is about to be
3 suspended or shall become subject to suspension under the
4 provisions of sections 321A.12 ~~to~~, this section, and sections
5 321A.14 through 321A.29 may be relieved from the effect of such
6 judgment as hereinbefore prescribed in said sections by filing
7 with the department an affidavit stating that at the time of
8 the accident upon which such judgment has been rendered the
9 affiant was insured, that the insurer is liable to pay such
10 judgment, and the reason, if known, why such insurance company
11 has not paid such judgment. Such a person shall also file
12 the original policy of insurance or a certified copy thereof,
13 if available, and such other documents as the department may
14 require to show that the loss, injury, or damage for which such
15 judgment was rendered, was covered by such policy of insurance.
16 If the department is satisfied from such papers that such
17 insurer was authorized to issue such policy of insurance at the
18 time and place of issuing such policy and that such insurer is
19 liable to pay such judgment, at least to the extent and for
20 the amounts required in this chapter, the department shall not
21 suspend such license or registration or nonresident's operating
22 privilege, or if already suspended shall reinstate them.
23 Sec. 88. Section 321J.17, subsection 3, Code 2014, is
24 amended to read as follows:
25 3. The department shall also require certification of
26 installation of an ignition interlock device of a type approved
27 by the commissioner of public safety on all motor vehicles
28 owned or operated by any person seeking reinstatement following
29 a second or subsequent revocation under section 321J.4,
30 321J.9, or 321J.12. The requirement for the installation of
31 an approved ignition interlock device shall be for one year
32 from the date of reinstatement unless a longer time period
33 is required by statute. The one-year period a person is
34 required to maintain an ignition interlock device under this
35 subsection shall be reduced by any period of time the person

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1 held a valid temporary restricted license during the period
2 of the revocation for the occurrence from which the arrest
3 arose. The person shall not operate any motor vehicle which
4 is not equipped with an approved ignition interlock device
5 during the period in which an ignition interlock device must be
6 maintained, and the department shall not grant reinstatement
7 unless the person certifies installation of an ignition
8 interlock device as required in this subsection.
9 Sec. 89. Section 331.301, subsection 6, paragraph b, Code
10 2014, is amended to read as follows:
11 *b.* A county shall not impose any fee or charge on any
12 individual or business licensed by the plumbing and mechanical
13 systems board for the right to perform plumbing, mechanical,
14 HVAC, refrigeration, sheet metal, or hydronic systems work
15 within the scope of the license. This paragraph does not
16 prohibit a county from charging fees for the issuance of
17 permits for, and inspections of, work performed in its
18 jurisdiction.
19 Sec. 90. Section 364.3, subsection 3, paragraph b, Code
20 2014, is amended to read as follows:
21 *b.* A city shall not impose any fee or charge on any
22 individual or business licensed by the plumbing and mechanical
23 systems board for the right to perform plumbing, mechanical,
24 HVAC, refrigeration, sheet metal, or hydronic systems work
25 within the scope of the license. This paragraph does not
26 prohibit a city from charging fees for the issuance of permits
27 for, and inspections of, work performed in its jurisdiction.
28 Sec. 91. Section 384.3A, subsection 3, paragraph j, Code
29 2014, is amended to read as follows:
30 *j.* For franchise fees assessed and collected by a city in
31 excess of five percent of gross revenues generated from sales
32 of the franchisee within the city pursuant to section 364.2,
33 subsection 4, paragraph *"f"*, subparagraph (1), subparagraph
34 division (b), during fiscal years beginning on or after July
35 1, 2013, but before July 1, 2030, the adjustment, renewal,

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1 or extension of any part or all of the legal indebtedness of
2 a city, whether evidenced by bonds, warrants, court-approved
3 settlements, court-approved compromises, or judgments, or the
4 funding or refunding of the same, if such legal indebtedness
5 relates to restitution, a refund, or a return ordered by a
6 court of competent jurisdiction for franchise fees assessed and
7 collected by the city before June ~~30~~ 20, 2013. This paragraph
8 *"j"* is repealed July 1, 2030.
9 Sec. 92. Section 422.32, subsection 1, Code 2014, is amended
10 by adding the following new paragraph:
11 NEW PARAGRAPH. *0g. "Income from sources within this state"*
12 means income from real, tangible, or intangible property
13 located or having a situs in this state.
14 Sec. 93. Section 422.33, subsection 1, unnumbered paragraph
15 2, Code 2014, is amended by striking the unnumbered paragraph.
16 Sec. 94. Section 423A.6, subsection 1, Code 2014, is amended
17 to read as follows:
18 1. The director of revenue shall administer the state and
19 local hotel and motel tax as nearly as possible in conjunction
20 with the administration of the state sales tax law, except
21 that portion of the law which implements the streamlined sales
22 and use tax agreement. The director shall provide appropriate
23 forms, or provide on the regular state tax forms, for reporting
24 state and local hotel and motel tax liability. All moneys
25 received or refunded one hundred eighty days after the date
26 on which a city or county terminates its local hotel and
27 motel tax and all moneys received from the state hotel and
28 motel tax shall be deposited in or withdrawn from the general
29 fund of the state. Beginning the first day of the calendar
30 quarter beginning on the reinvestment district's commencement
31 date, the director of revenue shall, subject to remittance
32 limitations established by the economic development authority
33 board pursuant to section 15J.4, subsection 3, transfer from
34 the general fund of the state to a district account created
35 in the state reinvestment district fund for each reinvestment

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1 district established under chapter 15J, the amount of the new
2 state hotel and motel tax revenue, determined in section 15J.5,
3 subsection 2, paragraph "b", in the district. Such transfers
4 shall cease pursuant to section 15J.8.
5 Sec. 95. Section 433.2, Code 2014, is amended to read as
6 follows:
7 **433.2 Additional statement.**
8 Upon the receipt of ~~said~~ the statements required in section
9 433.1 from the several companies, the director of revenue
10 shall examine ~~said~~ the statements ~~and if~~. If the director
11 ~~shall deem~~ deems the ~~same~~ statements insufficient and that
12 further information is requisite, the director shall require
13 the officer making ~~same~~ the statements to make such other or
14 further statement as the director may desire.
15 Sec. 96. Section 433.4, subsection 1, Code 2014, is amended
16 to read as follows:
17 1. The director of revenue shall on or before October 31
18 each year, ~~proceed to~~ find the actual value of the property
19 of ~~these~~ telegraph and telephone companies in this state that
20 is used by the companies in the transaction of telegraph and
21 telephone business, taking into consideration the information
22 obtained from the statements required, and any further
23 information the director can obtain, using the same as a means
24 for determining the actual value of the property of ~~these~~ the
25 companies within this state. The director shall also take
26 into consideration the valuation of all property of ~~these~~ the
27 companies, including franchises and the use of the property
28 in connection with lines outside the state, and making these
29 deductions as may be necessary on account of extra value of
30 property outside the state as compared with the value of
31 property in the state, in order that the actual value of the
32 property of the company within this state may be ascertained.
33 The assessment shall include all property of every kind
34 and character whatsoever, real, personal, or mixed, used by
35 the companies in the transaction of telegraph and telephone

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business. The property so included in the assessment shall not be taxed in any other manner than as provided in this chapter.

Sec. 97. Section 437A.3, subsection 18, paragraph a, subparagraph (2), Code 2014, is amended to read as follows:

(2) An electric power generating plant where the acquisition cost of all interests acquired exceeds ten million dollars. For purposes of this ~~paragraph~~ subparagraph, *"electric power generating plant"* means each nameplate rated electric power generating plant owned solely or jointly by any person or electric power facility financed under the provisions of chapter 28F or 476A in which electrical energy is produced from other forms of energy, including all equipment used in the production of such energy through its step-up transformer.

Sec. 98. Section 441.4, Code 2014, is amended to read as follows:

441.4 Removal of member.

A member of this examining board may be removed by the voting unit of the conference board by which the member was appointed but only after specific charges have been filed and a public hearing held, if a public hearing is requested by the discharged member of the board. Subsequent appointments and an appointment to fill a vacancy shall be made in the same way as the original appointment.

Sec. 99. Section 452A.6A, subsection 2, Code 2014, is amended to read as follows:

2. A refiner, supplier, terminal operator, or terminal owner who in the ordinary course of business sells or transports a conventional blendstock for oxygenate blending, gasoline unblended or blended with a biofuel, or diesel fuel unblended or blended with a biofuel shall not refuse to sell or transport to a distributor or dealer any conventional blendstock for oxygenate blending, unblended gasoline, or unblended diesel fuel that is at the terminal, based on the distributor's or dealer's intent to use the conventional blendstock for oxygenate blending~~,~~ or to blend the gasoline or

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diesel fuel with a biofuel.

Sec. 100. Section 455A.20, subsection 2, Code 2014, is amended to read as follows:

2. The duties of the county resource enhancement committee are to coordinate the resource enhancement program, plans, and proposed projects developed by cities, county conservation board, and soil and water conservation district commissioners for funding under this ~~division~~ subchapter. The county committee shall review and comment upon all projects before they are submitted for funding under section 455A.19. Each county committee shall propose a five-year program plan which includes a one-year proposed expenditure plan and submit it to the department.

Sec. 101. Section 461.1, Code 2014, is amended to read as follows:

461.1 Title.

This ~~Act~~ chapter shall be known and may be cited as the *"Natural Resources and Outdoor Recreation Act"*.

Sec. 102. Section 462A.49, Code 2014, is amended to read as follows:

462A.49 Prohibited use of "applied for" card.

~~No~~ A manufacturer or dealer shall not permit the use of ~~such~~ a "registration applied for" card unless an application for a registration certificate has been made.

Sec. 103. Section 462A.77, subsections 4 and 9, Code 2014, are amended to read as follows:

4. Every owner of a vessel subject to titling under this chapter shall apply to the county recorder for issuance of a certificate of title for the vessel within thirty days after acquisition. The application shall be on forms the department prescribes, and accompanied by the required fee. The application shall be signed and sworn to before a notarial officer as provided in chapter 9B ~~or other person who administers oaths,~~ or shall include a certification signed in writing containing substantially the representation

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that statements made are true and correct to the best of the applicant's knowledge, information, and belief, under penalty of perjury. The application shall contain the date of sale and gross price of the vessel or the fair market value if no sale immediately preceded the transfer, and any additional information the department requires. If the application is made for a vessel last previously registered or titled in another state or foreign country, it shall contain this information and any other information the department requires.

9. A person who owns a vessel which is not required to have a certificate of title may apply for and receive a certificate of title for the vessel and the vessel shall subsequently be subject to the requirements of this ~~division~~ subchapter as though the vessel was required to be titled.

Sec. 104. Section 466.9, subsection 1, Code 2014, is amended to read as follows:

1. An on-site wastewater systems assistance fund is established as a separate fund in the state treasury under the control of the department of natural resources. Moneys in the fund are appropriated to the department of natural resources for the exclusive purpose of supporting and administering the on-site wastewater systems assistance program as established in section 466.8.

Sec. 105. Section 466.9, subsection 3, paragraph a, subparagraph (1), Code 2014, is amended to read as follows:

(1) The financing account which shall be used for the exclusive purpose of providing financing to homeowners ~~with~~ for improving on-site wastewater systems under the on-site wastewater systems assistance program.

Sec. 106. Section 468.69, Code 2014, is amended to read as follows:

468.69 Bonds received for assessments.

Bonds issued for the cost of construction, maintenance, or repair of any drainage or levee district, or for the refunding of any obligation of such district~~,~~ may be acquired by any

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1 taxpayer or group of taxpayers of such district~~,~~ and applied
2 at their face value in the order of their priority, if any
3 priority exists between bonds of the same issue, upon the
4 payment of the delinquent ~~and/or~~ or future assessments levied
5 against the property of such taxpayers to pay off the bonds so
6 acquired~~; the~~. The interest coupons attached to such bonds~~,~~
7 may likewise be applied at their face value to the payment of
8 assessments for interest accounts, delinquent or future.
9 Sec. 107. Section 490.728, subsection 1, Code 2014, is
10 amended to read as follows:
11 1. Unless otherwise provided in the articles of
12 incorporation, directors are elected by a plurality of the
13 votes cast by the shares entitled to ~~vote~~ be voted in the
14 election at a meeting at which a quorum is present.
15 Sec. 108. Section 490.728, subsection 4, unnumbered
16 paragraph 1, Code 2014, is amended to read as follows:
17 Shares otherwise entitled to ~~vote~~ be voted cumulatively
18 shall not be voted cumulatively at a particular meeting unless
19 any of the following applies:
20 Sec. 109. Section 490.860, subsection 6, paragraph b, Code
21 2014, is amended to read as follows:
22 *b.* If the transaction is not brought before the board of
23 directors of the corporation, or its committee, for action
24 under section 490.862, ~~at~~ the time at which the corporation,
25 or an entity controlled by the corporation, becomes legally
26 obligated to consummate the transaction.
27 Sec. 110. Section 499.66, subsection 2, paragraph c, Code
28 2014, is amended to read as follows:
29 *c.* The fair value of a dissenting member's interest in the
30 old association shall be determined as of the day preceding
31 the merger or consolidation by taking the lesser of either
32 the issue price of the dissenting member's membership, common
33 stock, deferred patronage dividends, and preferred stock, or
34 the amount determined by subtracting the old association's
35 debts from the fair market value of the old association's

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assets, dividing the remainder by the total issue price of all memberships, common stock, preferred stock, and revolving funds, and then multiplying the quotient from this ~~division~~ equation by the total issue price of a dissenting member's membership, common stock, preferred stock, and revolving fund interest.

Sec. 111. Section 501.616, subsection 3, Code 2014, is amended to read as follows:

3. The fair value of a dissenting member's interest in the old cooperative shall be determined as of the day preceding the merger or consolidation by taking the lesser of either the issue price of the dissenting member's membership, deferred patronage, and any other interests in the cooperative, or the amount determined by subtracting the old cooperative's debts from the fair market value of the old cooperative's assets, dividing the remainder by the total issue price of all memberships, deferred patronage, and all other interests, and then multiplying the quotient from this ~~division~~ equation by the total issue price of a dissenting member's membership, deferred patronage, and other interests.

Sec. 112. Section 501B.7, subsection 7, Code 2014, is amended to read as follows:

7. A statement of authority filed ~~by~~ in the office of the county recorder as provided in subsection 2 is effective until amended or canceled, unless an earlier cancellation date is specified in the statement.

Sec. 113. Section 502.412, subsection 3, Code 2014, is amended to read as follows:

3. *Disciplinary penalties — registrants.* If the administrator finds that the order is in the public interest and subsection 4, paragraphs *"a"* through *"f"*, *"h"*, *"i"*, *"j"*, *"l"*, or *"m"*, authorizes the action, an order under this chapter may censure, impose a bar, or impose a civil penalty in an amount not to exceed a maximum of ten thousand dollars for a single violation or one million dollars for more than one

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1 violation, or in an amount as agreed to by the parties, on
2 a registrant, and, if the registrant is a broker-dealer or
3 investment adviser, on a partner, officer, director, or person
4 having a similar status or performing similar functions,
5 or on a person directly or indirectly in control, of the
6 broker-dealer or investment adviser.
7 Sec. 114. Section 508C.3, subsection 1, paragraph e, Code
8 2014, is amended by striking the paragraph.
9 Sec. 115. Section 508C.3, subsection 1, paragraph f, Code
10 2014, is amended to read as follows:
11 *f.* ~~Coverage under this chapter shall be provided to a~~ A
12 person who is a resident of this state and, only in special
13 circumstances, to a nonresident. In order to avoid duplicate
14 coverage, if a person who would otherwise receive coverage
15 under this chapter is provided coverage under the laws of
16 any other state, that person shall not be provided coverage
17 under this chapter. In determining the application of the
18 provisions of this paragraph in situations where a person could
19 be provided coverage by the association of more than one state,
20 whether as an owner, payee, beneficiary, or assignee, this
21 chapter shall be construed in conjunction with other state laws
22 to result in coverage by the association of only one state.
23 Sec. 116. Section 508C.3, Code 2014, is amended by adding
24 the following new subsection:
25 NEW SUBSECTION. 2A. Coverage under this chapter shall not
26 be provided to any of the following:
27 *a.* A person who is a payee, or the beneficiary of a payee
28 if the payee is deceased, of a contract owner who is a resident
29 of this state, if the payee or the beneficiary of the payee is
30 provided any coverage by the association of another state.
31 *b.* A person who is covered pursuant to subsection 1,
32 paragraph *"c"* if that person is provided any coverage by the
33 association of another state.
34 Sec. 117. Section 514I.8, subsection 2, paragraph c, Code
35 2014, is amended to read as follows:

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1 *c.* Is a member of a family whose income does not exceed
2 three hundred percent of the federal poverty level, as defined
3 in 42 U.S.C. § 9902(2), including any revision required by
4 such section, and in accordance with the federal Children's
5 Health Insurance Program Reauthorization Act of 2009, Pub. L.
6 No. 111-3. The modified adjusted gross income methodology
7 prescribed in section 2101 of the federal Patient Protection
8 and Affordable Care Act, Pub. L. No. 111-148, shall be used to
9 determine family income under this paragraph.
10 Sec. 118. Section 515.35, subsection 4, paragraphs n and o,
11 Code 2014, are amended to read as follows:
12 *n. Other investments.*
13 (1) A company organized under this chapter may invest up to
14 five percent of its admitted assets in securities or property
15 of any kind, without restrictions or limitations except those
16 imposed on business corporations in general.
17 (2) A company organized under this chapter may invest
18 its assets in any additional forms not specifically included
19 in paragraphs *"a"* through ~~*"o"*~~ *"m"* and this paragraph when
20 authorized by rules adopted by the commissioner.
21 ~~*o. Rules.* The commissioner may adopt rules pursuant to~~
22 ~~chapter 17A to carry out the purposes and provisions of this~~
23 ~~section.~~
24 Sec. 119. Section 515.35, Code 2014, is amended by adding
25 the following new subsection:
26 NEW SUBSECTION. 5. *Rules.* The commissioner may adopt
27 rules pursuant to chapter 17A to carry out the purposes and
28 provisions of this section.
29 Sec. 120. Section 521B.104, subsection 2, paragraph b, Code
30 2014, is amended to read as follows:
31 *b.* Is regulated, supervised, and examined by United States
32 federal or state authorities having regulatory authority over
33 banks and trust companies.
34 Sec. 121. Section 535.2, subsection 1, unnumbered paragraph
35 1, Code 2014, is amended to read as follows:

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1 Except as provided in subsection 2 ~~hereof~~, the rate of
2 interest shall be five cents on the hundred by the year in the
3 following cases, unless the parties shall agree in writing
4 for the payment of interest at a rate not exceeding the rate
5 permitted by subsection 3:
6 Sec. 122. Section 543B.20, Code 2014, is amended to read as
7 follows:
8 **543B.20 Examination.**
9 Examinations for ~~registration~~ a license shall be given as
10 often as deemed necessary by the real estate commission, but
11 no less than one time per year. Each applicant for a license
12 must pass an examination authorized by the commission and
13 administered by the commission or persons designated by the
14 commission. The examination shall be of scope and wording
15 sufficient in the judgment of the commission to establish
16 the competency of the applicant to act as a real estate
17 broker or salesperson in a manner to protect the interests of
18 the public. An examination for a real estate broker shall
19 be of a more exacting nature than that for a real estate
20 salesperson and require higher standards of knowledge of real
21 estate. The identity of the persons taking the examinations
22 shall be concealed until after the examination has been
23 graded. A person who fails to pass either examination once
24 may immediately apply to take the next available examination.
25 Thereafter, the applicant may take the examination at the
26 discretion of the commission. An applicant who has failed
27 either examination may request in writing information from the
28 commission concerning the applicant's examination grade and
29 subject areas or questions which the applicant failed to answer
30 correctly, except that if the commission administers a uniform,
31 standardized examination, the commission is only required to
32 provide the examination grade and other information concerning
33 the applicant's examination results which is available to the
34 commission.
35 Sec. 123. Section 543B.46, subsections 2 and 3, Code 2014,

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1 are amended to read as follows:
2 2. Each broker shall notify the real estate commission of
3 the name of each bank ~~or~~, savings association, or credit union
4 in which a trust account is maintained and also the name of the
5 account on forms provided therefor.
6 3. Each broker shall authorize the real estate commission to
7 examine each trust account and shall obtain the certification
8 of the bank ~~or~~, savings association, or credit union attesting
9 to each trust account and consenting to the examination and
10 audit of each account by a duly authorized representative
11 of the commission. The certification and consent shall
12 be furnished on forms prescribed by the commission. This
13 subsection does not apply to an individual farm account
14 maintained in the name of the owner or owners for the purpose
15 of conducting ongoing farm business whether it is conducted by
16 the farm owner or by an agent or farm manager when the account
17 is part of a farm management agreement between the owner and
18 agent or manager. This subsection also does not apply to an
19 individual property management account maintained in the name
20 of the owner or owners for the purpose of conducting ongoing
21 property management whether it is conducted by the property
22 owner or by an agent or manager when the account is part of a
23 property management agreement between the owner and agent or
24 manager.
25 Sec. 124. Section 554.3312, subsection 2, paragraph a, Code
26 2014, is amended to read as follows:
27 *a.* The claim becomes enforceable at the later of ~~(i)~~ the
28 time the claim is asserted, or ~~(ii)~~ the ninetieth day following
29 the date of the check, in the case of a cashier's check or
30 teller's check, or the ninetieth day following the date of the
31 acceptance, in the case of a certified check.
32 Sec. 125. Section 554.3504, subsection 1, Code 2014, is
33 amended to read as follows:
34 1. Presentment for payment or acceptance of an instrument
35 is excused if the person entitled to present the instrument

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1 cannot with reasonable diligence make presentment~~,~~; the maker
2 or acceptor has repudiated an obligation to pay the instrument
3 or is dead or in insolvency proceedings~~,~~; by the terms of
4 the instrument presentment is not necessary to enforce the
5 obligation of endorsers or the drawer~~,~~; the drawer or endorser
6 whose obligation is being enforced has waived presentment or
7 otherwise has no reason to expect or right to require that the
8 instrument be paid or accepted~~,~~; or the drawer instructed the
9 drawee not to pay or accept the draft or the drawee was not
10 obligated to the drawer to pay the draft.
11 Sec. 126. Section 554.9502, subsection 3, paragraph c, Code
12 2014, is amended to read as follows:
13 *c.* the record satisfies the requirements for a financing
14 statement in this section, but~~:~~
15 (1) the record need not indicate that it is to be filed in
16 the real property records; and
17 (2) the record sufficiently provides the name of a debtor
18 who is an individual if it provides the individual name of the
19 debtor or the surname and first personal name of the debtor,
20 even if the debtor is an individual to whom section 554.9503,
21 subsection 1, paragraph *"d"* applies; and
22 Sec. 127. Section 559.2, unnumbered paragraph 1, Code 2014,
23 is amended to read as follows:
24 The term *"power to appoint"* as used in ~~section 559.1~~ this
25 chapter, shall mean and include all powers which are in
26 substance and effect powers of appointment, regardless of the
27 language used in creating them and whether they are:
28 Sec. 128. Section 572.13A, subsection 3, paragraphs a and c,
29 Code 2014, are amended to read as follows:
30 *a.* At the time a notice of commencement of work is posted
31 on the mechanics' notice and lien registry internet site,
32 the administrator shall assign a mechanics' notice and lien
33 registry number and send a copy of the owner notice described
34 in section 572.13. The owner notice shall contain the
35 following language:

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1 Persons or companies furnishing labor or materials for the
2 improvement of real property may enforce a lien upon the
3 improved property if they are not paid for their contributions,
4 even if the parties have no direct contractual relationship
5 with the owner. The mechanics' notice and lien registry
6 internet site provides a listing of all persons or companies
7 furnishing labor or materials who have posted a lien or who
8 may post a lien upon the improved property. If the person or
9 company has posted its notice or lien to the mechanics' notice
10 and lien registry internet site, you may be required to pay the
11 person or company even if you have paid the general contractor
12 the full amount due. Therefore, check the mechanics' notice
13 and lien registry internet site for information about the
14 property including persons or companies furnishing labor or
15 materials before paying your general contractor. In addition,
16 when making payment to your general contractor, it is important
17 to obtain lien waivers from your general contractor and
18 from persons or companies registered as furnishing labor or
19 materials to your property. The information in the mechanics'
20 notice and lien registry is posted on the internet site of the
21 mechanics' notice and lien registry.
22 *c.* The notice described in subsection 1 shall be sent
23 to the owner's address as posted to the mechanics' notice
24 and lien registry internet site by the general contractor,
25 owner-builder, or subcontractor. If the owner's address is
26 different than the property address, a copy of the notice shall
27 also be sent to the property address, addressed to the owner
28 if a mailing address has been assigned to the property by the
29 United States postal service.
30 Sec. 129. Section 572.13B, subsection 2, Code 2014, is
31 amended to read as follows:
32 2. At the time a preliminary notice is posted to the
33 mechanics' notice and lien registry internet site, the
34 administrator shall send notification to the owner, including
35 the owner notice described in section 572.13, subsection 1,

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1 and shall post the mailing of the notice on the mechanics'
2 notice and lien registry internet site as prescribed by the
3 administrator pursuant to rule. Notices under this section
4 shall not be sent to owner-builders. Upon request, the
5 administrator shall provide proof of service at no cost for the
6 notice required under this section.
7 Sec. 130. Section 572.33A, subsection 1, unnumbered
8 paragraph 1, Code 2014, is amended to read as follows:
9 An owner of a building, land, or improvement upon which
10 a mechanic's lien of a subcontractor may be posted~~,~~ is not
11 required to pay the general contractor ~~for~~ compensation for
12 work done or material furnished for the building, land, or
13 improvement until the expiration of ninety days after the
14 completion of the building or improvement unless the general
15 contractor furnishes to the owner one of the following:
16 Sec. 131. Section 572.34, subsection 6, Code 2014, is
17 amended to read as follows:
18 6. The administrator shall charge and collect fees as
19 established by rule necessary for the administration and
20 maintenance of the registry and the registry's internet
21 site. The administrator shall not charge a posting fee for
22 a preliminary notice required pursuant to this chapter that
23 exceeds the cost of sending such notice by certified mail with
24 restricted delivery and return receipt. The administrator
25 shall not charge a posting fee that exceeds forty dollars for a
26 mechanic's lien ~~that exceeds forty dollars~~.
27 Sec. 132. Section 589.4, Code 2014, is amended to read as
28 follows:
29 **589.4 Acknowledgments by corporation officers.**
30 The acknowledgments of all deeds, mortgages, or other
31 instruments in writing taken or certified more than ten years
32 earlier, which instruments have been recorded in the recorder's
33 office of any county of this state, including acknowledgments
34 of instruments made by a corporation, or to which the
35 corporation was a party, or under which the corporation was

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a beneficiary, and which have been acknowledged before or certified by a notarial officer as provided in chapter 9B who was at the time of the acknowledgment or certifying a stockholder or officer in the corporation, are legal and valid official acts of the ~~notaries public~~ notarial officers, and entitle the instruments to be recorded, anything in the laws of the state of Iowa in regard to acknowledgments to the contrary notwithstanding. This section does not affect pending litigation.

Sec. 133. Section 589.5, Code 2014, is amended to read as follows:

589.5 Acknowledgments by stockholders.

All deeds and conveyances of lands within this state executed more than ten years earlier, but which have been acknowledged or proved according to and in compliance with the laws of this state before a notarial officer as provided in chapter 9B ~~or other official authorized by law to take acknowledgments~~ who was, at the time of the acknowledgment, an officer or stockholder of a corporation interested in the deed or conveyance, or otherwise interested in the deeds or conveyances, are, if otherwise valid, valid in law as though acknowledged or proved before an officer not interested in the deeds or conveyances; and if recorded more than ten years earlier, in the respective counties in which the lands are, the records are valid in law as though the deeds and conveyances, so acknowledged or proved and recorded, had, prior to being recorded, been acknowledged or proved before ~~an~~ a notarial officer having no interest in the deeds or conveyances.

Sec. 134. Section 602.8103A, subsection 3, Code 2014, is amended to read as follows:

3. If a request is made pursuant to subsection 1, ~~within seven days of the filing of the final briefs in the appeal,~~ the clerk of the district court shall transmit any of the remaining record to the clerk of the supreme court within seven days of the filing of the final briefs in the appeal.

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1 Sec. 135. Section 602.11105, subsection 1, unnumbered
2 paragraph 1, Code 2014, is amended to read as follows:
3 Commencing one year prior to each category of employees
4 becoming state employees as a result of ~~this Act~~ 1983 Acts, ch.
5 186, new employees shall not be hired and vacancies shall not
6 be filled, except as provided in subsection 2, with respect to
7 any of the following agencies or positions:
8 Sec. 136. Section 602.11106, Code 2014, is amended to read
9 as follows:
10 **602.11106 Employee reclassification moratorium.**
11 Commencing one year prior to county employees becoming state
12 employees as a result of ~~this Act~~ 1983 Acts, ch. 186, the
13 county employees shall not be promoted or demoted, and shall
14 not be subject to a reduction in salary or a reduction in other
15 employee benefits, except after approval by the chief judge
16 of the judicial district. An employer wishing to take any of
17 these actions shall apply to the chief judge in a writing that
18 discloses the proposed action, the reasons for the action,
19 and the statutory or other authority for the action. The
20 chief judge shall not approve any proposed action that is in
21 violation of an employee's rights or that is extraordinary
22 when compared with customary practices and procedures of the
23 employer. The chief judge shall obtain the advice of the
24 district judges of the judicial district respecting decisions
25 to be made under this section.
26 Sec. 137. Section 602.11107, subsections 1 and 5, Code 2014,
27 are amended to read as follows:
28 1. Commencing on the date when each category of employees
29 becomes state employees as a result of ~~this Act~~ 1983 Acts,
30 ch. 186, public property referred to in subsection 2 that on
31 the day prior to that date is in the custody of a person or
32 agency referred to in subsection 3 shall not become property
33 of the judicial branch but shall be devoted for the use of
34 the judicial branch in its course of business. The judicial
35 branch shall only be responsible for maintenance contracts or

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1 contracts for purchase entered into by the judicial branch.
2 Upon replacement of the property by the judicial branch, the
3 property shall revert to the use of the appropriate county.
4 However, if the property is personal property of a historical
5 nature, the property shall not become property of the judicial
6 branch, and the county shall make the property available to
7 the judicial branch for the judicial branch's use within the
8 county courthouse until the court no longer wishes to use the
9 property, at which time the property shall revert to the use of
10 the appropriate county.
11 5. Personal property of a type that is subject to
12 subsections 1 through 3 shall be subject to the control of the
13 chief judge of the judicial district commencing on the date
14 when each category of employees becomes state employees as a
15 result of ~~this Act~~ 1983 Acts, ch. 186. On and after that date
16 the chief judge of the judicial district may issue necessary
17 orders to preserve the use of the property by the district
18 court. Commencing on that date, the chief judge, subject
19 to the direction of the supreme court, shall establish and
20 maintain an inventory of property used by the district court.
21 Sec. 138. Section 631.8, subsections 4, 5, and 6, Code 2014,
22 are amended to read as follows:
23 4. In small claims actions, a counterclaim, cross claim,
24 or intervention in a greater amount than that of a small claim
25 shall be in the form of a regular pleading. A copy shall be
26 filed for each existing party. New parties, when permitted by
27 order, may be brought in under rule of civil procedure 1.246
28 and shall be given notice under the rules of civil procedure
29 pertaining to commencement of actions. The court shall either
30 order such counterclaim, cross claim, or intervention to be
31 tried by regular procedure and the other claim to be heard
32 under this ~~division~~ chapter, or order the entire action to be
33 tried by regular procedure.
34 5. In regular action, when a party joins a small claim with
35 one which is not a small claim, regular procedure shall apply

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to both unless the court transfers the small claim to the small claims docket for hearing under this ~~division~~ chapter.

6. In regular actions, a counterclaim, cross claim, or intervention in the amount of a small claim shall be pleaded, tried, and determined by regular procedure, unless the court transfers the small claim to the small claims docket for hearing under this ~~division~~ chapter.

Sec. 139. Section 633.304, subsection 2, Code 2014, is amended to read as follows:

2. On admission of a will to probate, the executor, as soon as letters are issued, shall cause notice to be published once each week for two consecutive weeks in a daily or weekly newspaper of general circulation published in the county in which the estate is pending and at any time during the pendency of administration that the executor has knowledge of the name and address of a person believed to own or possess a claim which will not or may not be paid or otherwise satisfied during administration, provide notice by ordinary mail to each such claimant at the claimant's last known address, and as soon as practicable give notice, except to any executor, by ordinary mail to the surviving spouse, each heir of the decedent, and each devisee under the will admitted to probate whose identities are reasonably ascertainable, at such persons' last known addresses, ~~a~~ that gives notice of admission of the will to probate and of the appointment of the executor~~, in which~~. In the notice shall be included a notice that any action to set aside the probate of the will must be brought within the later to occur of four months from the date of the second publication of the notice or one month from the date of mailing of this notice or thereafter be forever barred, ~~and in which shall be included~~ a notice to debtors to make payment, and a notice to creditors having claims against the estate to file them with the clerk within four months from the second publication of the notice, or thereafter be forever barred.

Sec. 140. Section 656.3, subsection 2, Code 2014, is amended

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1 to read as follows:
2 2. The notice provided for in section 656.2 may be served on
3 a judgment creditor of a deceased ~~vendor~~ vendee or on any other
4 person who is, as a matter of record, interested in the estate
5 of a deceased ~~vendor~~ vendee in the manner provided in section
6 654.4A, subsections 4 and 5.
7 Sec. 141. Section 692A.101, subsection 1, paragraph b, Code
8 2014, is amended to read as follows:
9 *b.* Any conviction for an offense specified in the laws
10 of another jurisdiction or ~~any conviction for an offense~~
11 prosecuted in federal, military, or foreign court~~,~~ that is
12 comparable to an offense listed in paragraph *"a"* shall be
13 considered an aggravated offense for purposes of registering
14 under this chapter.
15 Sec. 142. Section 692A.101, subsection 2, paragraph b, Code
16 2014, is amended to read as follows:
17 *b.* Any offense specified in the laws of another jurisdiction
18 or prosecuted in a federal, military, or foreign court~~,~~ that
19 is comparable to an offense listed in paragraph *"a"* shall be
20 considered an aggravated offense against a minor if such an
21 offense was committed against a minor or otherwise involves a
22 minor.
23 Sec. 143. Section 692A.102, subsection 1, paragraph a,
24 subparagraph (18), Code 2014, is amended to read as follows:
25 (18) Any sex offense specified in the laws of another
26 jurisdiction, or any sex offense that may be prosecuted in
27 federal, military, or foreign court, that is comparable to an
28 offense listed in subparagraphs (1) through (17).
29 Sec. 144. Section 692A.102, subsection 1, paragraph b,
30 subparagraph (28), Code 2014, is amended to read as follows:
31 (28) Any sex offense specified in the laws of another
32 jurisdiction, or any sex offense that may be prosecuted in a
33 federal, military, or foreign court, that is comparable to an
34 offense listed in subparagraphs (1) through (27).
35 Sec. 145. Section 692A.102, subsection 1, paragraph c,

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subparagraph (41), Code 2014, is amended to read as follows:

(41) Any sex offense specified in the laws of another jurisdiction, or any sex offense that may be prosecuted in federal, military, or foreign court, that is comparable to an offense listed in subparagraphs (1) through (40).

Sec. 146. Section 702.17, Code 2014, is amended to read as follows:

702.17 Sex act.

The term *"sex act"* or *"sexual activity"* means any sexual contact between two or more persons by any of the following: ~~penetration~~

1. Penetration of the penis into the vagina or anus~~; contact~~.

2. Contact between the mouth and genitalia or by contact between the genitalia of one person and the genitalia or anus of another person~~; contact~~.

3. Contact between the finger or hand of one person and the genitalia or anus of another person, except in the course of examination or treatment by a person licensed pursuant to chapter 148, 148C, 151, or 152~~; ejaculation~~.

4. Ejaculation onto the person of another~~; or by~~.

5. By use of artificial sexual organs or substitutes therefor in contact with the genitalia or anus.

Sec. 147. Section 715A.1, Code 2014, is amended to read as follows:

715A.1 Definitions.

As used in this chapter:

1. *"Credit card"* means a writing purporting to evidence an undertaking to pay for property or services delivered or rendered to or upon the order of a designated person or bearer and includes a debit card or access device used to engage in an electronic transfer of funds through a satellite terminal as defined in section 527.2, subsection 20.

~~1.~~ 2. ~~As used in this chapter the term *"writing"*~~ *"Writing"* includes printing or any other method of recording information,

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1 and includes money, coins, tokens, stamps, seals, credit
2 cards, badges, trademarks, and other symbols of value, right,
3 privilege, or identification.
4 ~~2. As used in this chapter the term *"credit card"* means~~
5 ~~a writing purporting to evidence an undertaking to pay for~~
6 ~~property or services delivered or rendered to or upon the order~~
7 ~~of a designated person or bearer and includes a debit card~~
8 ~~or access device used to engage in an electronic transfer of~~
9 ~~funds through a satellite terminal as defined in section 527.2,~~
10 ~~subsection 20.~~
11 Sec. 148. Section 715A.6, subsection 2, Code 2014, is
12 amended to read as follows:
13 2. *a.* An offense under this section is a class "C" felony
14 if the value of the property or services secured or sought to
15 be secured by means of the credit card is greater than ten
16 thousand dollars.
17 *b.* If the value of the property or services secured or
18 sought to be secured by means of the credit card is greater
19 than one thousand dollars but not more than ten thousand
20 dollars, an offense under this section is a class "D" felony~~,~~
21 ~~otherwise the~~.
22 *c.* If the value of the property or services secured
23 or sought to be secured by means of the credit card is one
24 thousand dollars or less, an offense under this section is an
25 aggravated misdemeanor.
26 Sec. 149. Section 717B.3, subsection 1, Code 2014, is
27 amended to read as follows:
28 1. A person who impounds or confines, in any place, an
29 animal is guilty of animal neglect~~,~~ if the person does any of
30 the following: ~~fails~~
31 *a.* Fails to supply the animal during confinement with a
32 sufficient quantity of food or water~~; fails~~.
33 *b.* Fails to provide a confined dog or cat with adequate
34 shelter~~; or tortures~~.
35 *c.* Tortures, deprives of necessary sustenance, mutilates,

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1 beats, or kills an animal by any means which causes unjustified
2 pain, distress, or suffering.
3 Sec. 150. Section 724.1, Code 2014, is amended to read as
4 follows:
5 **724.1 Offensive weapons.**
6 1. An offensive weapon is any device or instrumentality of
7 the following types:
8 ~~1.~~ *a.* A machine gun. A machine gun is a firearm which
9 shoots or is designed to shoot more than one shot, without
10 manual reloading, by a single function of the trigger.
11 ~~2.~~ *b.* A short-barreled rifle or short-barreled shotgun.
12 A short-barreled rifle or short-barreled shotgun is a rifle
13 with a barrel or barrels less than sixteen inches in length or
14 a shotgun with a barrel or barrels less than eighteen inches
15 in length, as measured from the face of the closed bolt or
16 standing breech to the muzzle, or any rifle or shotgun with an
17 overall length less than twenty-six inches.
18 ~~3.~~ *c.* Any weapon other than a shotgun or muzzle loading
19 rifle, cannon, pistol, revolver or musket, which fires or can
20 be made to fire a projectile by the explosion of a propellant
21 charge, which has a barrel or tube with the bore of more
22 than six-tenths of an inch in diameter, or the ammunition or
23 projectile therefor, but not including antique weapons kept for
24 display or lawful shooting.
25 ~~4.~~ *d.* A bomb, grenade, or mine, whether explosive,
26 incendiary, or poison gas; any rocket having a propellant
27 charge of more than four ounces; any missile having an
28 explosive charge of more than one-quarter ounce; or any device
29 similar to any of these.
30 ~~5.~~ *e.* A ballistic knife. A ballistic knife is a knife
31 with a detachable blade which is propelled by a spring-operated
32 mechanism, elastic material, or compressed gas.
33 ~~6.~~ *f.* Any part or combination of parts either designed
34 or intended to be used to convert any device into an
35 offensive weapon as described in ~~subsections 1 to 5 of this~~

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1 ~~section~~paragraphs "a" through "e", or to assemble into such an
2 offensive weapon, except magazines or other parts, ammunition,
3 or ammunition components used in common with lawful sporting
4 firearms or parts including but not limited to barrels suitable
5 for refitting to sporting firearms.
6 ~~7.~~ *g.* Any bullet or projectile containing any explosive
7 mixture or chemical compound capable of exploding or detonating
8 prior to or upon impact, or any shotshell or cartridge
9 containing exothermic pyrophoric misch metal as a projectile
10 which is designed to throw or project a flame or fireball to
11 simulate a flamethrower.
12 ~~8.~~ *h.* Any mechanical device specifically constructed and
13 designed so that when attached to a firearm silences, muffles,
14 or suppresses the sound when fired. However, this ~~subsection~~
15 paragraph does not apply to a mechanical device possessed and
16 used by a person solely for the purpose of shooting a deer
17 pursuant to an approved city special deer population control
18 plan if the person has a valid federal permit to possess and
19 use the mechanical device.
20 ~~9.~~ 2. An offensive weapon or part or combination of parts
21 therefor shall not include the following:
22 *a.* An antique firearm. An antique firearm is any firearm,
23 ~~(~~including any firearm with a matchlock, flintlock, percussion
24 cap, or similar type of ignition system~~)~~, manufactured in
25 or before 1898 or any firearm which is a replica of such a
26 firearm if such replica is not designed or redesigned for using
27 conventional rimfire or centerfire ammunition or which uses
28 only rimfire or centerfire fixed ammunition which is no longer
29 manufactured in the United States and which is not readily
30 available in the ordinary channels of commercial trade.
31 *b.* A collector's item. A collector's item is any firearm
32 other than a machine gun that by reason of its date of
33 manufacture, value, design, and other characteristics is not
34 likely to be used as a weapon. The commissioner of public
35 safety shall designate by rule firearms which the commissioner

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1 determines to be collector's items and shall revise or update
2 the list of firearms at least annually.
3 *c.* Any device which is not designed or redesigned for use
4 as a weapon; any device which is designed solely for use as
5 a signaling, pyrotechnic, line-throwing, safety, or similar
6 device; or any firearm which is unserviceable by reason of
7 being unable to discharge a shot by means of an explosive and
8 is incapable of being readily restored to a firing condition.
9 Sec. 151. Section 809A.16, subsection 4, Code 2014, is
10 amended to read as follows:
11 4. After final disposition of all claims and answers
12 timely filed in an action in rem, or after final judgment
13 and disposition of all claims timely filed in an action in
14 personam, the court shall enter an order that the state has
15 clear title to the forfeited property interest. Title to the
16 forfeited property interest and its proceeds shall be deemed
17 to have vested in the state on the commission of the conduct
18 giving rise to the forfeiture under this chapter.
19 Sec. 152. Section 904.905, subsection 1, paragraph a, Code
20 2014, is amended to read as follows:
21 *a.* An amount the inmate may be legally obligated to pay for
22 the support of the inmate's dependents, the amount of which
23 shall be paid to the dependents through the department of human
24 services ~~located in~~ office or unit serving the county or city
25 in which the dependents reside.
26 Sec. 153. Section 905.12, subsection 1, paragraph a, Code
27 2014, is amended to read as follows:
28 *a.* An amount the resident may be legally obligated to pay
29 for the support of dependents, which shall be paid to the
30 dependents directly or through the department of human services
31 ~~in~~ office or unit serving the county in which the dependents
32 reside. For the purpose of this paragraph, *"legally obligated"*
33 means under a court order.
34 Sec. 154. REPEAL. Sections 225C.7, 225C.12, 225C.18, and
35 260G.7, Code 2014, are repealed.

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1 Sec. 155. 2013 Iowa Acts, chapter 24, section 13, is amended
2 to read as follows:
3 SEC. 13. NEW SECTION. **249A.49 Internet site — providers**
4 **found in violation of medical assistance program.**
5 1. The director shall maintain on the department's internet
6 site, in a manner readily accessible by the public, all of the
7 following:
8 a. A list of all providers that the department has
9 terminated, suspended, or placed on probation.
10 b. A list of all providers that have failed to return an
11 identified overpayment of medical assistance within the time
12 frame specified in section ~~249A.41~~ 249A.39.
13 c. A list of all providers found liable for a false claims
14 law violation related to the medical assistance program under
15 chapter 685.
16 2. The director shall take all appropriate measures to
17 safeguard the protected health information, social security
18 numbers, and other information of the individuals involved,
19 which may be redacted or omitted as provided in rule of civil
20 procedure 1.422. A provider shall not be included on the
21 internet site until all administrative and judicial remedies
22 relating to the violation have been exhausted.
23 Sec. 156. Section 456A.38, subsection 4, as enacted by
24 2013 Iowa Acts, chapter 64, section 1, is amended to read as
25 follows:
26 4. The department shall execute a lease with a beginning
27 farmer selected to participate in the program after such person
28 has been certified by the ~~agricultural development~~ authority
29 as a beginning farmer who meets the requirements of the
30 authority, which shall be based on section 175.12, subsection
31 3, paragraphs *"a"*, *"c"*, *"f"*, and *"g"*.
32 Sec. 157. 2013 Iowa Acts, chapter 125, section 25,
33 subsection 1, is amended to read as follows:
34 1. The sections of this Act amending ~~sections~~ section 2.48,
35 section 175.8, subsection 2, and sections 175.37, 422.11M,

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1 and 422.33, are repealed. The Code editor shall revise the
2 applicable Code language to that language existing in the 2013
3 Code of Iowa.
4 Sec. 158. 2013 Iowa Acts, chapter 130, section 22, is
5 amended by striking that section and inserting in lieu thereof
6 the following:
7 SEC. 22. Section 222.61, Code 2014, is amended to read as
8 follows:
9 **222.61 Residency determined.**
10 When a county receives an application on behalf of any
11 person for admission to a resource center or a special unit
12 ~~or when a court issues an order committing any person to a~~
13 ~~resource center or a special unit~~, the board of supervisors
14 shall refer the determination of residency to the central point
15 of coordination process to determine and certify that the
16 residence of the person is in one of the following:
17 1. In the county in which the application is received ~~or in~~
18 ~~which the court is located~~.
19 2. In some other county of the state.
20 3. In another state or in a foreign country.
21 4. Unknown.
22 Sec. 159. 2013 Iowa Acts, chapter 130, section 23, is
23 amended to read as follows:
24 SEC. 23. Section 222.64, Code 2013, is amended to read as
25 follows:
26 **222.64 Foreign state or country or unknown legal settlement.**
27 If the legal settlement of the person is determined by the
28 board of supervisors through the central point of coordination
29 process to be in a foreign state or country or is determined
30 to be unknown, the board of supervisors shall certify the
31 determination to the administrator. The certification shall
32 be accompanied by a copy of the evidence supporting the
33 determination. The care of the person shall be as arranged by
34 the board of supervisors ~~or by an order as the court may enter~~.
35 Application for admission may be made pending investigation by

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1 the administrator.
2 DIVISION II
3 CORRESPONDING REFERENCE CORRECTIONS
4 Sec. 160. Section 135.180, subsection 3, Code 2014, is
5 amended to read as follows:
6 3. The program shall provide stipends to support
7 psychiatrist positions with an emphasis on securing and
8 retaining medical directors at community mental health centers,
9 providers of mental health services to county residents
10 pursuant to a waiver approved under section 225C.7, subsection
11 3, Code 2011, and hospital psychiatric units that are located
12 in mental health professional shortage areas.
13 Sec. 161. Section 161A.51, subsection 2, Code 2014, is
14 amended to read as follows:
15 2. In the application the commissioners shall state that
16 entry on the premises is mandated by the laws of this state
17 or that entry is needed to conduct soil sampling necessary
18 to classify soil in the district as specified in section
19 161A.44, subsection 1, paragraph "a", or to determine whether
20 soil erosion is occurring on the property in violation of the
21 district's regulations. The application shall describe the
22 area or premises, give the date of the last known investigation
23 or sampling, give the date and time of the proposed inspection,
24 declare the need for such inspection, recite that notice of
25 desire to make an inspection has been given to affected persons
26 and that admission was refused if that be the fact, and state
27 that the inspection has no purpose other than to carry out the
28 purpose of the statute, ordinance or regulation pursuant to
29 which the inspection is to be made.
30 Sec. 162. Section 422.15, subsection 2, Code 2014, is
31 amended to read as follows:
32 2. Every partnership, including limited partnerships, doing
33 business in this state, or deriving income from sources within
34 this state as defined in section ~~422.33~~ 422.32, subsection
35 1, paragraph "g", shall make a return, stating specifically

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1 the net income and capital gains ~~(~~or losses~~)~~ reported on the
2 federal partnership return, the names and addresses of the
3 partners, and their respective shares in said amounts.
4 DIVISION III
5 UPDATES TO FEDERAL CITATIONS
6 Sec. 163. Section 11.2, subsection 3, paragraph d, Code
7 2014, is amended to read as follows:
8 *d.* The review of the most recent annual report to
9 shareholders of an open-end management investment company
10 or an unincorporated investment company or investment trust
11 registered with the federal securities and exchange commission
12 under the federal Investment Company Act of 1940, 15 U.S.C. ~~§~~
13 ~~80a~~ <u>§80a-1 et seq.</u>, pursuant to 17 C.F.R. § 270.30d-1 or the
14 review, by the person performing the audit, of the most recent
15 annual report to shareholders, call reports, or the findings
16 pursuant to a regular examination under state or federal law,
17 to the extent the findings are not confidential, of a bank,
18 savings and loan association, or credit union shall satisfy the
19 review requirements of this subsection.
20 Sec. 164. Section 11.6, subsection 1, paragraph c,
21 subparagraph (3), Code 2014, is amended to read as follows:
22 (3) The review by the auditor of the most recent annual
23 report to shareholders of an open-end management investment
24 company or an unincorporated investment company or investment
25 trust registered with the federal securities and exchange
26 commission under the federal Investment Company Act of 1940, 15
27 U.S.C. ~~§ 80a~~ <u>§80a-1 et seq.</u>, pursuant to 17 C.F.R. § 270.30d-1
28 or the review, by the auditor, of the most recent annual report
29 to shareholders, call reports, or the findings pursuant to a
30 regular examination under state or federal law, to the extent
31 the findings are not confidential, of a bank, savings and
32 loan association, or credit union shall satisfy the review
33 requirements of this paragraph.
34 Sec. 165. Section 12B.10, subsection 4, paragraph a,
35 subparagraph (7), Code 2014, is amended to read as follows:

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(7) An open-end management investment company organized in trust form registered with the federal securities and exchange commission under the federal Investment Company Act of 1940, 15 U.S.C. ~~§ 80a~~ §80a-1 et seq., and operated in accordance with 17 C.F.R. § 270.2a-7.

Sec. 166. Section 12C.16, subsection 1, paragraph b, subparagraph (1), subparagraph division (f), Code 2014, is amended to read as follows:

(f) Investments in an open-end management investment company registered with the federal securities and exchange commission under the federal Investment Company Act of 1940, 15 U.S.C. ~~§ 80a~~ §80a-1 et seq., which is operated in accordance with 17 C.F.R. § 270.2a-7.

Sec. 167. Section 12C.16, subsection 1, paragraph b, subparagraph (2), Code 2014, is amended to read as follows:

(2) Direct obligations of, or obligations that are insured or fully guaranteed as to principal and interest by, the United States of America, which may be used to secure the deposit of public funds under subparagraph (1), subparagraph division (a), include investments in an investment company or investment trust registered under the federal Investment Company Act of 1940, 15 U.S.C. ~~§ 80a~~ §80a-1 et seq., the portfolio of which is limited to the United States government obligations described in subparagraph (1), subparagraph division (a), and to repurchase agreements fully collateralized by the United States government obligations described in subparagraph (1), subparagraph division (a), if the investment company or investment trust takes delivery of the collateral either directly or through an authorized custodian.

Sec. 168. Section 29A.23, Code 2014, is amended to read as follows:

29A.23 Roll of retired officers and enlisted personnel.

An officer or enlisted person who is a member of the Iowa national guard who has completed twenty years of military service under 10 U.S.C. ~~§ 1331(d)~~ §12731, as evidenced by a

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1 letter of notification of retired pay at age sixty, shall upon
2 retirement from the Iowa national guard and written request
3 to the adjutant general be placed by order of the commander
4 in chief on a roll in the office of the adjutant general to
5 be known as the "roll of retired national guard military
6 personnel". A member registered on the roll is entitled to
7 wear the uniform of the rank last held on state or other
8 occasions of ceremony, when the wearing of such uniform is not
9 in conflict with federal law.
10 Sec. 169. Section 125.10, subsection 1, Code 2014, is
11 amended to read as follows:
12 1. Prepare and submit a state plan subject to approval
13 by the board and in accordance with ~~the provisions of~~ 42
14 U.S.C. ~~§ 4573~~ §300x-21 et seq. The state plan shall designate
15 the department as the sole agency for supervising the
16 administration of the plan.
17 Sec. 170. Section 125.93, Code 2014, is amended to read as
18 follows:
19 **125.93 Commitment records — confidentiality.**
20 Records of the identity, diagnosis, prognosis, or
21 treatment of a person which are maintained in connection
22 with the provision of substance abuse treatment services are
23 confidential, consistent with the requirements of section
24 125.37, and with the federal confidentiality regulations
25 authorized by the federal Drug Abuse Office and Treatment
26 Act, ~~21 U.S.C. § 1175 (1976)~~ 42 U.S.C. §290ee and the federal
27 Comprehensive Alcohol Abuse and Alcoholism Prevention,
28 Treatment and Rehabilitation Act, 42 U.S.C. ~~§ 4582 (1976)~~
29 §290dd-2.
30 Sec. 171. Section 198.7, subsection 1, paragraph f, Code
31 2014, is amended to read as follows:
32 *f.* If it is, or it bears or contains a new animal drug which
33 is unsafe within the meaning of the federal Food, Drug, and
34 Cosmetic Act, 21 U.S.C. ~~§ 512~~ §801 et seq.
35 Sec. 172. Section 225C.3, subsection 2, Code 2014, is

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amended to read as follows:

2. The division is designated the state developmental disabilities agency for the purpose of directing the benefits of the federal Developmental Disabilities ~~Services and Facilities Construction~~ Assistance and Bill of Rights Act, 42 U.S.C. ~~§ 6001~~ §15001 et seq.

Sec. 173. Section 225C.35, subsection 3, Code 2014, is amended to read as follows:

3. *"Family member"* means a person less than eighteen years of age who by educational determination has a moderate, severe, or profound educational disability or special health care needs or who otherwise meets the definition of developmental disability in the federal Developmental Disabilities Assistance and Bill of Rights Act, ~~section 102(5),~~ as codified in 42 U.S.C. ~~§ 6001(5)~~ §15002. The department shall adopt rules establishing procedures for determining whether a child has a developmental disability.

Sec. 174. Section 225C.47, subsection 1, paragraph b, Code 2014, is amended to read as follows:

b. "Individual with a disability" means an individual who is less than twenty-two years of age and meets the definition of developmental disability in 42 U.S.C. ~~§ 6001~~ §15002.

Sec. 175. Section 229.22, subsection 5, Code 2014, is amended to read as follows:

5. The department of public safety shall prescribe the form to be used when a law enforcement agency desires notification under this section from a facility or hospital prior to discharge of a person admitted to the facility or hospital and for whom an arrest warrant has been issued or against whom charges are pending. The form shall be consistent with all laws, regulations, and rules relating to the confidentiality or privacy of personal information or medical records, including but not limited to the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, and regulations promulgated in accordance with that Act and

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1 published in 45 C.F.R. pts. ~~160-64~~ 160-164.
2 Sec. 176. Section 249A.3, subsection 12, Code 2014, is
3 amended to read as follows:
4 12. In determining the eligibility of an individual for
5 medical assistance, the department shall consider income or
6 assets relating to trusts or similar legal instruments or
7 devices established on or before August 10, 1993, as available
8 to the individual, in accordance with the federal Comprehensive
9 Omnibus Budget Reconciliation Act of ~~1986~~ 1985, Pub. L. No.
10 99-272, § 9506(a), as amended by the federal Omnibus Budget
11 Reconciliation Act of 1986, Pub. L. No. 99-509, § 9435(c).
12 Sec. 177. Section 249F.1, subsection 2, paragraph b,
13 subparagraphs (7) and (8), Code 2014, are amended to read as
14 follows:
15 (7) Transfers to a trust established solely for the benefit
16 of the transferor's child who is blind or permanently and
17 totally disabled as defined in the federal Social Security Act,
18 section 1614, as codified in 42 U.S.C. ~~§ 1382b~~ §1382c.
19 (8) Transfers to a trust established solely for the benefit
20 of an individual under sixty-five years of age who is disabled,
21 as defined in the federal Social Security Act, section 1614, as
22 codified in 42 U.S.C. ~~§ 1382b~~ §1382c.
23 Sec. 178. Section 321.12, subsection 4, Code 2014, is
24 amended to read as follows:
25 4. The director shall not destroy any operating records
26 pertaining to arrests or convictions for operating while
27 intoxicated, in violation of section 321J.2 or operating
28 records pertaining to revocations for violations of section
29 321J.2A, except that a conviction or revocation under section
30 321J.2 or 321J.2A that is not subject to 49 C.F.R. ~~§~~ pt. 383
31 shall be deleted from the operating records twelve years after
32 the date of conviction or the effective date of revocation.
33 Convictions or revocations that are retained in the operating
34 records for more than twelve years under this subsection shall
35 be considered only for purposes of disqualification actions

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1 under 49 C.F.R. ~~§~~ pt. 383.
2 Sec. 179. Section 321.450, subsection 1, Code 2014, is
3 amended to read as follows:
4 1. A person shall not transport or have transported or
5 shipped within this state any hazardous material except in
6 compliance with rules adopted by the department under chapter
7 17A. The rules shall be consistent with the federal hazardous
8 materials regulations adopted under United States Code, Tit.
9 49, and found in 49 C.F.R. ~~§~~ pts. 107, 171 to 173, 177, 178, and
10 180.
11 Sec. 180. Section 325A.6, Code 2014, is amended to read as
12 follows:
13 **325A.6 Insurance.**
14 All motor carriers subject to this chapter shall have
15 minimum insurance coverage which meets the limits established
16 in the federal motor carrier safety regulations in 49 C.F.R.
17 ~~ch.~~ pt. 387.
18 Sec. 181. Section 327J.1, subsection 1, Code 2014, is
19 amended to read as follows:
20 1. *"AMTRAK"* means the national railroad passenger
21 corporation created under 45 U.S.C. ~~§ 541~~ §24101.
22 Sec. 182. Section 459A.102, subsections 19 and 28, Code
23 2014, are amended to read as follows:
24 19. *"Operating permit"* means a permit which regulates
25 the operation of an open feedlot operation as issued by the
26 department or the United States environmental protection
27 agency, including as provided in state law or pursuant to the
28 federal Water Pollution Control Act, ~~Tit.~~ 33~~,~~ U.S.C. ch. 26, as
29 amended, and 40 C.F.R. pt. 122.
30 28. *"Waters of the United States"* means the same as defined
31 in 40 C.F.R. ~~pt. 122, § 2~~ §122.2, as that section exists on
32 July 1, 2005.
33 Sec. 183. Section 502.304A, subsection 3, paragraph c, Code
34 2014, is amended to read as follows:
35 *c.* The issuer or a broker-dealer offering or selling the

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1 securities is not or would not be disqualified under rule 505,
2 17 C.F.R. ~~§ 230.505(2)(iii)~~ §230.505(b)(2)(iii), adopted under
3 the federal Securities Act of 1933.
4 Sec. 184. Section 513B.13, subsection 8, paragraph f, Code
5 2014, is amended to read as follows:
6 *f.* Premium rates charged for reinsurance by the program to
7 a health maintenance organization that is federally qualified
8 under 42 U.S.C. ~~§ 300e(c)(2)(A)~~ §300e(c)(2)(A), and is thereby
9 subject to requirements that limit the amount of risk that may
10 be ceded to the program that are more restrictive than those
11 specified in paragraph *"d"*, shall be reduced to reflect that
12 portion of the risk above the amount set forth in paragraph *"d"*
13 that may not be ceded to the program, if any.
14 Sec. 185. Section 513B.13, subsection 11, paragraph b,
15 subparagraph (4), Code 2014, is amended to read as follows:
16 (4) Subject to the approval of the commissioner, the
17 board shall make an adjustment to the assessment formula for
18 reinsuring carriers that are approved health maintenance
19 organizations which are federally qualified under 42 U.S.C.
20 ~~§ 300~~ §300e et seq., to the extent, if any, that restrictions
21 are placed on them that are not imposed on other small employer
22 carriers.
23 Sec. 186. Section 514I.2, subsection 9, Code 2014, is
24 amended to read as follows:
25 9. *"Health insurance coverage"* means health insurance
26 coverage as defined in 42 U.S.C. ~~§ 300gg(91)~~ §300gg-91.
27 Sec. 187. Section 515.35, subsection 4, paragraph a, Code
28 2014, is amended to read as follows:
29 *a. United States government obligations.* Obligations
30 issued or guaranteed by the United States or an agency or
31 instrumentality of the United States. Bonds or other evidences
32 of indebtedness issued, assumed, or guaranteed by the United
33 States of America, or by any agency or instrumentality of the
34 United States of America include investments in an open-end
35 management investment company registered with the federal

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1 securities and exchange commission under the federal Investment
2 Company Act of 1940, 15 U.S.C. ~~§ 80a~~ §80a-1 et seq., and
3 operated in accordance with 17 C.F.R. § 270.2a-7, the portfolio
4 of which is limited to the United States government obligations
5 described in this paragraph *"a"*, and which are included in the
6 national association of insurance commissioners' securities
7 valuation office's United States direct obligation — full faith
8 and credit list.
9 Sec. 188. Section 518.14, subsection 4, paragraph a, Code
10 2014, is amended to read as follows:
11 *a. United States government obligations.* Bonds or other
12 evidences of indebtedness issued, assumed, or guaranteed by the
13 United States of America, or by any agency or instrumentality
14 of the United States of America, including investments in an
15 open-end management investment company registered with the
16 federal securities and exchange commission under the federal
17 Investment Company Act of 1940, 15 U.S.C. ~~§ 80a~~ §80a-1 et seq.,
18 and operated in accordance with 17 C.F.R. § 270.2a-7, the
19 portfolio of which is limited to the United States obligations
20 described in this paragraph, and which are included in the
21 national association of insurance commissioners' securities
22 valuation office's United States direct obligation — full faith
23 and credit list.
24 Sec. 189. Section 518A.12, subsection 4, paragraph a, Code
25 2014, is amended to read as follows:
26 *a. United States government obligations.* Bonds or other
27 evidences of indebtedness issued, assumed, or guaranteed by the
28 United States of America, or by any agency or instrumentality
29 of the United States of America, including investments in an
30 open-end management investment company registered with the
31 federal securities and exchange commission under the federal
32 Investment Company Act of 1940, 15 U.S.C. ~~§ 80a~~ §80a-1 et seq.,
33 and operated in accordance with 17 C.F.R. § 270.2a-7, the
34 portfolio of which is limited to the United States obligations
35 described in this paragraph, and which are included in the

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national association of insurance commissioners' securities valuation office's United States direct obligation — full faith and credit list.

Sec. 190. Section 524.901, subsection 4, Code 2014, is amended to read as follows:

4. A state bank may invest without limit in the shares or units of investment companies or investment trusts registered under the federal Investment Company Act of 1940, 15 U.S.C. ~~§ 80a~~ §80a-1 et seq., the portfolio of which is limited to United States investment securities described in subsection 3 or repurchase agreements fully collateralized by United States investment securities described in subsection 3, if delivery of the collateral is taken either directly or through an authorized custodian and the dollar-weighted average maturity of the portfolio is not more than five years. All other investments by a state bank in the shares or units of investment companies or investment trusts registered under the federal Investment Company Act of 1940, 15 U.S.C. ~~§ 80a~~ §80a-1 et seq., whose portfolios exclusively contain investment securities permissible pursuant to subsections 2 and 3, shall not exceed fifteen percent of the state bank's aggregate capital.

Sec. 191. Section 535.2, subsection 2, paragraph a, subparagraph (4), Code 2014, is amended to read as follows:

(4) A domestic or foreign corporation, and a real estate investment trust as defined in section 856 of the Internal Revenue Code, and a person purchasing securities as defined in chapter 502 on credit from a broker or dealer registered or licensed under chapter 502 or under the federal Securities Exchange Act of 1934, 15 U.S.C., ~~ch. 78A~~ §78a et seq., as amended.

Sec. 192. Section 535.12, subsection 4, Code 2014, is amended to read as follows:

4. As used in this section, *"agricultural credit corporation"* means a corporation which has been designated by

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1 the farm credit bank of Omaha, Nebraska, as an agricultural
2 credit corporation eligible to sell or discount loans to that
3 bank pursuant to 12 U.S.C. ~~§ 2074~~ §2075.
4 Sec. 193. Section 551A.3, subsection 3, paragraph b, Code
5 2014, is amended to read as follows:
6 *b.* A disclosure document prepared pursuant to the federal
7 trade commission rule relating to disclosure requirements and
8 prohibitions concerning franchising and business opportunity
9 ventures in accordance with 16 C.F.R. ~~§~~ pt. 436 or any
10 successor regulation.
11 Sec. 194. Section 551A.4, subsection 1, paragraph b,
12 subparagraph (1), subparagraph division (b), Code 2014, is
13 amended to read as follows:
14 (b) A disclosure document prepared pursuant to the federal
15 trade commission rule entitled "Disclosure requirements and
16 prohibitions concerning franchising and business opportunity
17 ventures", 16 C.F.R. ~~§~~ pt. 436 or any successor regulation.
18 Sec. 195. Section 602.8103, subsection 5, paragraph b, Code
19 2014, is amended to read as follows:
20 *b.* An open-end management investment company organized in
21 trust form registered with the federal securities and exchange
22 commission under the federal Investment Company Act of 1940,
23 15 U.S.C. ~~§ 80a~~ §80a-1 et seq., and operated in accordance
24 with 17 C.F.R. § 270.2a-7, the portfolio of which is limited
25 to obligations of the United States of America or agencies
26 or instrumentalities of the United States of America and to
27 repurchase agreements fully collateralized by obligations of
28 the United States of America or an agency or instrumentality
29 of the United States of America if the investment company
30 takes delivery of the collateral either directly or through an
31 authorized custodian.
32 Sec. 196. Section 636.23, subsections 2 and 16, Code 2014,
33 are amended to read as follows:
34 2. *Federal bank bonds.* Bonds, notes or other obligations
35 issued by any federal land bank, federal intermediate credit

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1 bank, bank for cooperatives, or any or all of the federal farm
2 credit banks, and in bonds issued by any federal home loan
3 bank under the Act of Congress known and cited as the federal
4 Home Loan Bank Act, [12 U.S.C. § 1421 – 1449] and the Acts
5 amendatory thereof.
6 16. *Investments included — government obligations.* Federal
7 bonds, federal bank bonds, and bonds and debentures guaranteed
8 by the federal government which are authorized investments
9 under subsections 1, 2, and 11 include investments in an
10 investment company or investment trust registered under the
11 federal Investment Company Act of 1940, 15 U.S.C. ~~§ 80a~~ §80a-1
12 et seq., the portfolio of which is limited to the United States
13 government obligations described in subsections 1, 2, and 11
14 and to repurchase agreements fully collateralized by such
15 United States government obligations, if the investment company
16 or investment trust takes delivery of the collateral either
17 directly or through an authorized custodian.
18 Sec. 197. Section 714B.10, subsection 2, Code 2014, is
19 amended to read as follows:
20 2. Advertising in connection with the sale or purchase of
21 books, recordings, videocassettes, periodicals, and similar
22 goods through a membership group or club which is regulated by
23 the federal trade commission pursuant to 16 ~~C.F.R. pt.~~ §425.1,
24 concerning use of negative option plans by sellers in commerce.
25 Sec. 198. Section 907B.2, subsection 6, paragraph f,
26 unnumbered paragraph 1, Code 2014, is amended to read as
27 follows:
28 Public notice shall be given of all meetings and all
29 meetings shall be open to the public, except as set forth
30 in the rules or as otherwise provided in the compact. The
31 interstate commission shall promulgate rules consistent with
32 the principles contained in the federal Government in the
33 Sunshine Act, 5 U.S.C. ~~§ 552(6)~~ §552(a)(6), as may be amended.
34 The interstate commission and any of its committees may close a
35 meeting to the public where it determines by two-thirds vote

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1 that an open meeting would be likely to:
2 DIVISION IV
3 EFFECTIVE DATE AND APPLICABILITY PROVISIONS
4 Sec. 199. EFFECTIVE UPON ENACTMENT. The following
5 provisions of division I of this Act, being deemed of immediate
6 importance, take effect upon enactment:
7 1. The section of this Act amending section 384.3A.
8 2. The section of this Act amending 2013 Iowa Acts, ch. 24,
9 section 13.
10 3. The section of this Act amending section 456A.38,
11 subsection 4, as enacted by 2013 Iowa Acts, ch. 64, section 1.
12 4. The section of this Act amending 2013 Iowa Acts, ch. 125,
13 section 25.
14 Sec. 200. RETROACTIVE APPLICABILITY. The section in
15 division I of this Act amending section 384.3A applies
16 retroactively to June 20, 2013.
17 Sec. 201. RETROACTIVE APPLICABILITY. The section in
18 division I of this Act amending 2013 Iowa Acts, ch. 24, section
19 13, applies retroactively to July 1, 2013.
20 Sec. 202. RETROACTIVE APPLICABILITY. The section in
21 division I of this Act amending section 456A.38, subsection
22 4, as enacted by 2013 Iowa Acts, ch. 64, section 1, applies
23 retroactively to July 1, 2013.
24 Sec. 203. RETROACTIVE APPLICABILITY. The section in
25 division I of this Act amending 2013 Iowa Acts, ch. 125,
26 section 25, applies retroactively to January 1, 2013, for tax
27 years beginning on or after that date.
28 EXPLANATION

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

31 This bill contains statutory corrections that adjust
32 language to reflect current practices, insert earlier
33 omissions, delete redundancies and inaccuracies, delete
34 temporary language, resolve inconsistencies and conflicts,
35 update ongoing provisions, or remove ambiguities. The Code

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1 sections amended include the following:
2 DIVISION I.
3 Code section 2C.16: Clarifies language that requires the
4 office of ombudsman to notify the general assembly when a
5 law results in an administrative action which is unfair or
6 otherwise objectionable.
7 Code section 6B.4: Reorganizes language to clarify the
8 commission member and chairperson selection process, and
9 numbers unnumbered paragraphs to facilitate citation, in
10 language relating to the appointment of a compensation
11 commission under eminent domain procedures.
12 Code sections 6B.37 and 6B.40: Replaces the word "above"
13 with a specific Code section reference to eliminate ambiguity
14 in two provisions relating to the documents that must be filed
15 and recorded in appeals taken in condemnation proceedings.
16 Code section 7C.12: Changes a reference to the private
17 activity bond allocation Act by name to refer to the Code
18 chapter which encompasses and is named after that Act.
19 Code section 9I.3: Strikes reserved subparagraph (5)
20 in subsection 3, paragraph "d", renumbers, and corrects an
21 internal reference in this Code provision prohibiting the
22 ownership of certain agricultural land by nonresidents to
23 correct the internal reference issue created by the 2013 strike
24 of former subparagraph (5) by 1989 Iowa Acts, ch. 311, §33.
25 Code sections 12C.16 and 12C.17: Strikes references, in
26 two Code provisions governing the deposit of public funds, to
27 the United States central credit union which was shut down on
28 October 29, 2012, by the national credit union administration.
29 Code section 16.2: Changes the word "board" to "authority"
30 to conform the language of subsection 1 to the language in the
31 balance of this Code section relating to the appointment of the
32 Iowa finance authority board of directors.
33 Code section 16.197: Reinstates language which refers
34 to members or other persons acting within the scope of their
35 employment or agency to clarify which persons are not subject

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1 to personal liability as a result of carrying out the powers
2 and duties of the Iowa finance authority.
3 Code section 16.221: Strikes a reference to Code section
4 175.35, which was repealed by 2013 Iowa Acts, ch. 125, §22, in
5 language describing the duties of the agricultural development
6 division of the Iowa finance authority.
7 Code section 17A.4: Strikes in subsection 3, paragraph
8 "c", language relating to the showing that must be made by
9 an agency if a category of rules is challenged to conform to
10 the strike of the same language by 2013 Iowa Acts, ch. 114,
11 §1, elsewhere in this subsection. In subsection 5, obsolete
12 language and the word "above" are stricken, the expression of a
13 negative is updated to current style, and the requirements of
14 the first sentence relating to the requirements for validity of
15 adopted administrative rules are conformed to the language of
16 the second sentence which creates a conclusive presumption of
17 validity if a rule is not challenged within two years after its
18 effective date. In subsection 9, replaces the word "of" with
19 the word "that" and strikes a later instance of the word "that"
20 to improve the readability of provisions describing the timing
21 of a notice regarding suspension of a notice of intended action
22 to adopt an administrative rule.
23 Code section 23.6: Changes the initial language of
24 subsection 6 relating to the authority of the Iowa public
25 information board to examine records of a government body
26 so that it begins with a verb to conform the style of the
27 provision to the style of the other subsections in the Code
28 section.
29 Code section 23.9: Replaces the words "on its own staff"
30 with "of the board" to clarify that the employees referred to
31 in this provision relating to complaint resolution by the Iowa
32 public information board are employees of the board.
33 Code section 24.13: Strikes the word "hereinbefore" and
34 inserts "under this chapter" to clarify that the procedures to
35 be followed by a board which has the power to levy a tax are the

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1 same as required for certifying boards under Code chapter 24.
2 Code section 28D.6: Supplies a missing definite article
3 in this language relating to eligibility of an employee who
4 suffers a disability or death, as a result of an assignment
5 in connection with a federal, state, or local interchange
6 of employees, for compensation under the receiving agency's
7 employee compensation program.
8 Code section 29A.50: Strikes an incorrect comma within a
9 series describing the immunity of the commanding officer and
10 members of the military forces when carrying out duties in
11 support of local or state authorities.
12 Code section 35D.2: Adds the word "who" in two places to
13 improve the readability of a series establishing the criteria
14 for admission to the Iowa veterans home.
15 Code section 80D.12: Changes "police" to "peace" in
16 language describing the status of reserve law enforcement
17 officers of a tribal government to conform with changes made
18 elsewhere in Code chapter 80D by 2013 Iowa Acts, ch. 48.
19 Code section 89.3: Changes the word "over" to "within" in
20 one instance, and to "per" in another, in language describing
21 the inspections of boilers to clarify that it is the frequency,
22 not the duration, of the inspections that is described.
23 Code section 101.21: Changes the words "complies with"
24 to "meets" and adds the word "criteria" to clarify that the
25 list of items which follow are existing characteristics of
26 aboveground storage tanks that are excluded from the definition
27 of aboveground storage tanks that are regulated and subject to
28 registration under Code sections 101.21 through 101.27.
29 Code section 101A.2: Changes "to" to "through" to clarify
30 that the circumstances specified in Code section 101A.11 are
31 also one of the lawful means for a person to manufacture,
32 import, store, detonate, sell, or otherwise transfer explosive
33 materials.
34 Code section 105.10: Adds the word "plumbing", to a series
35 in subsection 2 of this Code section that describes the kinds

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1 of plumbing, mechanical, and other work that must be performed
2 by a licensed master to conform the language to other language
3 within this same subsection.
4 Code section 123.3: Adds language describing a volume
5 measurement for alcoholic beverages to the definition of
6 "alcoholic liquor" or "intoxicating liquor" in language
7 referencing the definition of "beer" to conform to changes made
8 to the definition of "beer" by 2013 Iowa Acts, ch. 35, §24.
9 Code section 123.30: Corrects the punctuation and adds the
10 word "or" to correct a series that describes the persons who
11 may, as a result of a person being issued a liquor control
12 license or wine or beer permit, enter the premises where
13 alcoholic beverages are stored, served, or sold, without a
14 warrant during business hours to inspect for violations of
15 state or local regulations.
16 Code section 123.138: Changes the word "and" to "or" to
17 clarify that each of the different types of beer permittees or
18 liquor control licensees are required to keep proper records of
19 each purchase of beer.
20 Code section 125.10: Changes the term "substance abuse"
21 to "substance-related disorders" to conform the language of
22 this provision relating to the duties of the director of public
23 health to terminology changes made throughout the Code by 2011
24 Acts, ch. 121.
25 Code section 135C.41: Updates the style of this provision
26 relating to the alternative procedures available to a health
27 care facility which has been served with a citation by the
28 department of inspections and appeals after an inspection or
29 investigation of the facility.
30 Code section 144A.2: Adds a comma to a definition to
31 clarify that both the provision of nutrition or hydration and
32 the administration of medication or performance of a medical
33 procedure to provide comfort care or alleviate pain are not
34 considered to be a "life-sustaining procedure".
35 Code section 159.18: Adds a reference to the Iowa finance

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1 authority to language relating to the entities with which the
2 department of agriculture and land stewardship is to cooperate
3 to promote certain farm programs, including the beginning
4 farmer loan program. The beginning farmer loan program was
5 placed under the jurisdiction of the Iowa finance authority by
6 2013 Iowa Acts, ch. 100.
7 Code section 161A.44: Renumbers, reorganizes, and changes
8 the word "may" to "shall" in this provision relating to powers
9 and duties of commissioners of soil and water conservation
10 districts to separate the provisions articulating the powers
11 and duties that the commissioners may exercise from the
12 prohibitions restricting the authority of the commissioners.
13 An internal reference to this provision as renumbered is
14 corrected in division II of the bill.
15 Code section 172A.10: Numbers this provision to facilitate
16 citation and supplies missing language to clarify that a
17 slaughterhouse broker or dealer who is required to maintain
18 proof of financial responsibility but fails to do so may be
19 subject to liability for nuisance and is guilty of a serious
20 misdemeanor.
21 Code section 175.31: Replaces language referring to
22 the content of former Code sections 234.15 to 234.20 with a
23 reference to the last edition of the Iowa Code in which that
24 content appeared to facilitate future hypertext linkage to
25 the former language of those Code sections in this provision
26 describing the subsequent administration of the agricultural
27 development programs that had been authorized under those
28 former Code sections.
29 Code section 175.37: Adds a comma to clarify that the
30 tax credit for agricultural assets that are subject to
31 an agricultural assets transfer agreement is allowed for
32 agricultural land and improvements to that land that are
33 located in this state.
34 Code section 203.10 and 203C.10: Strikes a comma in each
35 provision to clarify that rules relating to suspension or

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1 revocation of grain dealers' and agricultural product warehouse
2 licenses are adopted under Code chapter 17A and to conform to
3 similar changes made to these Code sections by 2013 Iowa Acts,
4 ch. 90, §33, 34.
5 Code section 203C.15: Adds the word "and" between the words
6 "operators" and "owners" to clarify that warehouse operators
7 and owners of bulk grain are last in the order of precedence of
8 claimants against an insurance policy on products stored in a
9 licensed agricultural products warehouse.
10 Code section 206.2: Rewrites to update the style of this
11 definitions Code section for the Code chapter regulating
12 pesticides.
13 Code section 216A.2: Inserts the word "department" before
14 two instances of the term "director" to conform a subsection
15 describing the position and duties of the person appointed to
16 serve as the chief administrative officer of the department
17 of human rights to conform to references to that position
18 elsewhere in this Code section and to the definition of
19 "department director" in Code section 216A.4.
20 Code sections 225C.7 and 225C.12: Repeals these two
21 provisions relating to mental health and developmental
22 disabilities community services funding and reimbursement to
23 counties for local inpatient mental health care and treatment
24 which were superseded by the enactment of Code section 225C.7A
25 by 2012 Iowa Acts, ch. 1120. An internal reference to Code
26 section 225C.7 is corrected in division II of the bill.
27 Code section 225C.18: Repeals this provision relating to
28 mental health and developmental disabilities regional planning
29 councils which were superseded by the enactment of Code
30 sections 331.388 through 331.398 by 2012 Iowa Acts, ch. 1120.
31 Code section 230.2: Rewrites this provision to clarify what
32 determinations must be made by the court in the event that a
33 person's residency is disputed to account for the changes made
34 by 2012 Iowa Acts, ch. 1120, §107, to this Code section.
35 Code section 230.11: Splits a sentence and adds language

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1 relating to payments to provide an antecedent which was
2 inadvertently lost as the result of an amendment by 2012
3 Iowa Acts, ch. 1120, to language regarding method of payment
4 for costs and expenses for the taking into custody, care,
5 and investigation of persons with mental illness who are
6 nonresidents or whose residence is unknown.
7 Code section 230.34: Rewrites this definitions provision
8 for the Code chapter pertaining to support of persons with
9 mental illness to eliminate redundant language and conform the
10 provision to current style.
11 Code section 231.4: Changes a reference to "homemaker, home
12 health aide services" to refer to "homemaker-home health aide
13 services" to conform this provision defining what constitutes
14 home and community-based services for purposes of department on
15 aging programs with other references to homemaker-home health
16 aide services elsewhere in the Code.
17 Code section 232.80: Replaces the word "Act" with the
18 word "chapter" in this section relating to the provision of
19 homemaker-home health aide services to children under Code
20 chapter 232. The enabling legislation for this Code section,
21 1978 Iowa Acts, ch. 1088, which used the word "Act" when this
22 provision was enacted, was a rewrite of juvenile justice laws
23 that established Code chapter 232. While there were other
24 provisions that were amended by that Act, those amendments
25 corresponded to the enactment of the new Code chapter.
26 Code section 232.90: Adds the words "and the attorney
27 general" to language requiring the county attorney in charge
28 of child in need of assistance proceedings to comply with the
29 requirements of the state and federal Indian child welfare Acts
30 to conform to changes made to this Code section by 2013 Iowa
31 Acts, ch. 113, which permits the department of human services
32 to request that the attorney general represent the department's
33 interests instead of the county attorney.
34 Code section 232.102: Corrects an internal reference that
35 was inadvertently not corrected when a new subsection 7A was

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1 added by 1998 Iowa Acts, ch. 1190, and this provision was
2 renumbered during codification.
3 Code section 249A.47: Move the words "without good cause"
4 so that they modify the language describing the failure of a
5 person to comply with a request by the department for timely
6 access for the purpose of audits, investigation, evaluation,
7 or other functions of the department, instead of modifying the
8 language relating to a reasonable request by the department for
9 access.
10 Code section 252.27: Replaces the word "to" with "through"
11 to update the style and make clear that the procedures and
12 standards contained in subsection 12 also apply to appeals from
13 decisions of the county board of supervisors regarding support
14 of the poor.
15 Code section 252.37: Changes the word "it" to the word "who"
16 to conform to a previous clause and to clarify that the board
17 of supervisors is the entity responsible for directing specific
18 assistance in appeals by a poor person from a rejection by the
19 general assistance director of a request for assistance.
20 Code section 256.7: Changes the word "department" to
21 "state board" in language relating to the adoption of rules
22 prescribing a core curriculum for students in kindergarten
23 through grade twelve in this Code section which describes the
24 duties of the state board, to correct a drafting error in 2011
25 Iowa Acts, ch. 71, §1.
26 Code section 256.42: Adds the words "or school" after the
27 word "district" in this provision describing the submission
28 of online curricula by nonpublic schools and school districts
29 which participate in the online learning initiative to conform
30 to earlier language which indicates that both nonpublic schools
31 and school districts may participate in the program.
32 Code section 258.6: Redrafts the definitions Code section
33 for the Code chapter pertaining to vocational education
34 to conform to current Code style and to alphabetize the
35 definitions.

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1 Code section 258.12: Substitutes for the words "said Act"
2 a specific reference to the Carl D. Perkins Vocational and
3 Technical Education Act, the funds from which are accepted
4 under Code section 258.1, to clarify that the treasurer of
5 state is the custodian of those federal funds.
6 Code section 260G.7: Repeals this provision which requires
7 the general assembly to act on or before March 1, 2006, to
8 discontinue program job credits from withholding under the
9 accelerated career education program. The general assembly did
10 not act to discontinue program job credits under the program on
11 that date and has continued to fund those job credits.
12 Code section 278.3: Substitutes for a reference to "said
13 subsection" a reference to Code section 297.7, subsection 2,
14 to facilitate hypertext linkage and clarify that the authority
15 that is granted to the board of directors of a school district
16 in that subsection is the authority that is to be construed as
17 independent of the power vested in the electors.
18 Code section 283A.1: Adds the words "unless the context
19 otherwise requires" to prefatory language in this definitions
20 section for Code chapter 283A, because although the Code
21 chapter generally relates to the operation of school meal
22 programs in public schools, Code section 283A.10 permits the
23 operation of a school breakfast or lunch program in nonpublic
24 schools.
25 Code section 297.30: Replaces the words "executive
26 council" with the word "department" to conform to changes
27 made to provisions elsewhere in what is now Code chapter 297
28 by 1986 Iowa Acts, ch. 1245, which moved the responsibility
29 for the sale of certain school buildings and sites, which
30 had previously been part of a mining camp but were no longer
31 needed for school purposes, from the executive council to the
32 department of education.
33 Code section 299.6A: Changes the word "placed" to "to
34 place" to correct the grammar of language specifying the
35 responsibility of a parent, guardian, or legal or actual

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1 custodian to place a child under competent private or
2 independent private instruction.
3 Code section 306D.1: Adds a citation to the Code chapter
4 which contains the enabling legislation for the state's open
5 space program after a reference to that program by name in this
6 provision that establishes the goals for the scenic highways
7 program.
8 Code section 307.23: Rewrites to modernize the style and
9 improve the readability of this Code section relating to the
10 general counsel for the state department of transportation.
11 Code section 309.41: Numbers unnumbered paragraphs and
12 corrects incorrect punctuation in this provision establishing
13 an optional advertisement and letting procedure for contracts
14 for certain county road construction projects.
15 Code section 309.43: Rewrites this provision relating to
16 the opening and recording of road construction bids to update
17 the style and improve the readability of the language.
18 Code section 313.2: Numbers unnumbered paragraphs and
19 replaces the word "thereon" with language clarifying that
20 buildings on rest area sites are the buildings that are to
21 be maintained and secured by employees of the department of
22 transportation, in this provision allocating jurisdiction over
23 and responsibility for the roads and streets of this state.
24 Code section 313.28: Adds the word "road" to language
25 relating to the designation of secondary roads as haul roads
26 for or detours from a primary road to conform to earlier
27 language within this same provision.
28 Code sections 313.65 and 313.66: Rewrites these two
29 provisions to enumerate a series and improve the readability
30 of language specifying the entities of which the tax levying
31 and tax certifying bodies must first approve an agreement to
32 operate and maintain, take over, or purchase a bridge before
33 action may be taken on the agreement by the department of
34 transportation.
35 Code section 317.25: Rewrites and reorganizes language to

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1 improve readability and to enumerate the list of plants which
2 are considered to be invasive and for which importing, sale,
3 offering for sale, or distribution is prohibited.
4 Code section 321.24: Changes two incorrect references from
5 "paragraph" to "subsection" to reflect that the paragraphs
6 in this Code section relating to vehicle registration and
7 certificates of title have been designated as subsections.
8 Code sections 321.178, 321.180B, and 321.194: Strikes
9 obsolete language relating to a period of time in which only
10 warning citations were issued for persons who improperly
11 used electronic communication or entertainment devices while
12 operating a motor vehicle.
13 Code section 321.180A: Adds the missing words "elimination
14 of" to clarify the meaning of language relating to situations
15 in which persons with physical disabilities may be issued
16 a special instruction permit that authorizes the person to
17 operate a motor vehicle.
18 Code section 321.498: Updates the format of a provision that
19 describes the legal presumptions that apply to a nonresident
20 who accepts the privilege to operate a motor vehicle in this
21 state, by adding the words "to be all of the following", and
22 striking the word "and" and adding a period in two places.
23 Code sections 321.555 and 321.562: Replaces a reference to
24 "division" with a series of Code section citations in these
25 two provisions, relating to the adjudication of a person as an
26 "habitual offender" of laws relating to operation of a motor
27 vehicle and licensing of persons to operate motor vehicles,
28 because Code chapter 321 does not contain numbered divisions
29 within the Code chapter.
30 Code sections 321A.8, 321A.9, 321A.10, and 321A.13:
31 Substitutes a series of Code section citations for a string
32 citation in provisions relating to motor vehicle financial
33 responsibility to eliminate an internal self-reference issue.
34 Code section 321J.17: Adds the words "period of the" in
35 language describing duration of a revocation of a person's

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1 driving privileges in this provision containing the conditions
2 for reinstatement of a person's driver's license or nonresident
3 operating privilege after a revocation of that license or
4 privilege for operating a motor vehicle while intoxicated.
5 Code sections 331.301 and 364.3: Adds the words "plumbing
6 and mechanical systems" before the word "board" in these two
7 provisions prohibiting the imposition of fees or charges by
8 a county or city on persons licensed by the plumbing and
9 mechanical systems board for the right to perform work within
10 the scope of that license to clarify that the state licensing
11 board is the entity being referenced. The term "board" is
12 defined under Code chapter 331 as meaning the county board of
13 supervisors and Code chapter 364 contains references to various
14 municipal boards.
15 Code section 384.3A: Corrects the date by which a city must
16 have collected certain excess franchise fee revenue in order
17 for the revenue to be available for purposes of inspecting,
18 supervising, and otherwise regulating each franchise approved
19 by a city. When the date on which the enabling legislation
20 took effect, June 20, 2013, was being substituted for the words
21 "on the effective date of this Act" as part of the codification
22 process, the date was incorrectly entered as June 30, 2013,
23 into the database. The correction of this error is made
24 effective upon enactment and retroactively applicable to June
25 20, 2013, in division IV of the bill.
26 Code sections 422.32 and 422.33: Strikes a definition of the
27 term "income from sources within this state" from Code section
28 422.33 and places the definition in alphabetical order with
29 the other definitions in Code section 422.32 that pertain to
30 business tax on corporations.
31 Code section 423A.6: Adds the words "amount of the" to
32 conform language used to describe the transfer of revenue
33 generated by the state hotel and motel tax to other similar
34 language elsewhere in the Code describing similar transfers.
35 Code section 433.2: Updates language and adds language

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1 clarifying that the statements required by telegraph and
2 telephone companies under Code section 433.1 are the statements
3 which are being received and examined by the director of
4 revenue under this Code section.
5 Code section 433.4: Replaces the word "these" with
6 "telegraph and telephone" to clarify the kinds of companies
7 for which the director of revenue is to make determinations
8 regarding the actual value of company property.
9 Code section 437A.3: Changes the word "paragraph" to
10 "subparagraph" in a definition of the term "electric power
11 generating plant" to conform the language of this provision
12 to the changes made to very similar language in Code section
13 437B.2 by 2013 Iowa Acts, ch. 140, §67.
14 Code section 441.4: Adds the word "public" before the
15 word "hearing", to reflect and conform to antecedent language
16 referring to the holding of a public hearing, in this provision
17 regarding the process for removal of a member of a city or
18 county property assessor or deputy assessor examining board
19 from that board.
20 Code section 452A.6A: Strikes a comma and adds the word "to"
21 to correct the grammar and improve the readability of language
22 describing when a refiner, supplier, terminal operator, or
23 terminal owner may not refuse to sell or transport conventional
24 motor fuel blendstock to a distributor or dealer.
25 Code section 455A.20: Changes the word "division" to
26 "subchapter" in a reference to a subunit of Code chapter
27 455A governing resources enhancement and protection to avoid
28 a conflict with other uses of the term "division" within
29 Code chapter 455A which are intended to refer to the soil
30 conservation division of the department of agriculture and land
31 stewardship.
32 Code section 461.1: Replaces the word "Act" with the word
33 "chapter" to acknowledge that the Act which created Code
34 chapter 461 is now codified in that Code chapter and to conform
35 this language to Code sections in other Code chapters which

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1 contain the short title for the Code chapter.
2 Code section 462A.49: Updates the style of the provision
3 and replaces the term "such card" with "a `registration applied
4 for´ card" to clarify what card a manufacturer or dealer is
5 prohibited from allowing the use of unless an application for a
6 registration certificate has been made.
7 Code section 462A.77: Strikes the words "or other person
8 who administers oaths" to conform this language describing the
9 requirements for an application for a certificate of title for
10 a vessel to the definition of "notarial officer" contained in
11 Code chapter 9B. The word "division" is also replaced with the
12 word "subchapter" to avoid conflicts with other uses of the
13 term "division" within Code chapter 462A.
14 Code section 466.9: Adds, in two places in subsection
15 1, the words "of natural resources" to clarify that it is
16 that department which has control over the on-site wastewater
17 systems assistance fund, because the department of agriculture
18 and land stewardship also has responsibilities under Code
19 chapter 466. In addition, in subsection 3, paragraph a,
20 subparagraph (1), the word "for" is substituted for the word
21 "with" to conform the language relating to the purposes of the
22 financing account of the on-site wastewater systems assistance
23 fund to match language describing the purposes of the fund
24 which is found in subsection 1 of this Code section.
25 Code section 468.69: Replaces the words "and/or" with the
26 word "or" to eliminate an obsolete drafting style in language
27 relating to when drainage or levee district bonds may be
28 acquired by any taxpayer or group of taxpayers of the district.
29 Code section 490.728: Changes the word "vote" to "be voted"
30 to reflect that it is the individuals who own the shares
31 referred to in this provision who are entitled to vote based on
32 share ownership in corporate elections.
33 Code section 490.860: Changes the words "at the time" to
34 "the time at which" to conform the language of this paragraph
35 to the style of the preceding paragraph in this definition of

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1 "relevant time" under the business corporations Code chapter.
2 Code sections 499.66 and 501.616: Substitutes the word
3 "equation" for the word "division" in similar language in the
4 cooperative associations Code chapter and the Code chapter
5 containing the revised uniform unincorporated nonprofit
6 association Act to avoid accidental hypertext linkage. The
7 term division is used in some chapters in the Code to refer to
8 Code chapter subunits, but in these instances, reference to a
9 mathematical equation is intended.
10 Code section 501B.7: Changes the word "by" to "in the office
11 of the" in language relating to the filing of statements of
12 authority under the revised uniform unincorporated nonprofit
13 association Act to conform the language of subsection 7 to the
14 language of subsection 2 of this Code section and other similar
15 language throughout this Code chapter.
16 Code section 502.412: Adds, in two places, the word "on"
17 to a series to relate the parts of the series to the language
18 of this provision which describes the process and reasons for
19 imposition of penalties on persons for violations of securities
20 broker-dealers or investment advisors.
21 Code section 508C.3: Restructures a subsection by moving a
22 paragraph, which covers situations in which coverage against
23 the failure in the performance of contractual obligations under
24 life and health insurance policies and annuity contracts due to
25 impairment or insolvency of the insurer is not to be provided,
26 from subsection 1, which covers the situations in which
27 coverage should be provided, into a new subsection. Language
28 in a succeeding paragraph in subsection 1 which repeats
29 language contained in the prefatory clause to subsection 1 is
30 stricken to conform the style of the paragraph to the remaining
31 paragraphs of subsection 1.
32 Code section 514I.8: Supplies the missing language, "shall
33 be used", in language describing what methodology is to be used
34 to determine family income under the hawk-i program.
35 Code section 515.35: Converts a paragraph, which by its

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1 own terms relates to the adoption of rules to carry out the
2 purposes of this Code section relating to investments of
3 insurance companies, into a subsection to remove it from the
4 subsection which pertains to the types of investments in which
5 insurance companies may invest.
6 Code section 521B.104: Adds the words "United States"
7 before the words "federal or state authorities" to conform this
8 language in subsection 2 describing when a qualified United
9 States financial institution is eligible to act as a fiduciary
10 of a trust to otherwise identical language in subsection 1 that
11 describes when an institution is a qualified United States
12 financial institution.
13 Code section 535.2: Strikes the unnecessary word "hereof"
14 to conform the citation style of an internal reference to
15 subsection 2 in this prefatory language describing rates of
16 interest on money in certain transactions to a later internal
17 reference to subsection 3.
18 Code section 543B.20: Changes the word "registration" to
19 "a license" to reflect the fact that real estate brokers and
20 salespersons are licensed, not registered.
21 Code section 543B.46: Adds the words "credit union" in
22 two provisions which describe the real estate commission's
23 authority to examine trust accounts of real estate brokers to
24 correct the omission of credit unions from that language and to
25 reflect the language of subsection 1 which permits brokers to
26 maintain trust accounts in credit unions, in addition to banks
27 and savings associations.
28 Code section 554.3312: Strikes nonconforming Code
29 subparagraph subdivision references from within Code section
30 text in this provision to conform to changes made elsewhere in
31 the uniform commercial code and this Code section by 2013 Iowa
32 Acts, ch. 30.
33 Code section 554.3504: Corrects punctuation in a series
34 from which nonconforming Code subparagraph subdivision
35 references were stricken by 2013 Iowa Acts, ch. 30.

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1 Code section 554.9502: Strikes a colon to conform the
2 punctuation of this provision to the language of this same
3 provision in the model uniform commercial code and to reflect
4 that the word "but" applies only to subparagraph (1), which
5 expresses a negative, and not subparagraph (2) of this
6 paragraph.
7 Code section 559.2: Replaces the word and numerals "section
8 559.1" with "this chapter" because the term "power to appoint"
9 is currently used throughout Code chapter 559, which relates
10 to powers of appointment. When this provision was originally
11 enacted by 1947 Iowa Acts, ch. 275, Code section 559.1 was the
12 only provision in Code chapter 559.
13 Code sections 572.13A and 572.13B: Adds the words "internet
14 site" to language to conform these two provisions within the
15 mechanics' notice and lien Code chapter to changes made by
16 2012 Iowa Acts, ch. 1105, ch. 1138, and 2013 Iowa Acts, ch.
17 99, which included the words "internet site" after references
18 to the mechanics' notice and lien registry which reflect the
19 location of the registry on an internet site.
20 Code section 572.33A: Strikes an incorrect comma and the
21 word "for" in language describing the circumstances under
22 which an owner of a building, land, or improvement upon which
23 a mechanic's lien may be posted is required to pay a general
24 contractor compensation for work done or material furnished.
25 Code section 572.34: Moves language describing a dollar
26 amount to clarify that it is the posting fee, not the
27 mechanic's lien, that may not exceed forty dollars.
28 Code section 589.4: Replaces a reference to "notaries
29 public" with "notarial officers" to conform this provision
30 relating to acknowledgments by corporation officers to a change
31 made to this Code section by 2013 Iowa Acts, ch. 140, §100.
32 Code section 589.5: Strikes the words "or other official
33 authorized by law to take acknowledgments", which appears after
34 a reference to "notarial officer" in this provision relating to
35 acknowledgments by stockholders of corporations to reflect that

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1 the definition of "notarial officer" includes persons who are
2 authorized by law to take acknowledgments.
3 Code section 602.8103A: Moves language establishing a
4 seven-day timeline to clarify that the timeline applies to
5 the transmission, upon request, of the remaining record of an
6 appeal by the clerk, and not to the appeal.
7 Code sections 602.11105, 602.11106, 602.11107: Replaces the
8 words "this Act" with "1983 Iowa Acts, ch. 186" to clarify that
9 the Act referred to in these provisions is that 1983 Act which
10 transitioned court personnel from county to state employment.
11 Code section 631.8: Replaces the word "division" with
12 "chapter" in this provision within the Code chapter governing
13 small claims because Code chapter 631 contains no chapter
14 divisions.
15 Code section 633.304: Rewrites and splits the language
16 relating to the provision of notice of probate of a will with
17 administration to clarify the timeline and contents of the
18 notices that must be made.
19 Code section 656.3: Changes the word "vendor" to "vendee"
20 to correct an error made by 2013 Iowa Acts, ch. 83, §3.
21 The provisions to which this section refers pertain to
22 the forfeiture of property of a vendee under a real estate
23 contract.
24 Code sections 692A.101 and 692A.102: Conforms the language
25 of these provisions to each other and to other similar language
26 in other provisions in these two Code sections that relate
27 to convictions for offenses in other jurisdictions or under
28 military or foreign law which require registration of an
29 offender on the Iowa sex offender registry.
30 Code section 702.17: Restructures to improve citation to
31 this definition of the term "sex act" or "sexual activity" in
32 the Code chapter establishing general definitions for Iowa's
33 criminal code chapters.
34 Code section 715A.1: Reorganizes language to alphabetize
35 the definitions that apply to this Code chapter pertaining to

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1 forgery and fraudulent acts.
2 Code section 715A.6: Rewrites language describing when
3 the fraudulent use of a credit card constitutes an aggravated
4 misdemeanor to reflect the addition of a class "C" penalty to
5 this provision, which previously was punishable only as a class
6 "D" felony or an aggravated misdemeanor, by 2003 Iowa Acts, ch.
7 12, §1.
8 Code section 717B.3: Restructures this provision relating
9 to the offense of animal neglect to improve the enumeration of
10 the elements of the offense.
11 Code section 724.1: Renumbers this provision describing
12 what constitutes an offensive weapon to separate provisions
13 which enumerate the types of weapons that are included within
14 the meaning of the term from provisions which enumerate the
15 weapons that are excluded from the term.
16 Code section 809A.16: Adds the words "and answers" to the
17 provision relating to final disposition in an in rem judicial
18 forfeiture proceeding to reflect the addition of owners or
19 interest holders in property who file answers as possible
20 parties to the proceeding to Code section 809A.13 by 2013 Iowa
21 Acts, ch. 41, §1.
22 Code sections 904.905 and 905.12: Replaces language that
23 currently refers to payment of dependent support obligations to
24 offices of the department of human services located in a county
25 in which the dependents reside to language referring to the
26 office or unit serving that county to reflect the fact that the
27 department does not maintain offices in every county in this
28 state.
29 2013 Iowa Acts, ch. 24, section 13: Replaces an incorrect
30 internal Code section reference in this provision relating to a
31 listing of providers that have failed to return overpayments of
32 medical assistance within a specific timeframe with a correct
33 reference to the Code section which establishes the timeframe
34 within which the overpayments must be returned. This change is
35 made retroactive to July 1, 2013, in division IV of the bill.

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1 2013 Iowa Acts, ch. 64, section 1: Changes a reference
2 to the agricultural development authority to a reference to
3 "authority" to reflect the transfer, by 2013 Iowa Acts, ch.
4 100, of jurisdiction over chapter 175 from the agricultural
5 development authority to the Iowa finance authority and
6 the replacement of all other references to the agricultural
7 development authority with references to the "authority". This
8 change is made retroactive to July 1, 2013, in division IV of
9 the bill.
10 2013 Iowa Acts, ch. 125, section 25: Changes language
11 requiring the future repeal of all changes made to Code section
12 175.8 in 2013 Iowa Acts, ch. 125, section 25, to reflect the
13 harmonization of changes to subsection 1, unnumbered paragraph
14 1, in which the changes made by 2013 Iowa Acts, ch. 100, §13
15 prevailed over the changes made by 2013 Iowa Acts, ch. 125, §4
16 to that same paragraph, to require the future repeal of changes
17 to subsection 2 of Code section 175.8 only. This change is
18 made retroactive to January 1, 2013, for tax years beginning on
19 or after that date, in division IV of the bill.
20 2013 Iowa Acts, ch. 130: Replaces 2013 Code language which
21 is amended to eliminate references to involuntary commitment
22 proceedings for persons with intellectual disabilities with
23 2014 Code language, which includes changes made to Code section
24 222.61 by 2012 Iowa Acts, ch. 1120, and then applies equivalent
25 amendments to the updated language to permit the codification
26 of the changes made by this 2013 Act in this Code section on
27 July 1, 2014.
28 DIVISION II. The Code sections in this division are
29 amended to correct internal references to provisions which
30 are renumbered, reorganized, or repealed in division I of the
31 bill. The internal reference correction in Code section 135.80
32 corresponds to a similar internal reference in Code section
33 230A.107. In addition, in Code section 422.15, an unnecessary
34 set of parentheses is deleted within Code section text.
35 DIVISION III. The Code sections in this division are amended

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1 by updating or correcting federal citations which appear within
2 Code section text.
3 Code sections 11.2, 11.6, 12B.10, 12C.16, 515.35, 518.14,
4 518A.12, 524.901, 602.8103, and 636.23: Updates these
5 references to the federal Investment Company Act of 1940 to
6 reflect the current United States citation for that Act and
7 to conform to similar updates made to similar language in
8 Code sections 511.8 and 633.123A. In Code section 636.23, the
9 brackets around a federal citation are also replaced with
10 commas to reflect the citation style used elsewhere in the
11 Code.
12 Code section 29A.23: Updates these references to the
13 federal Act which relates to documentation of military service
14 to reflect the current United States Code citation for that
15 Act.
16 Code section 125.10: Updates references to the federal Act
17 which relates to the development of a state plan for persons
18 with substance-related disorders to reflect the current United
19 States Code citations for that Act.
20 Code section 125.93: Updates these references to the
21 federal Drug Abuse Office and Treatment Act and the federal
22 Comprehensive Alcohol Abuse and Alcoholism Prevention,
23 Treatment, and Rehabilitation Act to reflect the current United
24 States Code citations for those Acts.
25 Code section 198.7: Updates this reference to the federal
26 Food, Drug, and Cosmetic Act to reflect the current United
27 States Code citation for that Act.
28 Code sections 225C.3, 225C.35, and 225C.47: Updates the
29 name of and citation to the current federal Act which provides
30 assistance for persons with developmental disabilities and
31 which supersedes the prior, repealed federal Act dealing with
32 the same subject.
33 Code section 229.22: Corrects the citation form to the
34 parts of the Code of Federal Regulations in which regulations
35 promulgated in accordance with the federal Health Insurance

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1 Portability and Accountability Act of 1996 are contained.
2 Code section 249A.3: Corrects the year of enactment for the
3 federal Omnibus Budget Reconciliation Act, Pub. L. No. 99-272.
4 Code section 249F.1: Corrects the reference to the United
5 States Code provision in which federal Social Security Act
6 section 1614 is codified.
7 Code sections 321.12 and 321.450: Corrects two Code of
8 Federal Regulations citations to reflect that those provisions
9 are parts, not sections, of the Code of Federal Regulations.
10 Code section 325A.6: Corrects this Code of Federal
11 Regulations citation to reflect that this provision is a part,
12 not a chapter, within the Code of Federal Regulations.
13 Code section 327J.1: Updates this reference to the federal
14 Act which creates the national railroad passenger corporation
15 to reflect the current United States Code citation for that
16 Act.
17 Code section 459A.102: Updates the form of a United States
18 Code citation and a Code of Federal Regulations citation to
19 conform to other similar types of citations elsewhere in the
20 Iowa Code.
21 Code section 502.304A: Completes this Code of Federal
22 Regulations citation to rule 505 of the Securities Act of 1933.
23 Code section 513B.2: Updates this reference to the federal
24 law which defines which health care insurance entities are
25 federally qualified health maintenance organizations to reflect
26 the current United States Code citation for that law.
27 Code section 514I.2: Corrects the form of citation for the
28 United States Code provision which defines "health insurance
29 coverage" under federal law.
30 Code section 535.2: Corrects the form of citation for the
31 United States Code provisions in which the federal Securities
32 Exchange Act of 1934 is currently codified.
33 Code section 535.12: Corrects the reference to the United
34 States Code provision which describes which agricultural credit
35 corporations may make, guarantee, or participate in the selling

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1 or discounting of loans to the farm credit bank of Omaha,
2 Nebraska.
3 Code sections 551A.3 and 551A.4: Corrects these Code of
4 Federal Regulations citations to reflect that these provisions
5 are parts, not sections.
6 Code section 714B.10: Corrects this Code of Federal
7 Regulations citation to reflect that this provision is a
8 section, not a part.
9 Code section 907B.2: Completes the United States Code
10 citation to this provision from the federal Government in the
11 Sunshine Act relating to the process used to determine whether
12 certain records should be disclosed.
13 DIVISION IV. This division contains the effective date and
14 applicability provisions that apply to provisions which are
15 amended in division I of the bill.

House Study Bill 644 - Introduced

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

A BILL FOR

1 An Act relating to taxation by updating the Code references
2 to the Internal Revenue Code, providing for the repeal of
3 the generation skipping transfer tax and Iowa estate tax,
4 and including effective date and retroactive applicability
5 provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5297XD (12) 85
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DIVISION I
INTERNAL REVENUE CODE REFERENCES

Section 1. Section 15.335, subsection 7, paragraph b, Code 2014, is amended to read as follows:

b. For purposes of this section, *"Internal Revenue Code"* means the Internal Revenue Code in effect on January 1, ~~2013, and as amended by the American Taxpayer Relief Act of 2012, Pub. L. No. 112-240~~ 2014.

Sec. 2. Section 422.3, subsection 5, Code 2014, is amended to read as follows:

5. *"Internal Revenue Code"* means the Internal Revenue Code of 1954, prior to the date of its redesignation as the Internal Revenue Code of 1986 by the Tax Reform Act of 1986, or means the Internal Revenue Code of 1986 as amended to and including January 1, ~~2013, and as amended by the American Taxpayer Relief Act of 2012, Pub. L. No. 112-240~~ 2014.

Sec. 3. Section 422.10, subsection 3, paragraph b, Code 2014, is amended to read as follows:

b. For purposes of this section, *"Internal Revenue Code"* means the Internal Revenue Code in effect on January 1, ~~2013, and as amended by the American Taxpayer Relief Act of 2012, Pub. L. No. 112-240~~ 2014.

Sec. 4. Section 422.32, subsection 1, paragraph g, Code 2014, is amended to read as follows:

g. *"Internal Revenue Code"* means the Internal Revenue Code of 1954, prior to the date of its redesignation as the Internal Revenue Code of 1986 by the Tax Reform Act of 1986, or means the Internal Revenue Code of 1986 as amended to and including January 1, ~~2013, and as amended by the American Taxpayer Relief Act of 2012, Pub. L. No. 112-240~~ 2014.

Sec. 5. Section 422.33, subsection 5, paragraph e, subparagraph (2), Code 2014, is amended to read as follows:

(2) For purposes of this subsection, *"Internal Revenue Code"* means the Internal Revenue Code in effect on January 1, ~~2013, and as amended by the American Taxpayer Relief Act of 2012,~~

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1 ~~Pub. L. No. 112-240~~ 2014.
2 Sec. 6. EFFECTIVE UPON ENACTMENT. This division of this
3 Act, being deemed of immediate importance, takes effect upon
4 enactment.
5 Sec. 7. RETROACTIVE APPLICABILITY. This division of this
6 Act applies retroactively to January 1, 2013, for tax years
7 beginning on or after that date.
8 DIVISION II
9 REPEAL OF GENERATION SKIPPING TRANSFER TAX AND IOWA ESTATE TAX
10 Sec. 8. Section 12.71, subsection 8, Code 2014, is amended
11 to read as follows:
12 8. Bonds issued under the provisions of this section are
13 declared to be issued for a general public and governmental
14 purpose and all bonds issued under this section shall be exempt
15 from taxation by the state of Iowa and the interest on the
16 bonds shall be exempt from the state income tax and the state
17 inheritance ~~and estate~~ tax.
18 Sec. 9. Section 12.80, subsection 3, Code 2014, is amended
19 to read as follows:
20 3. Bonds issued under this section are declared to be issued
21 for an essential public and governmental purpose and all bonds
22 issued under this section shall be exempt from taxation by the
23 state of Iowa and the interest on the bonds shall be exempt
24 from the state income tax and the state inheritance ~~and estate~~
25 tax.
26 Sec. 10. Section 12.81, subsection 8, Code 2014, is amended
27 to read as follows:
28 8. Bonds issued under the provisions of this section are
29 declared to be issued for a general public and governmental
30 purpose and all bonds issued under this section shall be exempt
31 from taxation by the state of Iowa and the interest on the
32 bonds shall be exempt from the state income tax and the state
33 inheritance ~~and estate~~ tax.
34 Sec. 11. Section 12.87, subsection 8, Code 2014, is amended
35 to read as follows:

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8. Any bonds issued and sold under the provisions of this section are declared to be issued and sold for an essential public and governmental purpose, and all bonds issued and sold under this section except as otherwise provided in any trust indentures, resolutions, or other instruments authorizing their issuance shall be exempt from taxation by the state of Iowa and the interest on the bonds shall be exempt from the state income tax and the state inheritance ~~and estate~~ tax.

Sec. 12. Section 12.91, subsection 9, Code 2014, is amended to read as follows:

9. Bonds issued under the provisions of this section are declared to be issued for a general public and governmental purpose and all bonds issued under this section shall be exempt from taxation by the state of Iowa and the interest on the bonds shall be exempt from the state income tax and the state inheritance ~~and estate~~ tax.

Sec. 13. Section 16.177, subsection 8, Code 2014, is amended to read as follows:

8. Bonds issued under this section are declared to be issued for an essential public and governmental purpose and all bonds issued under this section shall be exempt from taxation by the state of Iowa and the interest on the bonds shall be exempt from the state income tax and the state inheritance ~~and estate~~ tax.

Sec. 14. Section 321.47, subsection 2, Code 2014, is amended to read as follows:

2. The persons entitled under the laws of descent and distribution of an intestate's property to the possession and ownership of a vehicle owned in whole or in part by a decedent, upon filing an affidavit stating the name and date of death of the decedent, the right to possession and ownership of the persons filing the affidavit, and that there has been no administration of the decedent's estate, which instrument shall also contain an agreement to indemnify creditors of the decedent who would be entitled to levy execution upon

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the motor vehicle to the extent of the value of the motor vehicle, are entitled upon fulfilling the other requirements of this chapter, to the issuance of a registration card for the interest of the decedent in the vehicle and a certificate of title to it. If a decedent dies testate, and either the will is not probated or is admitted to probate without administration, the persons entitled to the possession and ownership of a vehicle owned in whole or in part by the decedent may file an affidavit and, upon fulfilling the other requirements of this chapter, are entitled to the issuance of a registration card for the interest of the decedent in the vehicle and a certificate of title to the vehicle. The affidavit shall contain the same information and indemnity agreement as is required in cases of intestacy pursuant to this section. A requirement of chapter 450 ~~or 451~~ shall not be considered satisfied by the filing of the affidavit provided for in this section. If, from the records in the office of the county treasurer, there appear to be any liens on the vehicle, the certificate of title shall contain a statement of the liens unless the application is accompanied by proper evidence of their satisfaction or extinction. Evidence of extinction may consist of, but is not limited to, an affidavit of the applicant stating that a security interest was foreclosed as provided in chapter 554, article 9, part 6. The department shall waive the certificate of title fee and surcharge required under sections 321.20, 321.20A, 321.23, 321.46, 321.52, and 321.52A if the person entitled to possession and ownership of a vehicle, as provided in this subsection, is the surviving spouse of a decedent.

Sec. 15. Section 421.60, subsection 2, paragraph c, subparagraph (1), Code 2014, is amended to read as follows:

(1) If the notice of assessment or denial of a claim for refund relates to a tax return filed pursuant to section 422.14 or chapter 450~~, 450A, or 451,~~ by the taxpayer which designates an individual as an authorized representative of the taxpayer

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with respect to that return, or if a power of attorney has been filed with the department by the taxpayer which designates an individual as an authorized representative of the taxpayer with respect to any tax that is included in the notice of assessment or denial of a claim for refund, a copy of the notice together with any additional information required to be sent to the taxpayer shall be sent to the authorized representative as well.

Sec. 16. Section 450.7, subsection 2, unnumbered paragraph 1, Code 2014, is amended to read as follows:

Notice of the lien is not required to be recorded. The rights of the state under the lien have priority over all subsequent mortgages, purchases, or judgment creditors; and a conveyance after the decedent's death of the property subject to a lien does not discharge the property except as otherwise provided in this chapter. However, if additional tax is determined to be owing under this chapter ~~or chapter 451~~ after the lien has been released under paragraph *"a"* or *"b"*, the lien does not have priority over subsequent mortgages, purchases, or judgment creditors unless notice of the lien is recorded in the office of the recorder of the county where the estate is probated, or where the property is located if the estate has not been administered. The department of revenue may release the lien by filing in the office of the clerk of the court in the county where the property is located, the decedent owner died, or the estate is pending or was administered, one of the following:

Sec. 17. Section 450.68, subsection 1, paragraph b, Code 2014, is amended to read as follows:

b. Federal tax returns, copies of returns, return information as defined in section 6103(b) of the Internal Revenue Code, and state inheritance tax returns, which are required to be filed with the department for the enforcement of the inheritance ~~and estate~~ tax laws of this state, shall be deemed and held as confidential by the department. However,

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1 such returns or return information may be disclosed by the
2 director to officers or employees of other state agencies,
3 subject to the same confidentiality restrictions imposed on the
4 officers and employees of the department.
5 Sec. 18. Section 455G.6, subsection 14, Code 2014, is
6 amended to read as follows:
7 14. Bonds issued under the provisions of this section are
8 declared to be issued for an essential public and governmental
9 purpose and all bonds issued under this subchapter shall be
10 exempt from taxation by the state of Iowa and the interest on
11 the bonds shall be exempt from the state income tax and the
12 state inheritance ~~and estate~~ tax.
13 Sec. 19. Section 463C.12, subsection 8, Code 2014, is
14 amended to read as follows:
15 8. Tax-exempt bonds issued by the authority in connection
16 with the program, which are exempt from taxation for federal
17 tax purposes, are also exempt from taxation by the state of
18 Iowa and the interest on these bonds is exempt from state
19 income taxes and state inheritance ~~and estate~~ taxes.
20 Sec. 20. Section 524.1406, subsection 3, paragraph a, Code
21 2014, is amended to read as follows:
22 *a.* Notwithstanding any contrary provision in chapter
23 490, division XIII, in determining the fair value of the
24 shareholder's shares of a bank organized under this chapter
25 or a bank holding company as defined in section 524.1801 in a
26 transaction or event in which the shareholder is entitled to
27 appraisal rights, due consideration shall be given to valuation
28 factors recognized for federal ~~and state~~ estate tax purposes,
29 including discounts for minority interests and discounts
30 for lack of marketability. However, any payment made to
31 shareholders under section 490.1324 shall be in an amount not
32 less than the stockholders' equity in the bank disclosed in its
33 last statement of condition filed under section 524.220 or the
34 total equity capital of the bank holding company disclosed in
35 the most recent report filed by the bank holding company with

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1 the board of governors of the federal reserve system, divided
2 by the number of shares outstanding.
3 Sec. 21. Section 633.3, subsections 4 and 8, Code 2014, are
4 amended to read as follows:
5 4. *Charges* — includes costs of administration, funeral
6 expenses, cost of monument, and federal ~~and state~~ estate taxes.
7 8. *Costs of administration* — includes court costs,
8 fiduciary's fees, attorney fees, all appraisers' fees, premiums
9 on corporate surety bonds, statutory allowance for support
10 of surviving spouse and children, cost of continuation of
11 abstracts of title, recording fees, transfer fees, transfer
12 taxes, agents' fees allowed by order of court, interest
13 expense, including but not limited to interest payable on
14 extension of federal ~~and state~~ estate tax, and all other fees
15 and expenses allowed by order of court in connection with
16 the administration of the estate. Court costs shall include
17 expenses of selling property.
18 Sec. 22. Section 633.436, subsection 1, unnumbered
19 paragraph 1, Code 2014, is amended to read as follows:
20 Except as provided in sections 633.211 and 633.212, shares
21 of the distributees shall abate, for the payment of debts and
22 charges, federal ~~and state~~ estate taxes, legacies, the shares
23 of children born or adopted after the making of a will, or the
24 share of the surviving spouse who elects to take against the
25 will, without any preference or priority as between real and
26 personal property, in the following order:
27 Sec. 23. Section 633.449, Code 2014, is amended to read as
28 follows:
29 **633.449 Payment of federal estate taxes.**
30 All federal estate taxes, distinguished from state
31 inheritance ~~and estate~~ taxes, owing by the estate of a decedent
32 shall be paid from the property of the estate, unless the will
33 of the decedent, or other trust instrument, provides expressly
34 to the contrary.
35 Sec. 24. Section 633A.4703, unnumbered paragraph 1, Code

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1 2014, is amended to read as follows:
2 Except as otherwise provided by the governing instrument,
3 where necessary to abate shares of the beneficiaries of a trust
4 for the payment of debts and charges, federal ~~and state~~ estate
5 taxes, bequests, the share of the surviving spouse who takes
6 an elective share, and the shares of children born or adopted
7 after the execution of the trust, abatement shall occur in the
8 following order:
9 Sec. 25. REPEAL. Chapters 450A and 451, Code 2014, are
10 repealed.
11 EXPLANATION

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

14 This bill updates the Iowa Code references to the Internal
15 Revenue Code to make federal income tax revisions enacted by
16 Congress in 2013 applicable for Iowa income tax purposes, and
17 repeals the generation skipping transfer tax and the Iowa
18 estate tax.
19 DIVISION I —— INTERNAL REVENUE CODE REFERENCES. The
20 division amends Code sections 422.3 and 422.32, general
21 definition sections in the chapter of the Code that governs
22 corporate and individual income tax and the franchise tax
23 on financial institutions, to update the references to the
24 Internal Revenue Code.
25 The division amends Code sections 15.335, 422.10, and 422.33
26 to update the references to the Internal Revenue Code for the
27 state research activities credit for individuals, corporations,
28 and corporations in economic development areas to include the
29 federal changes to the research activities credit and the
30 alternative simplified research activities credit.
31 Division I takes effect upon enactment and applies
32 retroactively to January 1, 2013, for tax years beginning on
33 or after that date.
34 DIVISION II —— REPEAL OF GENERATION SKIPPING TRANSFER TAX
35 AND IOWA ESTATE TAX. The division repeals the generation

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1 skipping transfer tax and Iowa estate tax. Iowa once had an
2 estate tax equal to the federal estate tax credit for state
3 inheritance and estate taxes paid. This type of tax was
4 referred to as a "pick-up tax" because it levied an amount
5 of tax equal to the credit against federal estate taxes,
6 thereby allowing the state to collect estate tax revenue
7 without increasing the total amount of tax due from the estate.
8 Similarly, Iowa has a generation skipping transfer tax based on
9 the same concept and equal to the federal generation skipping
10 transfer tax credit for state generation skipping transfer tax
11 paid.
12 In 2001, Congress enacted the Economic Growth and Tax Relief
13 Reconciliation Act which temporarily phased out these two
14 federal tax credits and replaced them with reduced federal
15 estate tax rates and an increased exemption level for estates.
16 These federal tax credits were fully phased out in 2005.
17 Therefore, Iowa has not collected any estate tax or generation
18 skipping transfer tax for estates of decedents dying, nor for
19 generation skipping transfers occurring, after December 31,
20 2004.
21 Iowa's estate tax was repealed in 2008 and then reenacted
22 in 2010, but its implementation was contingent on the
23 reimplementation of the federal tax credits. However, in
24 2013 Congress enacted the American Taxpayer Relief Act which
25 permanently eliminated the federal estate tax and generation
26 skipping transfer tax credits.
27 The division also makes conforming changes to remove
28 references in the Iowa Code to the Iowa estate tax and to Code
29 chapters 450A and 451.

House Study Bill 645 - Introduced

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

A BILL FOR

1 An Act relating to the administration of the streamlined sales
2 tax agreement by the department of revenue.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5307XD (2) 85
mm/sc

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Section 1. Section 423.3, subsection 57, paragraph c, Code 2014, is amended to read as follows:

c. "Dietary supplement" means any product, other than tobacco, intended to supplement the diet that meets all of the following criteria:

(1) The product contains one or more of the following dietary ingredients:

~~(1)~~ (a) A vitamin.

~~(2)~~ (b) A mineral.

~~(3)~~ (c) An herb or other botanical.

~~(4)~~ (d) An amino acid.

~~(5)~~ (e) A dietary substance for use by humans to supplement the diet by increasing the total dietary intake.

~~(6)~~ (f) A concentrate, metabolite, constituent, extract, or combination of any of the ingredients in ~~subparagraphs (1) through (5) that~~ subparagraph divisions (a) through (e).

(2) The product is intended for ingestion in tablet, capsule, powder, softgel, gelcap, or liquid form, or if not intended for ingestion in such a form, is not represented as conventional food and is not represented for use as a sole item of a meal or of the diet~~; and~~.

(3) The product is required to be labeled as a dietary supplement, identifiable by the "supplement facts" box found on the label and as required pursuant to 21 C.F.R. § 101.36.

EXPLANATION

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

This bill relates to the administration of the sales and use taxes under the streamlined sales and use tax agreement.

Iowa is a member of the streamlined sales and use tax agreement, which is an effort to administer state sales and use taxes in all participating states according to the same simplified system. Under the agreement, Iowa must periodically make changes in the administration of the sales and use taxes in order to remain in compliance.

S.F. _____ H.F. _____

1 The bill amends the definition of "dietary supplement"
2 to conform the language of the definition to the definition
3 of "dietary supplement" in the streamlined sales and use tax
4 agreement.

House Study Bill 646 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON SANDS)

A BILL FOR

1 An Act increasing the amount of the homestead property tax
2 credit and including applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5041YC (2) 85
md/sc

H.F. _____

Section 1. Section 425.1, subsection 2, Code 2014, is amended to read as follows:

2. The homestead credit fund shall be apportioned each year so as to give a credit against the tax on each eligible homestead in the state in an amount equal to the actual levy on the first ~~four thousand eight hundred fifty~~ nine thousand seven hundred dollars of actual value for each homestead.

Sec. 2. APPLICABILITY. This Act applies to property taxes due and payable in fiscal years beginning on or after July 1, 2014.

EXPLANATION

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

Current Code section 425.1 provides that the homestead credit fund shall be apportioned each year so as to give a credit against the property tax on each eligible homestead in the state in an amount equal to the actual levy on the first $4,850 of actual value for each homestead. This bill increases the amount of credit so as to give a credit in an amount equal to the actual levy on the first $9,700 of actual value for each homestead.

Code section 25B.7 provides that if a state appropriation made to fund the credit or exemption is not sufficient to fully fund the credit or exemption, the political subdivision shall be required to extend to the taxpayer only that portion of the credit or exemption estimated by the department of revenue to be funded by the state appropriation. The requirement for fully funding and the consequences of not fully funding under Code section 25B.7 apply to the homestead property tax credit.

The bill applies to property taxes due and payable in fiscal years beginning on or after July 1, 2014.

House Study Bill 647 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON SANDS)

A BILL FOR

1 An Act relating to the military service property tax exemption
2 and credit by increasing the exemption amount, and including
3 applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5137YC (2) 85
md/sc

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1 Section 1. Section 426A.11, subsection 1, Code 2014, is
2 amended by striking the subsection.
3 Sec. 2. Section 426A.11, subsection 2, Code 2014, is amended
4 to read as follows:
5 2. The property, not to exceed ~~one thousand eight hundred~~
6 ~~fifty-two~~ three thousand seven hundred four dollars in taxable
7 value of an honorably separated, retired, furloughed to a
8 reserve, placed on inactive status, or discharged veteran, as
9 defined in section 35.1, subsection 2, paragraph *"a"* or *"b"*.
10 Sec. 3. APPLICABILITY. This Act applies to property taxes
11 due and payable in fiscal years beginning on or after July 1,
12 2014.
13 EXPLANATION
14 The inclusion of this explanation does not constitute agreement with
15 the explanation's substance by the members of the general assembly.
16 Under current law, veterans of World War I are entitled
17 to a property tax exemption of $2,778 in taxable value and
18 honorably discharged veterans who served during other specific
19 time periods are entitled to a property tax exemption of $1,852
20 in taxable value. This bill increases the exemption amount for
21 all eligible veterans to $3,704.
22 Under current law, the state provides funding to local
23 governments for the military service property tax exemption
24 and credit up to $6.92 per $1,000 of assessed value of the
25 exempt property. Code section 25B.7 provides that if a
26 state appropriation made to fund a credit or exemption is not
27 sufficient to fully fund the credit or exemption, the political
28 subdivision shall be required to extend to the taxpayer only
29 that portion of the credit or exemption estimated by the
30 department of revenue to be funded by the state appropriation.
31 The requirement for fully funding and the consequences of not
32 fully funding under Code section 25B.7 apply to the military
33 service property tax credit and exemption to the extent of
34 $6.92 per $1,000 of assessed value of the exempt property.
35 The bill applies to property taxes due and payable in fiscal

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1 years beginning on or after July 1, 2014.

House Study Bill 648 - Introduced

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

A BILL FOR

1 An Act relating to the administration of the tax and related
2 laws of the department of revenue, including powers and
3 duties of the director and administration of the individual
4 income tax, inheritance tax, motor fuel and special fuel
5 taxes, and including retroactive applicability provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5290XD (4) 85
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1 DIVISION I
2 POWER AND DUTIES OF THE DIRECTOR
3 Section 1. Section 421.17, Code 2014, is amended by adding
4 the following new subsection:
5 NEW SUBSECTION. 33. At the director's discretion, to
6 receive and retain in an electronic format any record,
7 application, tax return, deposit, report, or any other
8 information or document required to be submitted to the
9 department.
10 DIVISION II
11 INDIVIDUAL INCOME TAX
12 Sec. 2. Section 422.5, subsection 3, paragraph a, Code 2014,
13 is amended to read as follows:
14 *a.* The tax shall not be imposed on a resident or nonresident
15 whose net income, as defined in section 422.7, is thirteen
16 thousand five hundred dollars or less in the case of married
17 persons filing jointly or filing separately on a combined
18 return, heads of household, and surviving spouses or nine
19 thousand dollars or less in the case of all other persons;
20 but in the event that the payment of tax under this division
21 would reduce the net income to less than thirteen thousand five
22 hundred dollars or nine thousand dollars as applicable, then
23 the tax shall be reduced to that amount which would result
24 in allowing the taxpayer to retain a net income of thirteen
25 thousand five hundred dollars or nine thousand dollars as
26 applicable. The preceding sentence does not apply to estates
27 or trusts. For the purpose of this subsection, the entire net
28 income, including any part of the net income not allocated
29 to Iowa, shall be taken into account. For purposes of this
30 subsection, net income includes all amounts of pensions or
31 other retirement income, except social security benefits
32 excluded under section 422.7, subsection 13, paragraph "*d*",
33 received from any source which is not taxable under this
34 division as a result of the government pension exclusions in
35 section 422.7, or any other state law. If the combined net

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1 income of a husband and wife exceeds thirteen thousand five
2 hundred dollars, neither of them shall receive the benefit
3 of this subsection, and it is immaterial whether they file a
4 joint return or separate returns. However, if a husband and
5 wife file separate returns and have a combined net income of
6 thirteen thousand five hundred dollars or less, neither spouse
7 shall receive the benefit of this paragraph, if one spouse has
8 a net operating loss and elects to carry back or carry forward
9 the loss as provided in section 422.9, subsection 3. A person
10 who is claimed as a dependent by another person as defined in
11 section 422.12 shall not receive the benefit of this subsection
12 if the person claiming the dependent has net income exceeding
13 thirteen thousand five hundred dollars or nine thousand dollars
14 as applicable or the person claiming the dependent and the
15 person's spouse have combined net income exceeding thirteen
16 thousand five hundred dollars or nine thousand dollars as
17 applicable.
18 Sec. 3. Section 422.5, subsection 3B, paragraph a, Code
19 2014, is amended to read as follows:
20 *a.* The tax shall not be imposed on a resident or nonresident
21 who is at least sixty-five years old on December 31 of
22 the tax year and whose net income, as defined in section
23 422.7, is thirty-two thousand dollars or less in the case
24 of married persons filing jointly or filing separately on a
25 combined return, heads of household, and surviving spouses or
26 twenty-four thousand dollars or less in the case of all other
27 persons; but in the event that the payment of tax under this
28 division would reduce the net income to less than thirty-two
29 thousand dollars or twenty-four thousand dollars as applicable,
30 then the tax shall be reduced to that amount which would result
31 in allowing the taxpayer to retain a net income of thirty-two
32 thousand dollars or twenty-four thousand dollars as applicable.
33 The preceding sentence does not apply to estates or trusts.
34 For the purpose of this subsection, the entire net income,
35 including any part of the net income not allocated to Iowa,

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1 shall be taken into account. For purposes of this subsection,
2 net income includes all amounts of pensions or other retirement
3 income, except social security benefits excluded under section
4 422.7, subsection 13, paragraph "d", received from any source
5 which is not taxable under this division as a result of the
6 government pension exclusions in section 422.7, or any other
7 state law. If the combined net income of a husband and wife
8 exceeds thirty-two thousand dollars, neither of them shall
9 receive the benefit of this subsection, and it is immaterial
10 whether they file a joint return or separate returns. However,
11 if a husband and wife file separate returns and have a combined
12 net income of thirty-two thousand dollars or less, neither
13 spouse shall receive the benefit of this paragraph, if one
14 spouse has a net operating loss and elects to carry back or
15 carry forward the loss as provided in section 422.9, subsection
16 3. A person who is claimed as a dependent by another person as
17 defined in section 422.12 shall not receive the benefit of this
18 subsection if the person claiming the dependent has net income
19 exceeding thirty-two thousand dollars or twenty-four thousand
20 dollars as applicable or the person claiming the dependent
21 and the person's spouse have combined net income exceeding
22 thirty-two thousand dollars or twenty-four thousand dollars as
23 applicable.
24 Sec. 4. RETROACTIVE APPLICABILITY. This division of this
25 Act applies retroactively to January 1, 2014, for tax years
26 beginning on or after that date.
27 DIVISION III
28 INHERITANCE TAX
29 Sec. 5. Section 450.94, subsection 2, Code 2014, is amended
30 to read as follows:
31 2. Unless a return is not required to be filed pursuant to
32 section 450.22, subsection 3, or section 450.53, subsection
33 1, paragraph "b", the taxpayer shall file an inheritance tax
34 return on forms to be prescribed by the director of revenue on
35 or before the last day of the ninth month after the death of

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1 the decedent. When an inheritance tax return is filed, the
2 department shall examine it and determine the correct amount of
3 tax. If the amount paid is less than the correct amount due,
4 the department shall notify the taxpayer of the total amount
5 due together with any penalty and interest which shall be
6 computed as a sum certain ~~if paid on or before~~, with interest
7 computed to the last day of the month in which the notice is
8 dated~~, or on or before the last day of the following month if~~
9 ~~the notice is dated after the twentieth day of a month and~~
10 ~~before the first day of the following month~~.
11 DIVISION IV
12 MOTOR FUEL AND SPECIAL FUEL TAXES
13 Sec. 6. Section 452A.64, Code 2014, is amended to read as
14 follows:
15 **452A.64 Failure to file return — incorrect return.**
16 If a return required by this chapter is not filed, or if a
17 return when filed is incorrect or insufficient ~~and the filer~~
18 ~~fails to file a corrected or sufficient return within twenty~~
19 ~~days after the same is required by notice from the appropriate~~
20 ~~state agency~~, the appropriate state agency shall determine the
21 amount of tax due. The determination shall be made from all
22 information that the appropriate state agency may be able to
23 obtain and, if necessary, the agency may estimate the tax on
24 the basis of external indices. The appropriate state agency
25 shall give notice of the determination to the person liable
26 for the tax. The determination shall fix the tax unless the
27 person against whom it is assessed shall, within sixty days
28 after the giving of notice of the determination, apply to
29 the director of the appropriate state agency for a hearing
30 or unless the taxpayer contests the determination by paying
31 the tax, interest, and penalty and timely filing a claim for
32 refund. At the hearing, evidence may be offered to support
33 the determination or to prove that it is incorrect. After the
34 hearing, the director shall give notice of the decision to the
35 person liable for the tax. The findings of the appropriate

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1 state agency as to the amount of fuel taxes, penalties, and
2 interest due from any person shall be presumed to be the
3 correct amount and in any litigation which may follow, the
4 certificate of the agency shall be admitted in evidence, shall
5 constitute a prima facie case and shall impose upon the other
6 party the burden of showing any error in the findings and the
7 extent thereof or that the finding was contrary to law.
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 the administration of the tax and
12 related laws by the department of revenue.
13 DIVISION I — POWERS AND DUTIES OF THE DIRECTOR. Division
14 I amends the powers and duties of the director of revenue to
15 allow the director, at the director's discretion, to receive
16 and retain in an electronic format any record, application, tax
17 return, deposit, report, or any other information or document
18 required to be submitted to the department.
19 DIVISION II — INDIVIDUAL INCOME TAX. Division II relates
20 to the individual income tax. The division amends the
21 calculation of net income for purposes of determining whether
22 or not a taxpayer's net income exceeds the amount at which
23 the individual income tax will not be imposed pursuant to
24 Code section 422.5(3) or Code section 422.5(3B) and for which
25 an individual income tax return is not required to be filed,
26 and for purposes of calculating the alternate tax in those
27 same Code sections. Under current law, all pension or other
28 retirement income from any source is required to be included in
29 the calculations, regardless of whether the income is otherwise
30 excluded from the individual income tax under Iowa law. The
31 division excludes from the calculations all social security
32 benefits excluded from the individual income tax under Iowa
33 law.
34 The division applies retroactively to January 1, 2014, for
35 tax years beginning on or after that date.

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1 DIVISION III — INHERITANCE TAX. Division III relates to the
2 inheritance tax. The division eliminates the requirement that
3 notices of assessment issued after the twentieth day of a month
4 include interest calculated for the next month.
5 DIVISION IV — MOTOR FUEL AND SPECIAL FUEL TAXES. Division
6 IV relates to motor fuel and special fuel taxes. Current
7 law requires that the department of revenue or the state
8 department of transportation, as applicable, send a notice to
9 filers of fuel tax returns if the return is either incorrect
10 or insufficient, giving the taxpayer 20 days to file a
11 corrected return. If a correct or sufficient return is not
12 filed, the department of revenue or the state department of
13 transportation, as applicable, is authorized to determine the
14 amount of tax due and send a notice of assessment to the person
15 liable for the tax. The division strikes the 20-day notice
16 requirement.

House Study Bill 649 - Introduced

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

A BILL FOR

1 An Act relating to the technical administration of the tax and
2 related laws of the state, including administration by the
3 department of revenue of certain tax credits and refunds,
4 income taxes, sales and use taxes, hotel and motel taxes,
5 and equipment taxes, and modifying provisions relating
6 to the property assessment appeal board, and including
7 effective date and retroactive applicability provisions.
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5311XD (9) 85
mm/sc

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DIVISION I
MISCELLANEOUS ADMINISTRATIVE CHANGES

Section 1. Section 421.17, Code 2014, is amended by adding the following new subsection:

NEW SUBSECTION. 33. To adopt rules ensuring that the total amount of transfers and disbursements in a fiscal year by the department to a local government or other entity with respect to projects under chapter 15J, chapter 418, or section 423B.10 does not exceed the amount of applicable taxes collected during the same fiscal year within the geographic boundaries of the reinvestment districts, governmental entities, or urban renewal areas in which such projects are located.

Sec. 2. Section 441.37A, subsection 1, paragraph e, Code 2014, is amended to read as follows:

e. ~~For the assessment year beginning January 1, 2014, the~~ The property assessment appeal board may, by rule, provide for the filing of a notice of appeal and petition with the secretary of the board by electronic means. All requirements of this section for an appeal to the board shall apply to an appeal filed electronically.

DIVISION II
TAX CREDITS AND REFUNDS

Sec. 3. Section 15.293A, subsection 2, paragraph b, subparagraph (1), Code 2014, is amended to read as follows:

(1) To claim a redevelopment tax credit under this section, a taxpayer must ~~attach~~ include one or more tax credit certificates ~~to~~ with the taxpayer's tax return. A tax credit certificate shall not be ~~used or attached to~~ included with a return filed for a taxable year beginning prior to July 1, 2009.

Sec. 4. Section 15.331C, subsection 2, Code 2014, is amended to read as follows:

2. A third-party developer shall state under oath, on forms provided by the department of revenue, the amount of taxes paid as described in subsection 1 and shall submit such

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forms to the department of revenue. The taxes paid shall be itemized to allow identification of the taxes attributable to racks, shelving, and conveyor equipment to be used in a warehouse or distribution center. After receiving the form from the third-party developer, the department of revenue shall issue a tax credit certificate to the eligible business equal to the sales and use taxes paid by a third-party developer under chapter 423 for gas, electricity, water, or sewer utility services, goods, wares, or merchandise, or on services rendered, furnished, or performed to or for a contractor or subcontractor and used in the fulfillment of a written contract relating to the construction or equipping of a facility. The department of revenue shall also issue a tax credit certificate to the eligible business equal to the taxes paid and attributable to racks, shelving, and conveyor equipment to be used in a warehouse or distribution center. The aggregate combined total amount of tax refunds under section 15.331A for taxes attributable to racks, shelving, and conveyor equipment to be used in a warehouse or distribution center and of tax credit certificates issued by the department of revenue for the taxes paid and attributable to racks, shelving, and conveyor equipment to be used in a warehouse or distribution center shall not exceed five hundred thousand dollars in a fiscal year. If an applicant for a tax credit certificate does not receive a certificate for the taxes paid and attributable to racks, shelving, and conveyor equipment to be used in a warehouse or distribution center, the application shall be considered in succeeding fiscal years. The eligible business shall not claim a tax credit under this section unless a tax credit certificate issued by the department of revenue is ~~attached to~~ included with the taxpayer's tax return for the tax year for which the tax credit is claimed. A tax credit certificate shall contain the eligible business's name, address, tax identification number, the amount of the tax credit, and other information deemed necessary by the

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1 department of revenue.
2 Sec. 5. Section 15E.44, subsection 4, Code 2014, is amended
3 to read as follows:
4 4. After verifying the eligibility of a qualifying
5 business, the authority shall issue a tax credit certificate to
6 be ~~attached to~~ included with the equity investor's tax return.
7 The tax credit certificate shall contain the taxpayer's name,
8 address, tax identification number, the amount of credit, the
9 name of the qualifying business, and other information required
10 by the department of revenue. The tax credit certificate,
11 unless rescinded by the authority, shall be accepted by the
12 department of revenue as payment for taxes imposed pursuant
13 to chapter 422, divisions II, III, and V, and in chapter
14 432, and for the moneys and credits tax imposed in section
15 533.329, subject to any conditions or restrictions placed by
16 the authority upon the face of the tax credit certificate and
17 subject to the limitations of section 15E.43.
18 Sec. 6. Section 15E.45, subsection 4, Code 2014, is amended
19 to read as follows:
20 4. After verifying the eligibility of the community-based
21 seed capital fund, the authority shall issue a tax credit
22 certificate to be ~~attached to~~ included with the taxpayer's
23 tax return. The tax credit certificate shall contain the
24 taxpayer's name, address, tax identification number, the amount
25 of the tax credit, the name of the community-based seed capital
26 fund, and other information required by the department of
27 revenue. The tax credit certificate, unless rescinded by the
28 authority, shall be accepted by the department of revenue or
29 a local taxing district, as applicable, as payment for taxes
30 imposed pursuant to chapter 422, divisions II, III, and V, and
31 chapter 432, and as payment for the moneys and credits tax
32 imposed pursuant to section 533.329, subject to any conditions
33 or restrictions placed by the authority on the face of the tax
34 credit certificate and subject to the limitations of section
35 15E.43.

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1 Sec. 7. Section 15E.193B, subsection 6, paragraph a, Code
2 2014, is amended to read as follows:
3 *a.* An eligible housing business may claim a tax credit
4 up to a maximum of ten percent of the new investment which
5 is directly related to the building or rehabilitating of a
6 minimum of four single-family homes located in that part of
7 a city or county in which there is a designated enterprise
8 zone or one multiple dwelling unit building containing three
9 or more individual dwelling units located in that part of a
10 city or county in which there is a designated enterprise zone.
11 The new investment that may be used to compute the tax credit
12 shall not exceed the new investment used for the first one
13 hundred forty thousand dollars of value for each single-family
14 home or for each unit of a multiple dwelling unit building
15 containing three or more units. The tax credit may be used to
16 reduce the tax ~~liability~~ liabilities imposed under chapter 422,
17 ~~division~~ divisions II, III, ~~or~~ and V, ~~or~~ and chapter 432. Any
18 credit in excess of the tax liability for the tax year may be
19 credited to the tax liability for the following seven years or
20 until depleted, whichever occurs earlier. If the business is
21 a partnership, S corporation, limited liability company, or
22 estate or trust electing to have the income taxed directly to
23 the individual, an individual may claim the tax credit allowed.
24 The amount claimed by the individual shall be based upon the
25 pro rata share of the individual's earnings of the partnership,
26 S corporation, limited liability company, or estate or trust
27 except as allowed for under subsection 8 when low-income
28 housing tax credits authorized under section 42 of the Internal
29 Revenue Code are used to assist in the financing of the housing
30 development.
31 Sec. 8. Section 15E.193B, subsection 8, Code 2014, is
32 amended to read as follows:
33 8. *a.* The amount of the tax credits determined pursuant
34 to subsection 6, paragraph *"a"*, for each project shall be
35 approved by the economic development authority. The authority

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1 shall utilize the financial information required to be provided
2 under subsection 5, paragraph "e", to determine the tax credits
3 allowed for each project. In determining the amount of tax
4 credits to be allowed for a project, the authority shall not
5 include the portion of the project cost financed through
6 federal, state, and local government tax credits, grants,
7 and forgivable loans. Upon approving the amount of the tax
8 credit, the economic development authority shall issue a tax
9 credit certificate to the eligible housing business except
10 when low-income housing tax credits authorized under section
11 42 of the Internal Revenue Code are used to assist in the
12 financing of the housing development in which case the tax
13 credit certificate may be issued to a partner if the business
14 is a partnership, a shareholder if the business is an S
15 corporation, or a member if the business is a limited liability
16 company in the amounts designated by the eligible partnership,
17 S corporation, or limited liability company. An eligible
18 housing business or the designated partner if the business is
19 a partnership, designated shareholder if the business is an S
20 corporation, or designated member if the business is a limited
21 liability company, or transferee shall not claim the tax credit
22 unless a tax credit certificate is ~~attached to~~ included with
23 the taxpayer's return for the tax year for which the tax
24 credit is claimed. The tax credit certificate shall contain
25 the taxpayer's name, address, tax identification number, the
26 amount of the tax credit, and other information required by
27 the department of revenue. The tax credit certificate shall
28 be transferable if the housing development is located in a
29 brownfield site as defined in section 15.291, if the housing
30 development is located in a blighted area as defined in section
31 403.17, or if low-income housing tax credits authorized under
32 section 42 of the Internal Revenue Code are used to assist in
33 the financing of the housing development. Not more than three
34 million dollars worth of tax credits for housing developments
35 that are located in a brownfield site as defined in section

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1 15.291 or housing developments located in a blighted area as
2 defined in section 403.17 shall be transferred in one calendar
3 year. The three million dollar annual limit does not apply
4 to tax credits awarded to an eligible housing business having
5 low-income housing tax credits authorized under section 42 of
6 the Internal Revenue Code to assist in the financing of the
7 housing development. The authority may approve an application
8 for tax credit certificates for transfer from an eligible
9 housing business located in a brownfield site as defined in
10 section 15.291 or in a blighted area as defined in section
11 403.17 that would result in the issuance of more than three
12 million dollars of tax credit certificates for transfer,
13 provided the authority, through negotiation with the eligible
14 business, allocates those tax credit certificates for transfer
15 over more than one calendar year. The authority shall not
16 approve more than one million five hundred thousand dollars
17 in tax credit certificates for transfer to any one eligible
18 housing business located in a brownfield site as defined in
19 section 15.291 or in a blighted area as defined in section
20 403.17 in a calendar year. If three million dollars in tax
21 credit certificates for transfer have not been issued at the
22 end of a calendar year, the remaining tax credit certificates
23 for transfer may be issued in advance to an eligible housing
24 business scheduled to receive a tax credit certificate for
25 transfer in a later calendar year. Any time the authority
26 approves a tax credit certificate for transfer which has not
27 been allocated at the end of a calendar year, the authority may
28 prorate the remaining certificates to more than one eligible
29 applicant. If the entire three million dollars of tax credit
30 certificates for transfer is not issued in a given calendar
31 year, the remaining amount may be carried over to a succeeding
32 calendar year. Tax credit certificates issued under this
33 chapter may be transferred to any person or entity. The
34 economic development authority shall notify the department
35 of revenue of the tax credit certificates which have been

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1 approved for transfer. Within ninety days of transfer, the
2 transferee must submit the transferred tax credit certificate
3 to the department of revenue along with a statement containing
4 the transferee's name, tax identification number, and
5 address, and the denomination that each replacement tax credit
6 certificate is to carry and any other information required by
7 the department of revenue. Within thirty days of receiving
8 the transferred tax credit certificate and the transferee's
9 statement, the department of revenue shall issue one or more
10 replacement tax credit certificates to the transferee. Each
11 replacement certificate must contain the information required
12 to receive the original certificate and must have the same
13 expiration date that appeared in the transferred tax credit
14 certificate. Tax credit certificate amounts of less than the
15 minimum amount established by rule of the economic development
16 authority shall not be transferable. A tax credit shall not be
17 claimed by a transferee under subsection 6, paragraph *"a"*, until
18 a replacement tax credit certificate identifying the transferee
19 as the proper holder has been issued.
20 *b.* The transferee may use the amount of the tax credit
21 transferred against the taxes imposed under chapter 422,
22 divisions II, III, and V, and chapter 432 for any tax year the
23 original transferor could have claimed the tax credit. Any
24 consideration received for the transfer of the tax credit shall
25 not be included as income under chapter 422, divisions II, III,
26 and V. Any consideration paid for the transfer of the tax
27 credit shall not be deducted from income under chapter 422,
28 divisions II, III, and V.
29 Sec. 9. Section 16.211, subsection 2, paragraphs a and b,
30 Code 2014, are amended to read as follows:
31 *a.* To claim a disaster recovery housing project tax
32 credit under this section, a taxpayer must ~~attach~~ include one
33 or more tax credit certificates ~~to~~ with the taxpayer's tax
34 return. The tax credit certificate or certificates ~~attached~~
35 ~~to~~ included with the taxpayer's tax return shall be issued in

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1 the taxpayer's name, expire on or after the last day of the
2 taxable year for which the taxpayer is claiming the tax credit,
3 and show a tax credit amount equal to or greater than the tax
4 credit claimed on the taxpayer's tax return.
5 *b.* After verifying the eligibility of a taxpayer for a tax
6 credit pursuant to this section, the authority shall issue a
7 disaster recovery housing project tax credit certificate to be
8 ~~attached to~~ included with the taxpayer's tax return. The tax
9 credit certificate shall contain the taxpayer's name, address,
10 tax identification number; the amount of the credit; and any
11 other information required by the department of revenue.
12 Sec. 10. Section 175.37, subsection 7, unnumbered paragraph
13 1, Code 2014, is amended to read as follows:
14 A taxpayer shall not claim a tax credit under this section
15 unless a tax credit certificate issued by the authority is
16 ~~attached to~~ included with the taxpayer's tax return for the
17 tax year for which the tax credit is claimed. The authority
18 must review and approve an application for a tax credit as
19 provided by rules adopted by the authority. The application
20 must include a copy of the agricultural assets transfer
21 agreement. The authority may approve an application and issue
22 a tax credit certificate to a taxpayer who has previously been
23 allowed a tax credit under this section. The authority may
24 require that the parties to an agricultural assets transfer
25 agreement provide additional information as determined relevant
26 by the authority. The authority shall review an application
27 for a tax credit which includes the renewal of an agricultural
28 assets transfer agreement to determine that the parties to the
29 renewed agreement meet the same qualifications as required for
30 an original application. The authority shall not approve an
31 application or issue a tax credit certificate to a taxpayer for
32 an amount in excess of fifty thousand dollars. In addition,
33 the authority shall not approve an application or issue a
34 certificate to a taxpayer if any of the following applies:
35 Sec. 11. Section 175.38, subsection 10, unnumbered

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1 paragraph 1, Code 2014, is amended to read as follows:
2 A taxpayer shall not claim a custom farming contract tax
3 credit unless a tax credit certificate issued by the authority
4 under this section is ~~attached to~~ included with the taxpayer's
5 tax return for the tax year for which the tax credit is
6 claimed. The authority must review and approve an application
7 for a tax credit certificate as provided by rules adopted
8 by the authority. The application must include a copy of
9 the custom farming contract. The authority may approve an
10 application and issue a tax credit certificate to a taxpayer
11 who has previously been allowed a tax credit under this
12 section. The authority may require that the parties to the
13 contract provide additional information as determined relevant
14 by the authority. The authority shall review an application
15 for a tax credit certificate which includes the renewal of a
16 contract to determine that the parties to the renewed contract
17 meet the same qualifications as required for an original
18 application. The authority shall not approve an application or
19 issue a tax credit certificate to a taxpayer for an amount in
20 excess of fifty thousand dollars. In addition, the authority
21 shall not approve an application or issue a tax credit
22 certificate to a taxpayer if any of the following applies:
23 Sec. 12. Section 404A.1, subsection 1, paragraph a, Code
24 2014, is amended to read as follows:
25 *a.* A historic preservation and cultural and entertainment
26 district tax credit, subject to the availability of the credit,
27 is granted against the ~~tax~~ taxes imposed under chapter 422,
28 ~~division~~ divisions II, III, ~~or~~ and V, ~~or~~ and chapter 432, for
29 the substantial rehabilitation of eligible property located in
30 this state as provided in this chapter.
31 Sec. 13. Section 404A.4, subsection 2, unnumbered paragraph
32 1, Code 2014, is amended to read as follows:
33 After verifying the eligibility for the tax credit, the
34 state historic preservation office shall issue a historic
35 preservation and cultural and entertainment district tax credit

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1 certificate to be ~~attached to~~ included with the person's
2 tax return. The tax credit certificate shall contain the
3 taxpayer's name, address, tax identification number, the date
4 of project completion, the amount of credit, other information
5 required by the department of revenue, and a place for the name
6 and tax identification number of a transferee and the amount of
7 the tax credit being transferred. Of the amount of tax credits
8 that may be approved in a fiscal year pursuant to subsection
9 4, paragraph "*a*":
10 Sec. 14. Section 422.11S, subsection 7, paragraph a, Code
11 2014, is amended to read as follows:
12 *a.* In order for the taxpayer to claim the school tuition
13 organization tax credit under subsection 1, a tax credit
14 certificate issued by the school tuition organization to which
15 the contribution was made shall be ~~attached to~~ included with
16 the person's tax return. The tax credit certificate shall
17 contain the taxpayer's name, address, tax identification
18 number, the amount of the contribution, the amount of the
19 credit, and other information required by the department.
20 Sec. 15. Section 437A.17B, Code 2014, is amended to read as
21 follows:
22 **437A.17B Reimbursement for renewable energy.**
23 A person in possession of a wind energy tax credit
24 certificate issued pursuant to chapter 476B or a renewable
25 energy tax credit certificate issued pursuant to chapter 476C
26 may apply to the director for a reimbursement of the amount of
27 taxes imposed and paid by the person pursuant to this chapter
28 in an amount not more than the person received in wind energy
29 tax credit certificates pursuant to chapter 476B or renewable
30 energy tax credit certificates pursuant to chapter 476C. To
31 obtain the reimbursement, the person shall ~~attach to~~ include
32 with the return required under section 437A.8 the wind energy
33 tax credit certificates issued to the person pursuant to
34 chapter 476B, or the renewable energy tax credit certificates
35 issued to the person pursuant to chapter 476C, and provide any

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other information the director may require. The director shall direct a warrant to be issued to the person for an amount equal to the tax imposed and paid by the person pursuant to this chapter but for not more than the amount of the wind energy tax credit certificates or renewable energy tax credit certificates ~~attached to~~ included with the return.

Sec. 16. Section 476B.6, subsection 8, Code 2014, is amended to read as follows:

8. A tax credit certificate shall not be used or ~~attached to~~ included with a return filed for a taxable year beginning prior to July 1, 2006.

Sec. 17. Section 476B.8, Code 2014, is amended to read as follows:

476B.8 Use of tax credit certificates.

To claim a wind energy production tax credit under this chapter, a taxpayer must ~~attach~~ include one or more tax credit certificates ~~to~~ with the taxpayer's tax return, or if used against taxes imposed under chapter 423, the taxpayer shall comply with section 423.4, subsection 4, or if used against taxes imposed under chapter 437A, the taxpayer shall comply with section 437A.17B. A tax credit certificate shall not be used or ~~attached to~~ included with a return filed for a taxable year beginning prior to July 1, 2006. The tax credit certificate or certificates ~~attached to~~ included with the taxpayer's tax return shall be issued in the taxpayer's name, expire on or after the last day of the taxable year for which the taxpayer is claiming the tax credit, and show a tax credit amount equal to or greater than the tax credit claimed on the taxpayer's tax return. Any tax credit in excess of the taxpayer's tax liability for the taxable year may be credited to the taxpayer's tax liability for the following seven taxable years or until depleted, whichever is the earlier. If the tax credit is applied against the taxes imposed under chapter 423 or 437A, any credit in excess of the taxpayer's tax liability is carried over and can be filed with the refund claim for

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the following seven tax years or until depleted, whichever is earlier. However, the certificate shall not be used to reduce tax liability for a tax period ending after the expiration date of the certificate.

Sec. 18. Section 476C.6, subsection 2, Code 2014, is amended to read as follows:

2. To claim a renewable energy tax credit under this chapter, a taxpayer must ~~attach~~ include one or more tax credit certificates ~~to~~ with the taxpayer's tax return, or if used against taxes imposed under chapter 423, the taxpayer shall comply with section 423.4, subsection 4, or if used against taxes imposed under chapter 437A, the taxpayer shall comply with section 437A.17B. A tax credit certificate shall not be used or ~~attached to~~ included with a return filed for a taxable year beginning prior to July 1, 2006. The tax credit certificate or certificates ~~attached to~~ included with the taxpayer's tax return shall be issued in the taxpayer's name, expire on or after the last day of the taxable year for which the taxpayer is claiming the tax credit, and show a tax credit amount equal to or greater than the tax credit claimed on the taxpayer's tax return. Any tax credit in excess of the taxpayer's tax liability for the taxable year may be credited to the taxpayer's tax liability for the following seven tax years or until the credit is depleted, whichever is earlier. If the tax credit is applied against the taxes imposed under chapter 423 or 437A, any credit in excess of the taxpayer's tax liability is carried over and can be filed with the refund claim for the following seven tax years or until depleted, whichever is earlier. However, the certificate shall not be used to reduce tax liability for a tax period ending after the expiration date of the certificate.

DIVISION III
INCOME TAXES

Sec. 19. Section 422.7, subsection 2, paragraph i, Code 2014, is amended by striking the paragraph.

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1 Sec. 20. Section 422.13, Code 2014, is amended to read as
2 follows:
3 **422.13 Return by individual.**
4 1. ~~Except as provided in subsection 2, a~~ A resident or
5 nonresident of this state shall make a return, signed in
6 accordance with forms and rules prescribed by the director, if
7 any of the following are applicable:
8 ~~*a.* The individual has net income of more than nine thousand~~
9 ~~dollars for the tax year from sources taxable under this~~
10 ~~division.~~
11 ~~*b.*~~ *a.* The individual is claimed as a dependent on another
12 person's return and has net income of five thousand dollars or
13 more for the tax year from sources taxable under this division.
14 ~~*c.*~~ *b.* ~~However, if that part of the~~ The net income of a
15 nonresident which is allocated to Iowa pursuant to section
16 422.8, subsection 2, is ~~less than~~ one thousand dollars ~~the~~
17 ~~nonresident is not required to make and sign a return except~~
18 ~~when the~~ or more for the tax year from sources taxable under
19 this division, unless the nonresident's total net income,
20 as determined under section 422.5, subsection 3 or 3B, does
21 not exceed the appropriate dollar amount listed in section
22 422.5, subsection 3 or 3B, upon which tax is not imposed. The
23 portion of a lump sum distribution that is allocable to Iowa
24 is included in net income for purposes of determining if the
25 nonresident's net income allocable to Iowa is one thousand
26 dollars or more.
27 *c.* A nonresident is subject to the state alternative minimum
28 tax imposed pursuant to section 422.5, subsection 2.
29 ~~2.~~ *d.* ~~Notwithstanding any other provision in this section,~~
30 The total net income, as determined under section 422.5,
31 subsection 3 or 3B, of a resident or nonresident of this state
32 ~~is not required to make and file a return if the person's net~~
33 ~~income~~ is ~~equal to or less~~ more than the appropriate dollar
34 amount listed in section 422.5, subsection 3 or 3B, upon
35 which tax is not imposed. ~~A nonresident of this state is~~

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1 ~~not required to make and file a return if the person's total~~
2 ~~net income in section 422.5, subsection 1, paragraph "j", is~~
3 ~~equal to or less than the appropriate dollar amount provided~~
4 ~~in section 422.5, subsection 3, upon which tax is not imposed.~~
5 ~~For purposes of this subsection, the amount of a lump sum~~
6 ~~distribution subject to separate federal tax shall be included~~
7 ~~in net income for purposes of determining if a resident is~~
8 ~~required to file a return and the portion of the lump sum~~
9 ~~distribution that is allocable to Iowa is included in total net~~
10 ~~income for purposes of determining if a nonresident is required~~
11 ~~to make and file a return.~~
12 ~~3.~~ 2. For purposes of determining the requirement for
13 filing a return under subsection 1, the combined net income of
14 a husband and wife from sources taxable under this division
15 shall be considered.
16 ~~4.~~ 3. If the taxpayer is unable to make the return,
17 the return shall be made by a duly authorized agent or by a
18 guardian or other person charged with the care of the person or
19 property of the taxpayer.
20 ~~5.~~ 4. A nonresident taxpayer shall file a copy of the
21 taxpayer's federal income tax return for the current tax year
22 with the return required by this section.
23 ~~6.~~ 5. *a.* Notwithstanding subsections 1 through ~~5~~ 4
24 and sections 422.15 and 422.36, a partnership, a limited
25 liability company whose members are taxed on the company's
26 income under provisions of the Internal Revenue Code, trust, or
27 corporation whose stockholders are taxed on the corporation's
28 income under the provisions of the Internal Revenue Code may,
29 not later than the due date for filing its return for the
30 taxable year, including any extension thereof, elect to file
31 a composite return for the nonresident partners, members,
32 beneficiaries, or shareholders. Nonresident trusts or estates
33 which are partners, members, beneficiaries, or shareholders
34 in partnerships, limited liability companies, trusts, or S
35 corporations may also be included on a composite return. The

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1 director may require that a composite return be filed under the
2 conditions deemed appropriate by the director. A partnership,
3 limited liability company, trust, or corporation filing a
4 composite return is liable for tax required to be shown due on
5 the return.
6 *b.* Notwithstanding subsections 1 through ~~5~~ 4 and sections
7 422.15 and 422.36, if the director determines that it is
8 necessary for the efficient administration of this chapter,
9 the director may require that a composite return be filed
10 for nonresidents other than nonresident partners, members,
11 beneficiaries or shareholders in partnerships, limited
12 liability companies, trusts, or S corporations.
13 *c.* All powers of the director and requirements of the
14 director apply to returns filed under this subsection including
15 but not limited to the provisions of this division and division
16 VI of this chapter.
17 Sec. 21. RETROACTIVE APPLICABILITY. This division of this
18 Act applies retroactively to January 1, 2014, for tax years
19 beginning on or after that date.
20 DIVISION IV
21 SALES AND USE TAXES
22 Sec. 22. Section 423.3, subsection 18, paragraph e, Code
23 2014, is amended to read as follows:
24 *e.* ~~Community health~~ Health centers as defined in ~~42 U.S.C.~~
25 ~~§ 254c and migrant health centers as defined in~~ 42 U.S.C.
26 §254b.
27 DIVISION V
28 HOTEL AND MOTEL TAXES
29 Sec. 23. Section 423A.6, Code 2014, is amended to read as
30 follows:
31 **423A.6 Administration by director.**
32 1. The director of revenue shall administer the state and
33 local hotel and motel tax as nearly as possible in conjunction
34 with the administration of the state sales tax law, except
35 that portion of the law which implements the streamlined sales

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1 and use tax agreement. The director shall provide appropriate
2 forms, or provide on the regular state tax forms, for reporting
3 state and local hotel and motel tax liability. All moneys
4 received or refunded one hundred eighty days after the date on
5 which a city or county terminates its local hotel and motel
6 tax and all moneys received from the state hotel and motel tax
7 shall be deposited in or withdrawn from the general fund of the
8 state. ~~Beginning~~
9 2. If a reinvestment district is established under chapter
10 15J, beginning the first day of the calendar quarter beginning
11 on the reinvestment district's commencement date, the director
12 of revenue shall, subject to remittance limitations established
13 by the economic development authority board pursuant to section
14 15J.4, subsection 3, transfer from the general fund of the
15 state to a district account created in the state reinvestment
16 district fund for each reinvestment district established
17 under chapter 15J, the new state hotel and motel tax revenue,
18 determined in section 15J.5, subsection 2, paragraph "b", in
19 the district. Such transfers shall cease pursuant to section
20 15J.8.
21 ~~2.~~ 3. The director, in consultation with local officials,
22 shall collect and account for a local hotel and motel tax and
23 shall credit all revenues to the local transient guest tax fund
24 created in section 423A.7. Local authorities shall not require
25 any tax permit not required by the director of revenue.
26 ~~3.~~ 4. Section 422.25, subsection 4, sections 422.30,
27 422.67, and 422.68, section 422.69, subsection 1, sections
28 422.70, 422.71, 422.72, 422.74, and 422.75, section 423.14,
29 subsection 1, and sections 423.23, 423.24, 423.25, 423.31,
30 423.33, 423.35, 423.37 through 423.42, and 423.47, consistent
31 with the provisions of this chapter, apply with respect to
32 the taxes authorized under this chapter, in the same manner
33 and with the same effect as if the state and local hotel and
34 motel taxes were retail sales taxes within the meaning of
35 those statutes. Notwithstanding this subsection, the director

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1 shall provide for quarterly filing of returns and for other
2 than quarterly filing of returns both as prescribed in section
3 423.31. The director may require all persons who are engaged
4 in the business of deriving any sales price subject to tax
5 under this chapter to register with the department. All taxes
6 collected under this chapter by a retailer or any individual
7 are deemed to be held in trust for the state of Iowa and the
8 local jurisdictions imposing the taxes.
9 DIVISION VI
10 EQUIPMENT TAXES
11 Sec. 24. Section 423D.3, Code 2014, is amended to read as
12 follows:
13 **423D.3 Exemption.**
14 The sales price on the lease or rental of equipment to
15 contractors for direct and primary use in construction is
16 exempt from the tax imposed by this chapter. ~~The sales price~~
17 ~~from transactions exempt from state sales tax under section~~
18 ~~423.3 is also exempt from the tax imposed by this chapter.~~
19 Sec. 25. EFFECTIVE UPON ENACTMENT. This division of this
20 Act, being deemed of immediate importance, takes effect upon
21 enactment.
22 Sec. 26. RETROACTIVE APPLICABILITY. This division of this
23 Act applies retroactively to July 1, 2008, for all sales or
24 uses of equipment on or after that date.
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 technical administration of the tax
29 and related laws by the department of revenue.
30 DIVISION I —— MISCELLANEOUS ADMINISTRATIVE CHANGES.
31 Division I gives the director of revenue the power and duty to
32 adopt rules ensuring that the total amount of transfers by the
33 department of revenue to local governments or other entities
34 with respect to flood mitigation program projects, local option
35 tax urban renewal projects, and Iowa reinvestment Act projects

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1 does not exceed the amount of applicable taxes collected during
2 the same fiscal year within the geographic boundaries of those
3 governmental entities, urban renewal areas, and reinvestment
4 districts.
5 The division also amends the property assessment appeal
6 board's authority to provide for the filing of a notice of
7 appeal and petition by electronic means by striking language
8 referencing that such authority applies to the assessment year
9 beginning January 1, 2014.
10 DIVISION II — TAX CREDITS AND REFUNDS. Division II relates
11 to the administration of certain tax credits and refunds.
12 The division amends language relating to tax credits or
13 refunds that are issued as tax credit certificates to require
14 that in order to claim such tax credits or refunds, the
15 certificate must be included with a tax return rather than
16 attached to a tax return.
17 DIVISION III — INCOME TAXES. Division III relates to
18 individual and corporate income taxes.
19 The division removes alcoholic beverage control bonds
20 from the list in Code section 422.7 of bonds exempt from the
21 individual income tax. The authority to issue the bonds and
22 claim the corresponding tax exemption was repealed by 2011 Iowa
23 Acts, chapter 17 (House File 617).
24 The division amends the requirements in Code section 422.13
25 for making and filing an individual income tax return by
26 specifying that a resident or nonresident must file a return
27 if net income exceeds the appropriate dollar amount in Code
28 section 422.5, subsection 3 or subsection 3B. Code section
29 422.5, subsections 3 and 3B, respectively, relate to the net
30 income amounts upon which the individual income tax is not
31 imposed for all taxpayers and for taxpayers who are 65 years
32 of age or older. The division also makes other changes in Code
33 section 422.13 in order to reorganize the Code section.
34 The division applies retroactively to January 1, 2014, for
35 tax years beginning on or after that date.

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1 DIVISION IV — SALES AND USE TAXES. Division IV amends
2 the sales and use tax exemption for sales to community health
3 centers and migrant health centers to reflect the current name
4 of those centers under federal law.
5 DIVISION V — HOTEL AND MOTEL TAXES. Division V relates to
6 the hotel and motel tax by reorganizing and renumbering the
7 Code section relating to the administration of the tax and the
8 transfer of tax revenues under the Iowa reinvestment Act in
9 Code chapter 15J.
10 DIVISION VI — EQUIPMENT TAXES. Division VI relates to
11 the equipment tax in Code chapter 423D by striking language
12 that exempts from the equipment tax the sales price from
13 transactions exempt from the state sales tax under Code section
14 423.3.
15 The division takes effect upon enactment and applies
16 retroactively to July 1, 2008, for all sales or uses of
17 equipment on or after that date.

House Study Bill 650 - Introduced

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

A BILL FOR

1 An Act creating individual income tax credits for military
2 service during certain military conflicts in Lebanon,
3 Grenada, and Panama, and for service during certain military
4 conflicts in the Persian Gulf, providing for penalties, and
5 including retroactive applicability provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6093YC (3) 85
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1 Section 1. Section 422.7, Code 2014, is amended by adding
2 the following new subsections:
3 NEW SUBSECTION. 57. *a.* Subtract the Lebanon, Grenada, and
4 Panama veteran tax credit provided under section 422.10A to the
5 extent that the credit increased federal adjusted gross income.
6 *b.* This subsection is repealed January 1, 2018.
7 NEW SUBSECTION. 58. *a.* Subtract the Persian Gulf veteran
8 tax credit provided under section 422.10B to the extent that
9 the credit increased federal adjusted gross income.
10 *b.* This subsection is repealed January 1, 2018.
11 Sec. 2. NEW SECTION. **422.10A Lebanon, Grenada, and Panama**
12 **veteran tax credit.**
13 1. The taxes imposed under this division, less the credits
14 allowed under section 422.12, shall be reduced by a Lebanon,
15 Grenada, and Panama veteran tax credit equal to the following
16 amount:
17 *a.* For a taxpayer who served on active duty for not less
18 than one hundred twenty days in the armed forces of the United
19 States at any time between August 24, 1982, and July 31, 1984,
20 both dates inclusive, or between December 20, 1989, and January
21 31, 1990, both dates inclusive, and who was inducted into
22 federal active duty from the state of Iowa and was honorably
23 discharged or separated from federal active duty, or is still
24 on active duty in an honorable status, or has been retired,
25 or has been furloughed to a reserve, or has been placed on
26 inactive status, an amount equal to eighteen dollars for
27 each month that the taxpayer was on federal active duty in
28 a conflict service area within the dates specified in this
29 paragraph, not to exceed five hundred dollars.
30 *b.* For a taxpayer who otherwise qualifies for the credit
31 under paragraph *"a"*, except that the person was not present
32 in a conflict service area during the period between August
33 24, 1982, and July 31, 1984, both dates inclusive, or between
34 December 20, 1989, and January 31, 1990, both dates inclusive,
35 an amount equal to thirteen dollars for each month that the

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1 taxpayer was on federal active duty within the dates specified
2 in paragraph *"a"*, not to exceed three hundred dollars.
3 *c.* The Iowa department of veterans affairs shall adopt
4 rules pursuant to chapter 17A providing for the definition of a
5 conflict service area.
6 2. In order to qualify for the credit in subsection 1, all
7 of the following requirements must be satisfied:
8 *a.* The taxpayer has not received a tax credit, bonus, or
9 compensation similar to that provided in this section from this
10 state or another state.
11 *b.* The taxpayer was on active duty service after August
12 24, 1982, and the person did not refuse on conscientious,
13 political, religious, or other grounds, to be subject to
14 military discipline.
15 *c.* The taxpayer files an application for tax credit under
16 this section with the department of veterans affairs in a
17 manner determined by the department by July 1, 2015. The
18 department of veterans affairs shall certify to the department
19 of revenue the identity of each taxpayer eligible for the
20 credit under this section and the amount of tax credit for
21 which the taxpayer is eligible.
22 3. If a taxpayer dies before claiming the credit in
23 subsection 1, the surviving unremarried widow or widower,
24 child or children, mother, father, or person standing in loco
25 parentis, in the order named and none other, of any deceased
26 taxpayer shall be eligible for the tax credit in subsection 1
27 that the deceased taxpayer would be entitled to pursuant to
28 this section, if living. If any taxpayer has died or shall
29 die, or is disabled, from service-connected causes incurred
30 during the period and in the area from which the taxpayer is
31 entitled to the credit pursuant to this section, the taxpayer
32 or the first survivor as designated by this subsection, and
33 in the order named, shall be eligible for a tax credit equal
34 to five hundred dollars or three hundred dollars, whichever
35 maximum amount would have applied pursuant to subsection 1,

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1 paragraph *"a"* or *"b"*, regardless of the length of service.
2 4. A taxpayer who served for at least sixteen days in a
3 month shall be considered to have served for the entire month.
4 5. The credit provided in this section shall be allowed only
5 once per taxpayer. The credit shall be claimed by the taxpayer
6 for the tax year in which the application is successfully made
7 to the department of veterans affairs under subsection 2,
8 paragraph *"c"*. Any credit in excess of the tax liability is
9 refundable. Taxpayers affected by the allocation provisions
10 of section 422.8 shall be permitted a deduction for the credit
11 only in the amount fairly and equitably allocable to Iowa under
12 rules prescribed by the director of revenue.
13 6. A taxpayer who knowingly makes a false statement relating
14 to a material fact in supporting an application under this
15 section is guilty of a serious misdemeanor. A person convicted
16 pursuant to this section shall forfeit all tax credit to which
17 the taxpayer may have been entitled under this section.
18 7. The executive director of the department of veterans
19 affairs, in cooperation with the director of the department
20 of revenue, shall provide for the administration of the
21 credit authorized in this section. The department of veterans
22 affairs and the department of revenue shall each adopt rules,
23 pursuant to chapter 17A, as necessary to administer this
24 section, including but not limited to application procedures,
25 investigation, approval or disapproval of claims, and claiming
26 of credits.
27 8. This section is repealed January 1, 2016.
28 Sec. 3. NEW SECTION. **422.10B Persian Gulf veteran tax**
29 **credit.**
30 1. The taxes imposed under this division, less the credits
31 allowed under section 422.12, shall be reduced by a Persian
32 Gulf veteran tax credit equal to the following amount:
33 *a.* For a taxpayer who served on active duty for not less
34 than one hundred twenty days in the armed forces of the United
35 States at any time between January 31, 1990, and February 28,

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1991, both dates inclusive, and who was inducted into federal active duty from the state of Iowa and was honorably discharged or separated from federal active duty, or is still on active duty in an honorable status, or has been retired, or has been furloughed to a reserve, or has been placed on inactive status, an amount equal to eighteen dollars for each month that the taxpayer was on federal active duty in the conflict service area within the dates specified in this paragraph, not to exceed five hundred dollars.

b. For a taxpayer who otherwise qualifies for the credit under paragraph *"a"*, except that the taxpayer was not present in a conflict service area during the period between January 31, 1990, and February 28, 1991, both dates inclusive, an amount equal to thirteen dollars for each month that the taxpayer was on federal active duty within the dates specified in paragraph *"a"*, not to exceed three hundred dollars.

c. The Iowa department of veterans affairs shall adopt rules pursuant to chapter 17A providing for the definition of a conflict service area.

2. In order to qualify for the credit in subsection 1, all of the following requirements must be satisfied:

a. The taxpayer has not received a tax credit, bonus, or compensation similar to that provided in this section from this state or another state.

b. The taxpayer was on federal active duty after January 31, 1990, and the taxpayer did not refuse on conscientious, political, religious, or other grounds, to be subject to military discipline.

c. The taxpayer files an application for tax credit under this section with the department of veterans affairs in a manner determined by the department by July 1, 2015. The department of veterans affairs shall certify to the department of revenue the identity of each taxpayer eligible for the credit under this section and the amount of tax credit for which the taxpayer is eligible.

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1 3. If a taxpayer dies before claiming the credit in
2 subsection 1, the surviving unremarried widow or widower,
3 child or children, mother, father, or person standing in loco
4 parentis, in the order named and none other, of any deceased
5 taxpayer shall be eligible for the tax credit in subsection 1
6 that the deceased taxpayer would be entitled to pursuant to
7 this section, if living. If any taxpayer has died or shall
8 die, or is disabled, from service-connected causes incurred
9 during the period and in the area from which the taxpayer is
10 entitled to the credit pursuant to this section, the taxpayer
11 or the first survivor as designated by this subsection, and
12 in the order named, shall be eligible for a tax credit equal
13 to five hundred dollars or three hundred dollars, whichever
14 maximum amount would have applied pursuant to subsection 1,
15 paragraph *"a"* or *"b"*, regardless of the length of service.
16 4. A taxpayer who served for at least sixteen days in a
17 month shall be considered to have served for the entire month.
18 5. The credit provided in this section shall be allowed only
19 once per taxpayer. The credit shall be claimed by the taxpayer
20 for the tax year in which the application is successfully made
21 to the department of veterans affairs under subsection 2,
22 paragraph *"c"*. Any credit in excess of the tax liability is
23 refundable. Taxpayers affected by the allocation provisions
24 of section 422.8 shall be permitted a deduction for the credit
25 only in the amount fairly and equitably allocable to Iowa under
26 rules prescribed by the director of revenue.
27 6. A taxpayer who knowingly makes a false statement relating
28 to a material fact in supporting an application under this
29 section is guilty of a serious misdemeanor. A person convicted
30 pursuant to this section shall forfeit all tax credit to which
31 the taxpayer may have been entitled under this section.
32 7. The executive director of the department of veterans
33 affairs, in cooperation with the director of the department
34 of revenue, shall provide for the administration of the
35 credit authorized in this section. The department of veterans

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1 affairs and the department of revenue shall each adopt rules,
2 pursuant to chapter 17A, as necessary to administer this
3 section, including but not limited to application procedures,
4 investigation, approval or disapproval of claims, and claiming
5 of credits.
6 8. This section is repealed January 1, 2016.
7 Sec. 4. RETROACTIVE APPLICABILITY. This Act applies
8 retroactively to January 1, 2014, for tax years beginning on
9 or after that date.
10 EXPLANATION
11 **The inclusion of this explanation does not constitute agreement with**
12 **the explanation's substance by the members of the general assembly.**
13 This bill provides for the creation of two one-time
14 individual income tax credits for veterans of the United States
15 military who served during identified periods of conflict.
16 The first credit is available to members of the United States
17 armed forces who served in active duty during the military
18 conflicts in Lebanon, Grenada, and Panama who meet certain
19 qualifications of service. The second credit is available to
20 members of the United States armed forces who served in active
21 duty during the military conflicts in the Persian Gulf who meet
22 certain qualifications of service.
23 The bill provides dates for the periods of these conflicts.
24 The bill provides that veterans who served in conflict service
25 areas during these periods will receive a larger tax credit for
26 their service than veterans who did not serve in a conflict
27 service area during these periods. The bill provides for the
28 computation of such payments based upon months of service
29 either in or outside of a conflict service area. A person who
30 served in a conflict service area is eligible for a maximum
31 credit of $500 and a person who did not serve in a conflict
32 service area is eligible for a maximum credit of $300.
33 The bill requires that a veteran must meet additional
34 requirements to qualify for the credit. The person must not
35 have received a similar tax credit or bonus from this state

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1 or any other state. The person must not have refused to be
2 subject to military discipline on certain grounds. The bill
3 also requires that the person file an application with the
4 department of veterans affairs (department) by July 1, 2015, in
5 order to qualify for the credit. The department is required
6 to certify to the department of revenue the identify of each
7 person who qualifies for the credits and the amount of tax
8 credit for which the taxpayer is eligible.
9 Certain other persons who survive the veteran are
10 eligible for the tax credit for which the deceased person
11 would have been eligible. The bill also provides that upon
12 service-related death or disability relating to service during
13 the applicable time periods and in the applicable area, the
14 veteran or first survivor, as identified in the bill, will be
15 eligible for the highest maximum tax credit allowable to the
16 deceased.
17 The bill provides that knowingly making a false statement of
18 material fact supporting an application to receive one of the
19 tax credits is a serious misdemeanor. A serious misdemeanor
20 is punishable by confinement for no more than one year and a
21 fine of at least $315 but not more than $1,875. The bill also
22 provides that a conviction on such a charge would result in
23 forfeiture of any right to claim one of the credits.
24 Each credit provided in the bill shall be allowed only once
25 per taxpayer. The taxpayer is required to claim the credit
26 for the tax year in which the tax credit application was made.
27 Any credit in excess of the tax liability is refundable.
28 Nonresident and part-year residents are allowed a tax credit
29 only in the amount fairly and equitably allocable to Iowa under
30 rules prescribed by the director of revenue.
31 The tax credits are exempt from the individual income tax to
32 the extent that they increase federal adjusted gross income.
33 The director of the department of veterans affairs, in
34 cooperation with the director of the department of revenue, is
35 to administer the tax credits.

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1 The credits are repealed January 1, 2016.
2 The bill applies retroactively to January 1, 2014, for tax
3 years beginning on or after that date.

House Study Bill 651 - Introduced

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

A BILL FOR

1 An Act exempting from the individual income tax all pay
2 received from the federal government for certain military
3 service in support of the national guard and including
4 retroactive applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6156YC (3) 85
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1 Section 1. Section 422.7, subsection 42A, Code 2014, is
2 amended to read as follows:
3 42A. Subtract, to the extent included, all pay received by
4 the taxpayer from the federal government for military service
5 performed while on active duty status in the armed forces, the
6 armed forces military reserve, or the national guard, including
7 pay for service performed pursuant to 32 U.S.C. §502(f) and 32
8 U.S.C. §709(a) and (b).
9 Sec. 2. RETROACTIVE APPLICABILITY. This Act applies
10 retroactively to January 1, 2014, for tax years beginning on
11 or after that date.
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 exempts from the individual income tax all pay
16 received by a taxpayer from the federal government for military
17 service performed in support of the national guard pursuant to
18 32 U.S.C. §502(f) and 32 U.S.C. §709(a) and (b). This exempts
19 certain income received by active duty and reserve personnel,
20 certain operational support personnel, and certain dual-status
21 federal technicians.
22 The bill applies retroactively to January 1, 2014, for tax
23 years beginning on or after that date.

Senate File 2160

S-5004

1 Amend Senate File 2160 as follows:
2 1. Page 1, line 11, before <154F> by inserting
3 <chapter>
4 2. By renumbering as necessary.

_____
MARY JO WILHELM

Senate File 2195 - Introduced

SENATE FILE 2195
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB 3093)

A BILL FOR

1 An Act modifying provisions applicable to telecommunications
2 regulation under the authority of the utilities board of the
3 utilities division of the department of commerce.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5301SV (2) 85
rn/nh

S.F. 2195

1 Section 1. Section 476.4, Code 2014, is amended to read as
2 follows:
3 **476.4 Tariffs filed.**
4 1. Every public utility shall file with the board tariffs
5 showing the rates and charges for its public utility services
6 and the rules and regulations under which such services were
7 furnished, on April 1, 1963, which rates and charges shall be
8 subject to investigation by the board as provided in section
9 476.3, and upon such investigation the burden of establishing
10 the reasonableness of such rates and charges shall be upon the
11 public utility filing the same. These filings shall be made
12 under such rules as the board may prescribe within such time
13 and in such form as the board may designate. In prescribing
14 rules and regulations with respect to the form of tariffs,
15 the board shall, in the case of public utilities subject to
16 regulation by any federal agency, give due regard to any
17 corresponding rules and regulations of such federal agency, to
18 the end that unnecessary duplication of effort and expense may
19 be avoided so far as reasonably possible. Each public utility
20 shall keep copies of its tariffs open to public inspection
21 under such rules as the board may prescribe.
22 2. No later than January 1, 2015, a telephone utility is
23 required to file tariffs as provided in this section only for
24 such wholesale services as may be specified by the board.
25 3. Every rate, charge, rule, and regulation contained in
26 any filing made with the commission on or prior to July 4,
27 1963, shall be effective as of such date, subject, however, to
28 investigation as herein provided. If any such filing is made
29 prior to the time the commission prescribes rules as aforesaid,
30 and if such filing does not comply as to form or substance with
31 such rules, then the public utility which filed the same shall
32 within a reasonable time after the adoption of such rules make
33 a new filing or filings complying with such rules, which new
34 filing or filings shall be deemed effective as of July 4, 1963.
35 Sec. 2. Section 476.29, subsections 3 and 6, Code 2014, are

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amended to read as follows:

3. A certificate is transferable, subject to approval of the board pursuant to section 476.20, subsection 1~~, and for purposes of a rate-regulated local exchange utility shall be treated by the board in the same manner as a reorganization pursuant to sections 476.76 and 476.77~~.

6. The certificate ~~and tariffs~~ approved by the board ~~are~~ is the only authority required for the utility to furnish land-line local telephone service. However, to the extent not inconsistent with this section, the power to regulate the conditions required and manner of use of the highways, streets, rights-of-way, and public grounds remains in the appropriate public authority.

Sec. 3. Section 476.72, subsections 4 and 5, Code 2014, are amended to read as follows:

4. *"Public utility"* ~~includes only~~ means a gas or electric rate-regulated public ~~utilities and rate-regulated telephone utilities providing local exchange telecommunication service~~ utility.

5. *"Utility business"* means the generation or transmission of electricity or furnishing of gas or furnishing electricity ~~or furnishing rate-regulated communications services~~ to the public for compensation.

Sec. 4. Section 476.78, Code 2014, is amended to read as follows:

476.78 Cross-subsidization prohibited.

A ~~rate-regulated gas or electric~~ public utility shall not directly or indirectly include any costs or expenses attributable to providing nonutility service in regulated rates or charges. Except for contracts existing as of July 1, 1996, a ~~rate-regulated gas or electric~~ public utility or its affiliates shall not use vehicles, service tools and instruments, or employees, the costs, salaries, or benefits of which are recoverable in the regulated rates for electric service or gas service to install, service, or repair

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1 residential or commercial gas or electric heating, ventilating,
2 or air conditioning systems, or interior lighting systems
3 and fixtures; or to sell at retail heating, ventilating,
4 air conditioning, or interior lighting equipment. For the
5 purpose of this section, *"commercial"* means a place of business
6 primarily used for the storage or sale, at wholesale or retail,
7 of goods, wares, services, or merchandise. Nothing in this
8 section shall be construed to prohibit a ~~rate-regulated gas~~
9 ~~or electric~~ public utility from using its utility vehicles,
10 service tools and instruments, and employees to market systems,
11 services, and equipment, to light pilots, or to eliminate a
12 customer emergency or threat to public safety.
13 Sec. 5. Section 476.79, Code 2014, is amended to read as
14 follows:
15 **476.79 Provision of nonutility service.**
16 1. A ~~rate-regulated gas or electric~~ public utility
17 providing any nonutility service to its customers shall keep
18 and render to the board separate records of the nonutility
19 service. The board may provide for the examination and
20 inspection of the books, accounts, papers, and records of
21 the nonutility service, as may be necessary, to enforce any
22 provisions of this chapter.
23 2. The board shall adopt rules which specify the manner and
24 form of the accounts relating to providing nonutility services
25 which the ~~rate-regulated gas or electric~~ public utility shall
26 maintain.
27 Sec. 6. Section 476.80, unnumbered paragraph 1, Code 2014,
28 is amended to read as follows:
29 A ~~rate-regulated gas or electric~~ public utility which
30 engages in a systematic marketing effort as defined by the
31 board, other than on an incidental or casual basis, to promote
32 the availability of nonutility service from the public
33 utility shall make available at reasonable compensation on a
34 nondiscriminatory basis to all persons engaged primarily in
35 providing the same competitive nonutility services in that area

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all of the following services to the same extent utilized by the public utility in connection with its nonutility services:

Sec. 7. Section 476.81, Code 2014, is amended to read as follows:

476.81 Audit required.

The board may periodically retain a nationally or regionally recognized independent auditing firm to conduct an audit of the nonutility services provided by a ~~rate-regulated gas or electric~~ public utility subject to the provisions of section 476.80. A nonutility service audit shall not be conducted more frequently than every three years, unless ordered by the board for good cause. The cost of the audit shall be paid by the public utility to the independent auditing firm and shall be included in its regulated rates and charges, unless otherwise ordered by the board for good cause after providing the public utility the opportunity for a hearing on the board's decision.

Sec. 8. Section 476.83, Code 2014, is amended to read as follows:

476.83 Complaints.

Any person may file a written complaint with the board requesting that the board determine compliance by a ~~rate-regulated gas or electric~~ public utility with the provisions of section 476.78, 476.79, or 476.80, or any validly adopted rules to implement these sections. Upon the filing of a complaint, the board may promptly initiate a formal complaint proceeding and give notice of the proceeding and the opportunity for hearing. The formal complaint proceeding may be initiated at any time by the board on its own motion. The board shall render a decision in the proceeding within ninety days after the date the written complaint was filed, unless additional time is requested by the complainant.

Sec. 9. Section 476.101, subsections 1, 8, and 10, Code 2014, are amended to read as follows:

1. A certificate of public convenience and necessity to provide local telephone service shall not be interpreted as

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conveying a monopoly, exclusive privilege, or franchise. A competitive local exchange service provider shall not be subject to the requirements of this chapter, except that a competitive local exchange service provider shall obtain a certificate of public convenience and necessity pursuant to section 476.29, ~~file tariffs,~~ notify affected customers prior to any rate increase, file reports, information, and pay assessments pursuant to section 476.2, subsection 4, and sections 476.9, 476.10, 476.16, 476.102, and 477C.7, and shall be subject to the board's authority with respect to adequacy of service, interconnection, discontinuation of service, civil penalties, and complaints. If, after notice and opportunity for hearing, the board determines that a competitive local exchange service provider possesses market power in its local exchange market or markets, the board may apply such other provisions of this chapter to a competitive local exchange service provider as it deems appropriate.

8. Any person may file a written complaint with the board requesting the board to determine compliance by a local exchange carrier with the provisions of sections 476.96 through 476.100, 476.102, and this section, or any board rules implementing those sections. Upon the filing of such complaint, the board may promptly initiate a formal complaint proceeding and give notice of the proceeding and the opportunity for hearing. The formal complaint proceeding may be initiated at any time by the board on its own motion. The board shall render a decision in the proceeding within ninety days after the date the written complaint was filed. <u>The board, for good cause shown, may extend the deadline for acting upon the complaint for an additional period not to exceed thirty days.</u>

10. In a proceeding associated with the granting of a certificate under section 476.29, approving maps ~~and tariffs~~ for competitive local exchange providers provided for in this section, or in resolving a complaint filed pursuant

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1 to subsection 8 and proceedings under 47 U.S.C. § 251 —
2 254, the board shall allocate the costs and expenses of the
3 proceedings to persons identified as parties in the proceeding
4 who are engaged in or who seek to engage in providing
5 telecommunications services or other persons identified as
6 participants in the proceeding. The funds received for the
7 costs and the expenses shall be remitted to the treasurer of
8 state for deposit in the department of commerce revolving fund
9 created in section 546.12 as provided in section 476.10.
10 Sec. 10. Section 477.9A, Code 2014, is amended to read as
11 follows:
12 **477.9A Deregulated services.**
13 1. A telegraph or telephone company whose services are
14 deregulated by the board under section 476.1D may use public
15 notice as a means of conveying terms and conditions to
16 customers where identification of those customers is infeasible
17 or impractical. Public notice may also be used to convey
18 changes in terms and conditions, other than price increases or
19 limitations of liability, to all other customers, but only if
20 those customers were put on notice that this means would be
21 used to convey subsequent changes. Notwithstanding section
22 477.7, when services are deregulated by the board under section
23 476.1D, a telegraph or telephone company, in any contract,
24 agreement, or by means of public notice, may reasonably limit
25 its liability under section 477.7 in the course of providing
26 the deregulated communications services to its customers,
27 except for acts of willful misconduct. However, this section
28 does not allow a greater limitation on liability than exists in
29 any contract or approved tariff as of the effective date of the
30 deregulation of the services.
31 2. A telephone company whose services are subject to
32 regulation by the board with respect to terms and conditions,
33 but not rates, shall give notice of rate changes to customers.
34 EXPLANATION
35 The inclusion of this explanation does not constitute agreement with

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

2 This bill modifies provisions applicable to
3 telecommunications regulation under the authority of the Iowa
4 utilities board.
5 The bill provides that tariff requirements applicable to
6 public utilities showing the rates and charges for their
7 services shall, with regard to telephone utilities, no later
8 than January 1, 2015, apply only for wholesale services as
9 may be specified by the board. Several references to tariffs
10 applying to nonwholesale services are deleted consistent
11 with this new provision. The bill also deletes references
12 to rate-regulated local exchange utilities with regard to
13 the transferability of a certificate of public convenience
14 and necessity, and with regard to public utility affiliate
15 disclosure, and makes conforming changes consistent with this
16 modification.
17 The bill provides that the current 90-day time frame for
18 board action regarding local exchange carrier compliance
19 complaint decisions may be extended by the board for good cause
20 shown for an additional period not to exceed 30 days.
21 Finally, the bill provides that a telephone company whose
22 services are subject to board regulation with respect to terms
23 and conditions, but not rates, shall give notice of rate
24 changes to customers.

Senate File 2196 - Introduced

SENATE FILE 2196
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 3014)

A BILL FOR

1 An Act relating to programs and services under the purview of
2 the department of public health, and including effective
3 date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5305SV (4) 85
ad/nh

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DIVISION I
TRAINING ON BLOOD-BORNE PATHOGENS

Section 1. Section 135.11, subsections 20 and 21, Code 2014, are amended to read as follows:

20. Adopt rules which require personnel of a licensed hospice, of a homemaker-home health aide provider agency which receives state homemaker-home health aide funds, or of an agency which provides respite care services and receives funds to complete ~~a minimum of two hours of~~ training concerning ~~acquired immune deficiency syndrome-related conditions through a program approved by the department. The rules shall require that new employees complete the training within six months of initial employment and existing employees complete the training on or before January 1, 1989~~ blood-borne pathogens, including human immunodeficiency virus and viral hepatitis, consistent with standards from the federal occupational safety and health administration.

21. Adopt rules which require all emergency medical services personnel, firefighters, and law enforcement personnel to complete ~~a minimum of two hours of~~ training concerning ~~acquired immune deficiency syndrome-related conditions and the prevention of~~ blood-borne pathogens, including human immunodeficiency virus ~~infection~~ and viral hepatitis, consistent with standards from the federal occupational safety and health administration.

DIVISION II
HEALTH CARE WORKFORCE SUPPORT INITIATIVE

Sec. 2. Section 135.153A, Code 2014, is amended to read as follows:

135.153A Safety net provider recruitment and retention initiatives program — repeal.

The department, in accordance with efforts pursuant to sections 135.163 and 135.164 and in cooperation with the Iowa collaborative safety net provider network governing group as described in section 135.153, shall establish and administer

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a safety net provider recruitment and retention initiatives program to address the health care workforce shortage relative to safety net providers. Funding for the program may be provided through the health care workforce shortage fund or the safety net provider network workforce shortage account created in section 135.175. The department, in cooperation with the governing group, shall adopt rules pursuant to chapter 17A to implement and administer such program. This section is repealed June 30, ~~2014~~ 2016.

Sec. 3. Section 135.175, subsection 1, paragraph a, Code 2014, is amended to read as follows:

a. A health care workforce support initiative is established to provide for the coordination and support of various efforts to address the health care workforce shortage in this state. This initiative shall include the medical residency training state matching grants program created in section 135.176, the nurse residency state matching grants program created in section 135.178, the fulfilling Iowa's need for dentists matching grant program created in section 135.179, the health care professional and Iowa needs nurses now initiative created in sections 261.128 and 261.129, the safety net provider recruitment and retention initiatives program created in section 135.153A, health care workforce shortage national initiatives, and the physician assistant mental health fellowship program created in section 135.177.

Sec. 4. Section 135.175, subsection 5, Code 2014, is amended by adding the following new paragraph:

NEW PARAGRAPH. *h.* The fulfilling Iowa's need for dentists matching grant program account. The fulfilling Iowa's need for dentists matching grant program account shall be under the control of the department and the moneys in the account shall be used for the purposes of the fulfilling Iowa's need for dentists matching grant program as specified in section 135.179. Moneys in the account shall consist of moneys appropriated or allocated for deposit in the account or

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received by the fund or the account and specifically dedicated to the fulfilling Iowa's need for dentists matching grant program account for the purposes of such account.

Sec. 5. Section 135.175, subsection 6, paragraph a, Code 2014, is amended to read as follows:

a. Moneys in the fund and the accounts in the fund shall only be appropriated in a manner consistent with the principles specified and the strategic plan developed pursuant to sections 135.163 and 135.164 to support the medical residency training state matching grants program, the nurse residency state matching grants program, the fulfilling Iowa's need for dentists matching grant program, the health care professional incentive payment program, the Iowa needs nurses now initiative, the safety net recruitment and retention initiatives program, for national health care workforce shortage initiatives, for the physician assistant mental health fellowship program, for the purposes of the Iowa needs nurses now infrastructure account, and to provide funding for state health care workforce shortage programs as provided in this section.

Sec. 6. Section 135.175, subsection 9, Code 2014, is amended by striking the subsection.

Sec. 7. Section 135.176, subsection 3, Code 2014, is amended by striking the subsection.

Sec. 8. Section 135.177, subsection 3, Code 2014, is amended to read as follows:

3. This section is repealed June 30, ~~2014~~ 2016.

Sec. 9. Section 135.178, subsection 2, Code 2014, is amended to read as follows:

2. This section is repealed June 30, ~~2014~~ 2016.

Sec. 10. NEW SECTION. **135.179 Fulfilling Iowa's need for dentists.**

1. The department, in cooperation with a dental nonprofit health service corporation, shall create the fulfilling Iowa's need for dentists matching grant program.

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2. Funding for the program may be provided through the health care workforce shortage fund or the fulfilling Iowa's need for dentists matching grant program account created in section 135.175. The purpose of the program is to establish, expand, or support the placement of dentists in dental or rural shortage areas across the state by providing education loan repayments.

3. The department shall contract with a dental nonprofit health service corporation to implement and administer the program. The dental nonprofit health service corporation shall provide loan repayments to dentists who practice in a dental or rural shortage area as defined by the department.

Sec. 11. Section 261.128, subsection 5, Code 2014, is amended to read as follows:

5. This section is repealed June 30, ~~2014~~ 2016.

Sec. 12. Section 261.129, subsection 5, Code 2014, is amended to read as follows:

5. *Repeal.* This section is repealed June 30, ~~2014~~ 2016.

DIVISION III

HEALTH CARE WORKFORCE SUPPORT INITIATIVE ACCOUNTS — FUTURE PROVISIONS

Sec. 13. Section 135.175, subsection 1, paragraph a, Code 2014, is amended to read as follows:

a. A health care workforce support initiative is established to provide for the coordination and support of various efforts to address the health care workforce shortage in this state. This initiative shall include the medical residency training state matching grants program created in section 135.176~~, the nurse residency state matching grants program created in section 135.178, the health care professional and Iowa needs nurses now initiative created in sections 261.128 and 261.129, the safety net provider recruitment and retention initiatives program created in section 135.153A,~~ and health care workforce shortage national initiatives~~, and the physician assistant mental health fellowship program created in section 135.177~~.

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1 Sec. 14. Section 135.175, subsection 5, paragraphs b, c, e,
2 f, and g, Code 2014, are amended by striking the paragraphs.
3 Sec. 15. Section 135.175, subsection 6, paragraphs a and c,
4 Code 2014, are amended to read as follows:
5 *a.* Moneys in the fund and the accounts in the fund shall
6 only be appropriated in a manner consistent with the principles
7 specified and the strategic plan developed pursuant to sections
8 135.163 and 135.164 to support the medical residency training
9 state matching grants program, ~~the nurse residency state~~
10 ~~matching grants program, the health care professional incentive~~
11 ~~payment program, the Iowa needs nurses now initiative, the~~
12 ~~safety net recruitment and retention initiatives program,~~ for
13 national health care workforce shortage initiatives, ~~for the~~
14 ~~physician assistant mental health fellowship program, for the~~
15 ~~purposes of the Iowa needs nurses now infrastructure account,~~
16 and to provide funding for state health care workforce shortage
17 programs as provided in this section.
18 *c.* State appropriations to the fund shall be allocated in
19 equal amounts to each of the accounts within the fund, unless
20 otherwise specified in the appropriation or allocation. Any
21 federal funding received for the purposes of addressing state
22 health care workforce shortages shall be deposited in the
23 health care workforce shortage national initiatives account,
24 unless otherwise specified by the source of the funds, and
25 shall be used as required by the source of the funds. If
26 use of the federal funding is not designated, ~~twenty-five~~
27 ~~percent of such funding shall be deposited in the safety net~~
28 ~~provider network workforce shortage account to be used for the~~
29 ~~purposes of the account and the remainder of~~ the funds shall
30 be used in accordance with the strategic plan developed by the
31 department of public health in accordance with sections 135.163
32 and 135.164, or to address workforce shortages as otherwise
33 designated by the department of public health. Other sources
34 of funding shall be deposited in the fund or account and used
35 as specified by the source of the funding.

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1 Sec. 16. EFFECTIVE DATE. This division of this Act takes
2 effect July 1, 2016.
3 DIVISION IV
4 SALON LICENSES AND INSPECTIONS
5 Sec. 17. Section 157.11, Code 2014, is amended to read as
6 follows:
7 **157.11 Salon licenses.**
8 1. A salon shall not operate unless the owner has obtained
9 a license issued by the department. The owner shall apply
10 to the department on forms prescribed by the board. The
11 department ~~shall~~ may perform a sanitary inspection of each
12 salon biennially and may perform a sanitary inspection of a
13 salon prior to the issuance of a license. An inspection of a
14 salon ~~shall~~ may also be conducted upon receipt of a complaint
15 by the department.
16 2. The application shall be accompanied by the biennial
17 license fee determined pursuant to section 147.80. The license
18 is valid for two years and may be renewed.
19 3. A licensed school of cosmetology arts and sciences at
20 which students practice cosmetology arts and sciences is exempt
21 from licensing as a salon.
22 DIVISION V
23 MORTUARY SCIENCE INSPECTIONS
24 Sec. 18. Section 156.10, Code 2014, is amended to read as
25 follows:
26 **156.10 Inspection.**
27 1. The director of public health ~~shall~~ may inspect all
28 places where dead human bodies are prepared or held for burial,
29 entombment, or cremation, and ~~shall~~ may adopt and enforce
30 such rules and regulations in connection with the inspection
31 as ~~shall~~ may be necessary for the preservation of the public
32 health.
33 2. The Iowa department of public health ~~shall~~ may assess an
34 inspection fee for an inspection of a place where dead human
35 bodies are prepared for burial or cremation. The fee ~~shall~~ may

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be determined by the department by rule.

DIVISION VI

BARBERSHOP LICENSES AND INSPECTIONS

Sec. 19. Section 158.9, Code 2014, is amended to read as follows:

158.9 Barbershop licenses.

1. A barbershop shall not operate unless the owner has obtained a license issued by the department. The owner shall apply to the department on forms prescribed by the board. The department ~~shall~~ may perform a sanitary inspection of each barbershop biennially and may perform a sanitary inspection of a barbershop prior to the issuance of a license. An inspection of a barbershop ~~shall~~ may also be conducted upon receipt of a complaint by the department.

2. The application shall be accompanied by the biennial license fee determined pursuant to section 147.80. The license is valid for two years and may be renewed.

3. A licensed barber school at which students practice barbering is exempt from licensing as a barbershop.

DIVISION VII

PLUMBING, MECHANICAL, HVAC-REFRIGERATION, SHEET METAL, AND HYDRONIC LICENSES

Sec. 20. Section 105.18, subsection 2, unnumbered paragraph 1, Code 2014, is amended to read as follows:

The board shall issue master licenses for plumbing, mechanical, HVAC-refrigeration, ~~sheet metal,~~ and hydronic professionals. The board shall issue journeyperson licenses for plumbing, mechanical, HVAC-refrigeration, sheet metal, and hydronic professionals. A plumbing license shall allow an individual to perform work defined as plumbing. A mechanical license shall allow an individual to perform work defined as HVAC, refrigeration, sheet metal, and hydronic. An HVAC-refrigeration license shall allow an individual to perform work defined as HVAC and refrigeration. A hydronic license shall allow an individual to perform work defined as hydronic.

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1 A sheet metal license shall allow an individual to perform work
2 defined as sheet metal. The board shall issue the separate
3 licenses as follows:
4 EXPLANATION

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

7 This bill relates to programs and services of the department
8 of public health (DPH).
9 Division I, regarding training concerning blood-borne
10 pathogens, requires DPH to adopt rules to require personnel of
11 a licensed hospice, personnel of a homemaker-home health aide
12 provider agency, personnel of an agency requiring respite care
13 services, emergency medical services personnel, firefighters,
14 and law enforcement personnel to complete training concerning
15 blood-borne pathogens consistent with federal occupational
16 safety and health administration (OSHA) standards rather than
17 completing the two hours of training concerning acquired-immune
18 deficiency syndrome-related conditions that is currently
19 required.
20 Divisions II and III relate to the health care workforce
21 support initiative codified in Code section 135.175. This
22 initiative includes many initiatives and programs and the
23 health care workforce shortage fund has separate accounts for
24 each of these initiatives and programs. The initiative, the
25 workforce shortage fund, and all the accounts and programs
26 within the initiative are set to repeal on June 30, 2014.
27 The bill eliminates the repeal of the health care workforce
28 support initiative and health care workforce shortage fund.
29 The bill retains the medical residency training state matching
30 grants program, the health care workforce shortage national
31 initiatives, and the related accounts. The bill delays the
32 repeal for the nurse residency state matching grants program,
33 the health care professional and Iowa needs nurses now
34 initiative, the safety net provider recruitment and retention
35 initiatives program, and the physician assistant mental health

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1 fellowship program and the related accounts until June 30,
2 2016.
3 The bill establishes the fulfilling Iowa's need for dentists
4 matching grant program within the health care workforce support
5 initiative and establishes the fulfilling Iowa's need for
6 dentists matching grant program account within the health
7 care workforce shortage fund. The fulfilling Iowa's need for
8 dentists matching grant program is established to establish,
9 expand, or support the placement of dentists in dental or
10 rural shortage areas across the state by providing education
11 loan repayments. The bill requires DPH to contract with a
12 dental nonprofit health service corporation to implement and
13 administer the program.
14 Divisions IV through VI, concerning salon licenses and
15 inspections, mortuary science inspections, and barbershop
16 licenses and inspections, respectively, eliminate mandatory
17 inspections in these establishments and instead institute
18 permissive inspections.
19 Division VII eliminates language allowing the plumbing and
20 mechanical systems board to issue a master license for sheet
21 metal professionals.

Senate File 2197 - Introduced

SENATE FILE 2197
BY COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SSB 3004)

A BILL FOR

1 An Act relating to certain conditional permits issued by the
2 department of natural resources relating to air and water
3 quality.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5167SV (1) 85
tm/nh

S.F. 2197

1 Section 1. Section 455B.105, subsection 11, paragraph a,
2 Code 2014, is amended to read as follows:
3 *a.* Adopt, by rule, procedures and forms necessary to
4 implement the provisions of this chapter and chapters 459,
5 459A, and 459B relating to permits~~, conditional permits,~~ and
6 general permits. The commission may also adopt, by rule, a
7 schedule of fees for permit ~~and conditional permit~~ applications
8 and a schedule of fees which may be periodically assessed
9 for administration of permits ~~and conditional permits~~. In
10 determining the fee schedules, the commission shall consider:
11 (1) The state's reasonable cost of reviewing applications,
12 issuing permits ~~and conditional permits~~, and checking
13 compliance with the terms of the permits.
14 (2) The relative benefits to the applicant and to the
15 public of permit ~~and conditional permit~~ review, issuance, and
16 monitoring compliance. It is the intention of the legislature
17 that permit fees shall not cover any costs connected with
18 correcting violation of the terms of any permit and shall not
19 impose unreasonable costs on any municipality.
20 (3) The typical costs of the particular types of projects
21 or activities for which permits ~~or conditional permits~~ are
22 required, provided that in no circumstances shall fees be in
23 excess of the actual costs to the department.
24 Sec. 2. Section 455B.133, subsection 6, paragraph a, Code
25 2014, is amended to read as follows:
26 *a.* Require, by rules, notice of the construction of any
27 air contaminant source which may cause or contribute to air
28 pollution, and the submission of plans and specifications to
29 the department, or other information deemed necessary, for the
30 installation of air contaminant sources and related control
31 equipment. ~~The rules shall allow the owner or operator of a~~
32 ~~major stationary source to elect to obtain a conditional permit~~
33 ~~in lieu of a construction permit.~~ The rules relating to ~~a~~
34 ~~conditional permit for an electric power generating facility~~
35 ~~subject to chapter 476A and other~~ major stationary sources

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shall allow the submission of engineering descriptions, flow diagrams and schematics that quantitatively and qualitatively identify emission streams and alternative control equipment that will provide compliance with emission standards. Such rules shall not specify any particular method to be used to reduce undesirable levels of emissions, nor type, design, or method of installation of any equipment to be used to reduce such levels of emissions, nor the type, design, or method of installation or type of construction of any manufacturing processes or kinds of equipment, nor specify the kind or composition of fuels permitted to be sold, stored, or used unless authorized by subsection 4 of this section.

Sec. 3. Section 455B.134, subsection 3, unnumbered paragraph 1, Code 2014, is amended to read as follows:

Grant, modify, suspend, terminate, revoke, reissue, or deny permits for the construction or operation of new, modified, or existing air contaminant sources and for related control equipment~~, and conditional permits for electric power generating facilities subject to chapter 476A and other major stationary sources,~~ subject to the rules adopted by the commission. The department shall furnish necessary application forms for such permits.

Sec. 4. Section 455B.134, subsection 3, paragraphs a, b, c, and e, Code 2014, are amended to read as follows:

a. No air contaminant source shall be installed, altered so that it significantly affects emissions, or placed in use unless a construction ~~or conditional~~ permit has been issued for the source.

b. The condition of expected performance shall be reasonably detailed in the construction ~~or conditional~~ permit.

c. All applications for permits ~~other than conditional permits for electric generating facilities~~ shall be subject to such notice and public participation as may be provided by rule by the commission. Upon denial or limitation of a permit ~~other than a conditional permit for an electric generating facility~~,

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the applicant shall be notified of such denial and informed of the reason or reasons therefor, and such applicant shall be entitled to a hearing before the commission.

e. A regulated air contaminant source for which a construction permit ~~or conditional permit~~ has been issued shall not be operated unless an operating permit also has been issued for the source. However, if the facility was in compliance with permit conditions prior to the requirement for an operating permit and has made timely application for an operating permit, the facility may continue operation until the operating permit is issued or denied. Operating permits shall contain the requisite conditions and compliance schedules to ensure conformance with state and federal requirements including emission allowances for sulfur dioxide emissions for sources subject to Tit. IV of the federal Clean Air Act Amendments of 1990. If construction of a new air contaminant source is proposed, the department may issue an operating permit concurrently with the construction permit, if possible and appropriate.

Sec. 5. Section 455B.134, subsection 3, paragraph d, Code 2014, is amended by striking the paragraph.

Sec. 6. Section 455B.147, subsection 2, Code 2014, is amended by striking the subsection.

Sec. 7. Section 455B.173, subsection 3, paragraph a, Code 2014, is amended by striking the paragraph.

Sec. 8. Section 455B.174, subsection 4, paragraph d, Code 2014, is amended by striking the paragraph.

EXPLANATION

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

This bill eliminates the ability of the department of natural resources to issue certain conditional permits related to air and water quality to electric power generating facilities.

Senate File 2198 - Introduced

SENATE FILE 2198
BY COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SSB 3003)

A BILL FOR

1 An Act providing for the issuance of a paddlefish fishing
2 license and tag and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5242SV (1) 85
av/nh

S.F. 2198

1 Section 1. Section 483A.1, subsection 1, Code 2014, is
2 amended by adding the following new paragraph:
3 NEW PARAGRAPH. *Og.* Paddlefish fishing license,
4 annual .....$ 20.00
5 Sec. 2. Section 483A.1, subsection 2, Code 2014, is amended
6 by adding the following new paragraph:
7 NEW PARAGRAPH. *Of.* Paddlefish fishing license,
8 annual .....$ 40.00
9 Sec. 3. NEW SECTION. **483A.6A Paddlefish fishing license and**
10 **tag.**
11 1. A resident fishing for paddlefish on the Missouri or
12 Big Sioux river who is required to have a fishing license
13 must purchase a paddlefish fishing license, in addition to a
14 resident fishing license.
15 2. A nonresident fishing for paddlefish on the Missouri
16 or Big Sioux river is required to have a fishing license that
17 is valid in Iowa and, in addition, purchase a nonresident
18 paddlefish fishing license.
19 3. The commission shall establish the number of annual
20 paddlefish fishing licenses that may be issued pursuant to
21 section 481A.39 for use on the Missouri or Big Sioux river.
22 A paddlefish fishing license shall be accompanied by a tag
23 designed to be used only once. If a paddlefish is taken
24 pursuant to a paddlefish fishing license, the paddlefish shall
25 be tagged immediately and the tag shall be dated.
26 Sec. 4. Section 483A.24, subsection 6, Code 2014, is amended
27 to read as follows:
28 6. A resident or nonresident of the state under sixteen
29 years of age is not required to have a license to fish in the
30 waters of the state. However, residents and nonresidents under
31 sixteen years of age must pay the trout fishing fee to possess
32 trout or they must fish for trout with a licensed adult who has
33 paid the trout fishing fee and limit their combined catch to
34 the daily limit established by the commission. A resident or
35 nonresident of the state under sixteen years of age is required

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1 to have a paddlefish fishing license to fish for paddlefish on
2 the Missouri or Big Sioux river.
3 Sec. 5. Section 805.8B, subsection 3, paragraph c, Code
4 2014, is amended to read as follows:
5 *c.* For violations of sections 481A.6, 481A.21, 481A.22,
6 481A.26, 481A.50, 481A.56, 481A.60 through 481A.62, 481A.83,
7 481A.84, 481A.92, 481A.123, 481A.145, subsection 3, sections
8 483A.6A, 483A.7, 483A.8, 483A.23, 483A.24, and 483A.28, the
9 scheduled fine is twenty-five dollars.
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 authorizes the natural resource commission to
14 issue paddlefish fishing licenses for use on the Missouri
15 and Big Sioux rivers pursuant to the commission's powers to
16 maintain biological balance pursuant to Code section 481A.39.
17 The license must be accompanied by a tag designed to be used
18 only once. If a paddlefish is taken pursuant to the license,
19 the paddlefish shall be tagged and the tag dated.
20 A resident fishing for paddlefish on the Missouri or Big
21 Sioux river who is required to have a fishing license must
22 have a resident fishing license and also purchase an annual
23 paddlefish fishing license that costs $20.
24 A nonresident fishing for paddlefish on the Missouri or Big
25 Sioux river must have a fishing license that is valid in Iowa
26 and also purchase an annual paddlefish fishing license that
27 costs $40.
28 A resident or nonresident of the state under 16 years of age
29 is not required to have a fishing license to fish in the waters
30 of the state but is required to have a paddlefish fishing
31 license to fish for paddlefish on the Missouri or Big Sioux
32 river.
33 A violation of the bill's requirements is punishable by a
34 scheduled fine of $25. In addition, a person who illegally
35 takes a paddlefish must reimburse the state for the value of

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1 the fish in the amount of $1,000 per fish pursuant to Code
2 section 481A.130(1)(i)(3).

Senate File 2199 - Introduced

SENATE FILE 2199
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3026)

A BILL FOR

1 An Act relating to interpreters and translators for limited
2 English proficient participants in legal proceedings and in
3 court-ordered programs.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5348SV (1) 85
rh/rj

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1 Section 1. Section 232.141, subsections 1 and 2, Code 2014,
2 are amended to read as follows:
3 1. Except as otherwise provided by law, the court shall
4 inquire into the ability of the child or the child's parent
5 to pay expenses incurred pursuant to subsections 2, 4, and 8.
6 After giving the parent a reasonable opportunity to be heard,
7 the court may order the parent to pay all or part of the costs
8 of the child's care, examination, treatment, legal expenses,
9 or other expenses, excluding the costs and fees of interpreter
10 and translator services. An order entered under this section
11 does not obligate a parent paying child support under a custody
12 decree, except that part of the monthly support payment may be
13 used to satisfy the obligations imposed by the order entered
14 pursuant to this section. If a parent fails to pay as ordered,
15 without good reason, the court may proceed against the parent
16 for contempt and may inform the county attorney who shall
17 proceed against the parent to collect the unpaid amount. Any
18 payment ordered by the court shall be a judgment against each
19 of the child's parents and a lien as provided in section
20 624.23. If all or part of the amount that the parents are
21 ordered to pay is subsequently paid by the county or state,
22 the judgment and lien shall thereafter be against each of the
23 parents in favor of the county to the extent of the county's
24 payments and in favor of the state to the extent of the state's
25 payments.
26 2. All of the following juvenile court expenses are a charge
27 upon the county in which the proceedings are held, to the
28 extent provided in subsection 3:
29 *a.* Juvenile court expenses incurred by an attorney appointed
30 by the court to serve as counsel to any party or to serve as a
31 guardian ad litem for any child, including fees and expenses
32 for ~~foreign language interpreters, costs of~~ depositions and
33 transcripts, fees and mileage of witnesses, and the expenses of
34 officers serving notices and subpoenas.
35 *b.* Reasonable compensation for an attorney appointed by the

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1 court to serve as counsel to any party or as guardian ad litem
2 for any child in juvenile court.
3 ~~*c.* Fees and expenses incurred by the juvenile court for~~
4 ~~foreign language interpreters for court proceedings.~~
5 Sec. 2. Section 602.1302, subsection 3, Code 2014, is
6 amended to read as follows:
7 3. A revolving fund is created in the state treasury for
8 the payment of jury and witness fees, mileage, costs related to
9 summoning jurors by the judicial branch, costs and fees related
10 to the management and payment of interpreters and translators
11 in judicial branch legal proceedings and court-ordered
12 programs, and attorney fees paid by the state public defender
13 for counsel appointed pursuant to section 600A.6A. The
14 judicial branch shall deposit any reimbursements to the state
15 for the payment of jury and witness fees and mileage in the
16 revolving fund. In each calendar quarter the judicial branch
17 shall reimburse the state public defender for attorney fees
18 paid pursuant to section 600A.6B. Notwithstanding section
19 8.33, unencumbered and unobligated receipts in the revolving
20 fund at the end of a fiscal year do not revert to the general
21 fund of the state. The judicial branch shall on or before
22 February 1 file a financial accounting of the moneys in the
23 revolving fund with the legislative services agency. The
24 accounting shall include an estimate of disbursements from the
25 revolving fund for the remainder of the fiscal year and for the
26 next fiscal year.
27 Sec. 3. Section 622A.1, Code 2014, is amended by striking
28 the section and inserting in lieu thereof the following:
29 **622A.1 Definitions.**
30 As used in this chapter, unless the context otherwise
31 requires:
32 1. *"Administrative agency"* means any department, board,
33 commission, or agency of the state or any political subdivision
34 of the state.
35 2. *"Court-ordered program"* means any activity in which a

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1 court orders a party to participate and which is not supervised
2 by the department of corrections or the department of human
3 services.
4 3. *"Interpreter"* means a person who can accurately transfer
5 the meaning of words, phrases, or signs in one language into
6 the equivalent words, phrases, or signs in another language
7 and includes an oral language interpreter and a sign language
8 interpreter.
9 4. *"Legal proceeding"* means any action before any
10 court, whether civil, criminal, or juvenile in nature,
11 or any proceeding before any administrative agency which
12 is quasi-judicial in nature and which has direct legal
13 implications to any person. *"Legal proceeding"* includes any
14 legal action preparatory to appearing before any court or
15 administrative agency.
16 5. *"Limited English proficient"* means the inability to
17 adequately understand or effectively communicate in the English
18 language because a person's primary language is a language
19 other than English.
20 6. *"Oral language interpreter"* means an interpreter who is
21 able to interpret from one oral language into a second oral
22 language and from the second oral language into the first oral
23 language.
24 7. *"Participant"* means a party, witness, attorney, or child,
25 including a child who is or may be the subject of a delinquency
26 petition; a parent, guardian, or custodian, whose child is or
27 may be the subject of a delinquency petition; or a person who
28 is a guardian, conservator, or trustee in a probate case.
29 8. *"Sign language interpreter"* means an interpreter who is
30 able to interpret from sign language into an oral language and
31 from that oral language into sign language.
32 9. *"Translator"* means a person who can accurately transfer
33 the meaning of written words and phrases in one language into
34 the equivalent written words and phrases in another language.
35 Sec. 4. Section 622A.2, Code 2014, is amended to read as

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1 follows:
2 **622A.2 Who entitled to interpreter or translator.**
3 1. Every limited English proficient person who ~~cannot speak~~
4 ~~or understand the English language and who is a party to any~~
5 is a participant in a legal proceeding or a ~~witness therein,~~
6 court-ordered program shall be entitled to an interpreter to
7 assist such person throughout the proceeding or program.
8 2. A person described in subsection 1 shall be entitled
9 to a translator if the court determines that an oral or sign
10 language interpretation of a written document is not sufficient
11 to meet the person's due process rights.
12 Sec. 5. Section 622A.3, Code 2014, is amended to read as
13 follows:
14 **622A.3 Costs ~~— when taxed~~.**
15 1. An interpreter ~~shall be~~ or translator appointed ~~without~~
16 ~~expense to the person requiring assistance in the following~~
17 ~~cases:~~ for a limited English proficient participant who is
18 entitled to an interpreter or translator pursuant to section
19 622A.2 shall be paid in accordance with this section and the
20 fees for interpreter or translator services shall not be
21 charged to the limited English proficient participant or the
22 parties in the case.
23 ~~*a.* If the person requiring assistance is a witness in the~~
24 ~~civil legal proceeding.~~
25 ~~*b.* If the person requiring assistance is indigent and~~
26 ~~financially unable to secure an interpreter.~~
27 2. ~~In civil cases, every court shall tax the cost of~~
28 ~~an interpreter the same as other court costs. In criminal~~
29 ~~cases, where the defendant is indigent, the interpreter~~
30 ~~shall be considered as a defendant's witness under rule~~
31 ~~of criminal procedure 2.15 for the purpose of receiving~~
32 ~~fees, except that subpoenas shall not be required. If the~~
33 ~~proceeding is before an administrative agency, that agency~~
34 ~~shall provide such interpreter but may require that a party~~
35 ~~to the proceeding pay the expense thereof~~ An oral language

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interpreter or a translator required for a limited English proficient participant in a judicial branch legal proceeding or a court-ordered program shall be paid by the state court administrator from the revolving fund created in section 602.1302, subsection 3.

3. ~~Moneys recovered as court costs for interpreters paid through the revolving fund established in section 602.1302, subsection 3, shall be deposited in that fund~~ An oral language interpreter or a translator required for a limited English proficient participant in a legal proceeding before an administrative agency shall be paid by the appropriate administrative agency.

4. A sign language interpreter or a real-time court reporter who assists a deaf or hard-of-hearing participant in a legal proceeding before a court or an administrative agency or in a court-ordered program shall be paid by the county pursuant to section 622B.7.

Sec. 6. Section 622A.4, Code 2014, is amended to read as follows:

622A.4 Fee for interpreter and translator services set by court or administrative agency — payment.

~~Every~~ An interpreter or translator appointed by a court or administrative agency shall receive a fee to be set by the court or administrative agency. ~~If the interpreter is appointed by the court in a civil case for a person who is indigent and unable to secure an interpreter, the fee for the interpreter shall be paid from the revolving fund established in section 602.1302, subsection 3.~~

Sec. 7. Section 622A.5, Code 2014, is amended to read as follows:

622A.5 Oath.

~~Every~~ An interpreter or translator in any legal proceeding shall take ~~the same~~ an oath ~~as any other witness~~ consistent with rules adopted by the court under this chapter.

Sec. 8. Section 622A.6, Code 2014, is amended to read as

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1 follows:
2 **622A.6 Qualifications and integrity.**
3 Any court or administrative agency may inquire into the
4 qualifications, neutrality, and integrity of any interpreter
5 or translator, and may disqualify any person from serving as
6 an interpreter or translator.
7 Sec. 9. Section 622A.7, Code 2014, is amended to read as
8 follows:
9 **622A.7 Rules — qualifications and compensation of**
10 **interpreters and translators.**
11 The supreme court, after consultation with the commission
12 of Latino affairs of the department of human rights and other
13 appropriate departments, shall adopt rules governing the
14 qualifications and compensation of interpreters and translators
15 appearing in proceedings before a court or grand jury under
16 this chapter. However, an administrative agency which is
17 subject to chapter 17A may adopt rules differing from those of
18 the supreme court governing the qualifications and compensation
19 of interpreters and translators appearing in proceedings before
20 that agency.
21 Sec. 10. Section 622A.8, Code 2014, is amended to read as
22 follows:
23 **622A.8 ~~Tape~~ Electronic recording of testimony.**
24 ~~A tape~~ An electronic recording of the portion of proceedings
25 where non-English testimony is given shall be made and
26 maintained for one year after entry of the final disposition or
27 sentence, or if the final judgment is appealed, until one year
28 after the final disposition of the appeal.
29 Sec. 11. Section 622B.1, subsection 1, paragraphs c through
30 f, Code 2014, are amended to read as follows:
31 *c. "Hard-of-hearing person"* means an individual who
32 is unable to hear and distinguish sounds within normal
33 conversational range and who needs to use speechreading,
34 assistive listening devices, or ~~oral interpreters~~ other
35 reasonable accommodations to facilitate communication.

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d. *"Interpreter"* means ~~an oral interpreter or sign language interpreter~~ a person who can accurately transfer the meaning of words, phrases, or signs in one language into the equivalent words, phrases, or signs in another language, and includes an oral language interpreter and a sign language interpreter.

e. *"Oral language interpreter"* means an interpreter who is ~~fluent in transliterating, paraphrasing, and voicing~~ able to interpret from one oral language into a second oral language and from the second oral language into the first oral language.

f. *"Sign language interpreter"* means an interpreter who is able to interpret from sign language ~~to English and English to sign language~~ into an oral language and from that oral language into sign language.

Sec. 12. Section 815.9, subsection 3, Code 2014, is amended to read as follows:

3. If a person is granted an appointed attorney, the person shall be required to reimburse the state for the total cost of legal assistance provided to the person pursuant to this section. *"Legal assistance"* as used in this section shall include not only the expense of the public defender or an appointed attorney, but also transcripts, witness fees, expenses, and any other goods or services required by law to be provided to an indigent person entitled to an appointed attorney, excluding the costs and fees of interpreter and translator services.

EXPLANATION

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

This bill relates to interpreters and translators for limited English proficient participants in legal proceedings and in court-ordered programs.

The bill provides that a "limited English proficient" (LEP) person who is a participant in any legal proceeding involving a court or an administrative agency or in a court-ordered program shall be entitled to an interpreter or a translator to assist

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1 the person in the proceeding or program. LEP is defined as the
2 inability of a person to adequately understand or effectively
3 communicate in the English language because a person's primary
4 language is a language other than English. The bill defines
5 an "interpreter" as a person who can accurately transfer the
6 meaning of words, phrases, or signs in one language into the
7 equivalent words, phrases, or signs in another language and
8 includes an oral language interpreter and a sign language
9 interpreter; a "translator" as a person who can accurately
10 transfer the meaning of written words and phrases in one
11 language into the equivalent written words and phrases in
12 another language; and a "participant" as a party, witness,
13 attorney, or child, including a child who is or may be the
14 subject of a delinquency petition; a parent, guardian, or
15 custodian whose child is or may be the subject of a delinquency
16 petition; or a person who is a guardian, conservator, or
17 trustee in a probate case.
18 The bill provides that fees for interpreter or translator
19 services shall not be charged to an LEP participant in a legal
20 proceeding or court-ordered program and specifies that an
21 LEP participant shall be entitled to a translator in certain
22 circumstances. The bill specifies that an oral language
23 interpreter or a translator required for an LEP participant
24 in a judicial branch legal proceeding or in a court-ordered
25 program is to be paid by the state court administrator from
26 the revolving fund established in Code section 602.1302,
27 subsection 3 (known as the jury and witness fund); an oral
28 language interpreter or a translator required for an LEP
29 participant in a legal proceeding before an administrative
30 agency is to be paid by the appropriate administrative agency;
31 and a sign language interpreter and a real-time court reporter
32 who assist a deaf or hard-of-hearing participant in a legal
33 proceeding before a court or an administrative agency or in a
34 court-ordered program are to be paid by the county pursuant
35 to Code section 622B.7. The bill makes conforming changes

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excluding the costs of interpreter and translator services from being charged to a parent in a juvenile proceeding (Code section 232.141) and to a person receiving indigent legal assistance services (Code section 815.9).

The bill provides additional provisions specifying that fees and qualifications for interpreter and translator services are to be determined by the court or administrative agency, as appropriate; an interpreter or translator in any legal proceeding is required to take an oath consistent with rules adopted by the court under Code chapter 622A (interpreters in legal proceedings); and a court or an administrative agency may inquire into the qualifications, neutrality, and integrity of an interpreter or translator and may disqualify any person from serving as an interpreter or translator. The bill requires electronic rather than audio recordings of the portion of proceedings where non-English testimony is given to be made and maintained for one year after entry of the final disposition or sentence or if applicable, until one year after final disposition of any appeal.

The bill makes conforming changes to the definitions of "interpreter", "oral language interpreter", and "sign language interpreter" in Code chapter 622B (deaf and hard-of-hearing interpreters) to be consistent with the definitions in the bill.

Senate File 2200 - Introduced

SENATE FILE 2200
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3157)

A BILL FOR

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

TLSB 5481SV (1) 85
da/rj

S.F. 2200

DIVISION I
VOTING TRUSTS AND
SHAREHOLDER AGREEMENTS

Section 1. Section 490.730, Code 2014, is amended to read as follows:

490.730 Voting trusts.

1. One or more shareholders may create a voting trust, conferring on a trustee the right to vote or otherwise act for them, by signing an agreement setting out the provisions of the trust, which may include anything consistent with its purpose, and transferring their shares to the trustee. When a voting trust agreement is signed, the trustee ~~shall~~ must prepare a list of the names and addresses of all voting trust beneficial owners ~~of beneficial interests in the trust~~, together with the number and class of shares each transferred to the trust, and deliver copies of the list and agreement to the corporation's principal office.

2. A voting trust becomes effective on the date the first shares subject to the trust are registered in the trustee's name. ~~A voting trust is valid for not more than ten years after its effective date unless extended under subsection 3.~~

3. ~~All or some of the parties to a voting trust may extend it for additional terms of not more than ten years each by signing an extension agreement and obtaining the voting trustee's written consent to the extension. An extension is valid for ten years from the date the first shareholder signs the extension agreement. The voting trustee must deliver copies of the extension agreement and list of beneficial owners to the corporation's principal office. An extension agreement binds only those parties signing it.~~ Limits, if any, on the duration of a voting trust shall be as set forth in the voting trust. A voting trust that became effective between December 31, 1989, and June 30, 2014, both dates inclusive, remains governed by the provisions of this section then in effect, unless the voting trust is amended to provide otherwise by

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unanimous agreement of the parties to the voting trust.

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

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

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

DIVISION II

FINANCIAL STATEMENTS FOR SHAREHOLDERS

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

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

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

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

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

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

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1 *b.* Are required by state or federal law to be filed with a
2 state or federal agency within one hundred twenty days after
3 the close of each fiscal year.
4 *c.* Are available to the public, including via internet
5 access, without charge.
6 EXPLANATION
7 **The inclusion of this explanation does not constitute agreement with**
8 **the explanation's substance by the members of the general assembly.**
9 BILL'S PROVISIONS —— VOTING TRUSTS AND SHAREHOLDER
10 AGREEMENTS. This bill amends provisions which govern voting
11 trusts and shareholder agreements. Through these arrangements,
12 shareholders may fundamentally affect how a corporation is
13 controlled, the management of its assets, and the rights and
14 duties of its shareholders and officers by entering into
15 certain arrangements (Code sections 490.730 and 490.732). This
16 bill eliminates a 10-year term restriction imposed on a voting
17 trust or shareholder agreement. However, a voting trust or
18 shareholder agreement formed prior to the effective date of the
19 bill continues to be subject to the 10-year term restriction.
20 BILL'S PROVISIONS —— FINANCIAL STATEMENTS FOR SHAREHOLDERS.
21 The bill provides that a corporation other than a public
22 corporation (e.g., closed corporation), is not required to
23 deliver financial statements to shareholders if the corporation
24 files certain reports with a state or federal agency. The
25 reports must include a balance sheet as of the end of the
26 fiscal year and an income statement for that year. The reports
27 must be filed with a state or federal agency within 120 days
28 after the close of the fiscal year. Finally, the records must
29 be available to the public without charge.
30 CURRENT LAW —— VOTING TRUSTS. A voting trust is a special
31 arrangement between one or more shareholders and a trustee
32 (either through a single agreement or many separate agreements
33 made between a number of shareholders and a trustee) in which
34 the shareholder or shareholders surrenders legal ownership of
35 their respective shares of common stock and the trustee acts

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

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

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

S.F. 2200

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

Senate File 2201 - Introduced

SENATE FILE 2201
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3079)

A BILL FOR

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

TLSB 5488SV (1) 85
jm/rj

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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 sixteen years of age or younger
7 and is not a violation of section 710.5, is kidnapping in the
8 second degree. Kidnapping in the second degree is a class "B"
9 felony.
10 2. For purposes of determining whether the person should
11 register as a sex offender pursuant to the provisions of
12 chapter 692A, the fact finder shall make a determination as
13 provided in section 692A.126.
14 Sec. 2. Section 710.4, Code 2014, is amended to read as
15 follows:
16 **710.4 Kidnapping in the third degree.**
17 1. All other kidnappings are kidnappings in the third
18 degree. Kidnapping in the third degree is a class "C" felony
19 except as provided in subsection 2.
20 2. *a.* If a person is convicted of kidnapping in the third
21 degree and the person has a previous conviction for kidnapping,
22 the person is guilty of a class "B" felony.
23 *b.* In determining if a violation charged is a previous
24 conviction for purposes of criminal sentencing under this
25 subsection, a conviction in this state or under statutes
26 substantially corresponding to this section in another state,
27 or in a federal, military, tribal, or foreign court, shall be
28 counted as a previous conviction. A previous conviction also
29 includes a juvenile who has been adjudicated delinquent but
30 whose juvenile court records have been sealed under section
31 232.150, a juvenile prosecuted as an adult, and a person who
32 has received a deferred sentence or deferred judgment.
33 3. For purposes of determining whether the person should
34 register as a sex offender pursuant to the provisions of
35 chapter 692A, the fact finder shall make a determination as

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1 provided in section 692A.126.

2 EXPLANATION

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

5 This bill changes the definition of kidnapping in the second
6 degree to include any kidnapping where the victim is 16 years
7 of age or younger and the kidnapping is not child stealing
8 in violation of Code section 710.5. A person who commits
9 kidnapping in the second degree commits a class "B" felony. A
10 class "B" felony is punishable by confinement for no more than
11 25 years. Kidnapping in the second degree is also classified
12 as a 70 percent sentence under Code section 902.12.
13 A person who commits kidnapping in the second degree may
14 also be required to register as a sex offender if the fact
15 finder makes a determination that the kidnapping was sexually
16 motivated under Code section 692A.126.
17 The bill also enhances the penalty for kidnapping in the
18 third degree. If a person is convicted of kidnapping in
19 the third degree and the person has a previous conviction
20 for kidnapping, the bill increases the criminal penalty for
21 kidnapping in the third degree from a class "C" felony to a
22 class "B" felony.
23 In determining if a violation charged is a previous
24 conviction for purposes of criminal sentencing under the bill,
25 a conviction in this state or under statutes substantially
26 corresponding to this Code section in another state, or in a
27 federal, military, tribal, or foreign court, shall be counted
28 as a previous conviction. A previous conviction also includes
29 a juvenile who has been adjudicated delinquent but whose
30 juvenile court records have been sealed under Code section
31 232.150, a juvenile prosecuted as an adult, and a person who
32 has received a deferred sentence or deferred judgment.

Senate File 2202 - Introduced

SENATE FILE 2202
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 3056)

A BILL FOR

1 An Act relating to city elections.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5564SV (2) 85
aw/sc

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Section 1. Section 44.4, subsection 1, Code 2014, is amended to read as follows:

1. Nominations made pursuant to this chapter and chapter 45 which are required to be filed in the office of the state commissioner shall be filed in that office not more than ninety-nine days nor later than 5:00 p.m. on the eighty-first day before the date of the general election to be held in November. Nominations made for a special election called pursuant to section 69.14 shall be filed by 5:00 p.m. not less than twenty-five days before the date of an election called upon at least forty days' notice and not less than fourteen days before the date of an election called upon at least eighteen days' notice. Nominations made for a special election called pursuant to section 69.14A shall be filed by 5:00 p.m. not less than twenty-five days before the date of the election. Nominations made pursuant to this chapter and chapter 45 which are required to be filed in the office of the commissioner shall be filed in that office not more than ninety-two days nor later than 5:00 p.m. on the sixty-ninth day before the date of the general election. Nominations made pursuant to this chapter or chapter 45 for city office shall be filed not more than seventy-two days nor later than 5:00 p.m. on the forty-seventh day before the city election with the ~~city clerk~~ county commissioner of elections responsible under section 47.2 for conducting elections held for the city, who shall process them as provided by law.

Sec. 2. Section 44.4, subsection 2, paragraph a, subparagraphs (2) and (3), Code 2014, are amended to read as follows:

(2) Those filed with the commissioner, not less than sixty-four days before the date of the election, except as provided in subparagraph (3).

(3) Those filed with the ~~city clerk~~ commissioner for an elective city office, at least forty-two days before the regularly scheduled or special city election. However, for

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those cities that may be required to hold a primary election, at least sixty-three days before the regularly scheduled or special city election.

Sec. 3. Section 44.7, Code 2014, is amended to read as follows:

44.7 Hearing before commissioner.

~~Objections~~ Except as otherwise provided in section 44.8, objections filed with the commissioner shall be considered by the county auditor, county treasurer, and county attorney, and a majority decision shall be final~~; but~~. However, if the objection is to the certificate of nomination of one or more of the above named county officers, the officer or officers objected to shall not pass upon the objection, but their places shall be filled, respectively, by the chairperson of the board of supervisors, the sheriff, and the county recorder.

Sec. 4. Section 44.8, Code 2014, is amended to read as follows:

44.8 Hearing before mayor.

1. Objections filed with the city clerk pursuant to section 362.4 or with the commissioner for an elective city office shall be considered by the mayor and clerk and one member of the council chosen by the council by ballot, and a majority decision shall be final~~; but~~. However, if the objection is to the certificate of nomination of either of those city officials, that official shall not pass upon ~~said~~ the objection, but the official's place shall be filled by a member of the council against whom no such objection exists, chosen as above provided.

2. The hearing shall be held within twenty-four hours of the receipt of the objection if a primary election must be held for the office sought by the candidate against whom the objection has been filed.

Sec. 5. Section 44.9, subsections 2 and 6, Code 2014, are amended to read as follows:

2. In the office of the proper commissioner, at least

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1 sixty-four days before the date of the election, except as
2 otherwise provided in subsection 6.
3 6. In the office of the proper ~~city clerk~~ commissioner, at
4 least forty-two days before the regularly scheduled or special
5 city election. However, for those cities that may be required
6 to hold a primary election, at least sixty-three days before a
7 regularly scheduled or special city election.
8 Sec. 6. Section 44.11, Code 2014, is amended to read as
9 follows:
10 **44.11 Vacancies filled.**
11 If a candidate named under this chapter withdraws before the
12 deadline established in section 44.9, declines a nomination,
13 or dies before election day, or if a certificate of nomination
14 is held insufficient or inoperative by the officer with whom
15 it is required to be filed, or in case any objection made
16 to a certificate of nomination, or to the eligibility of any
17 candidate named in the certificate, is sustained by the board
18 appointed to determine such questions, the vacancy or vacancies
19 may be filled by the convention, or caucus, or in such manner
20 as such convention or caucus has previously provided. The
21 vacancy or vacancies shall be filled not less than seventy-four
22 days before the election in the case of nominations required to
23 be filed with the state commissioner, not less than sixty-four
24 days before the election in the case of nominations required
25 to be filed with the commissioner, not less than thirty-five
26 days before the election in the case of nominations required
27 to be filed in the office of the school board secretary,
28 and not less than forty-two days before the election in the
29 case of nominations required to be filed with the ~~city clerk~~
30 commissioner for city elections.
31 Sec. 7. Section 372.13, subsection 2, paragraph a, Code
32 2014, is amended to read as follows:
33 *a.* (1) By appointment by the remaining members of the
34 council, except that if the remaining members do not constitute
35 a quorum of the full membership, paragraph *"b"* shall be

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1 followed. The appointment shall be made within sixty days
2 after the vacancy occurs and shall be for the period until the
3 next ~~pending election as defined in section 69.12, and shall~~
4 ~~be made within forty days after the vacancy occurs~~ regular
5 city election described in section 376.1, unless there is an
6 intervening special election in that city, in which event
7 the election for the office shall be placed on the ballot
8 at such special election. If the council fails to make an
9 appointment within sixty days as required by this subsection,
10 the city clerk shall give notice of the vacancy to the county
11 commissioner and the county commissioner shall call a special
12 election to fill the vacancy at the earliest practicable date
13 but no fewer than thirty-two days after the notice is received
14 by the county commissioner.
15 (2) If the council chooses to proceed under this paragraph,
16 it shall publish notice in the manner prescribed by section
17 362.3, stating that the council intends to fill the vacancy
18 by appointment but that the electors of the city or ward, as
19 the case may be, have the right to file a petition requiring
20 that the vacancy be filled by a special election. The council
21 may publish notice in advance if an elected official submits
22 a resignation to take effect at a future date. The council
23 may make an appointment to fill the vacancy after the notice
24 is published or after the vacancy occurs, whichever is later.
25 However, if within fourteen days after publication of the
26 notice or within fourteen days after the appointment is made,
27 there is filed with the city clerk a petition which requests a
28 special election to fill the vacancy, an appointment to fill
29 the vacancy is temporary and the council shall call a special
30 election to fill the vacancy permanently, under paragraph "b".
31 The number of signatures of eligible electors of a city for a
32 valid petition shall be determined as follows:
33 ~~(1)~~ (a) For a city with a population of ten thousand or
34 less, at least two hundred signatures or at least the number of
35 signatures equal to fifteen percent of the voters who voted for

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1 candidates for the office at the preceding regular election at
2 which the office was on the ballot, whichever number is fewer.
3 ~~(2)~~ (b) For a city with a population of more than ten
4 thousand but not more than fifty thousand, at least one
5 thousand signatures or at least the number of signatures equal
6 to fifteen percent of the voters who voted for candidates for
7 the office at the preceding regular election at which the
8 office was on the ballot, whichever number is fewer.
9 ~~(3)~~ (c) For a city with a population of more than fifty
10 thousand, at least two thousand signatures or at least the
11 number of signatures equal to ten percent of the voters who
12 voted for candidates for the office at the preceding regular
13 election at which the office was on the ballot, whichever
14 number is fewer.
15 ~~(4)~~ (d) The minimum number of signatures for a valid
16 petition pursuant to ~~subparagraphs (1)~~ subparagraph divisions
17 (a) through ~~(3)~~ (c) shall not be fewer than ten. In
18 determining the minimum number of signatures required, if at
19 the last preceding election more than one position was to be
20 filled for the office in which the vacancy exists, the number
21 of voters who voted for candidates for the office shall be
22 determined by dividing the total number of votes cast for the
23 office by the number of seats to be filled.
24 Sec. 8. Section 376.4, subsection 1, paragraph a, Code 2014,
25 is amended to read as follows:
26 *a.* An eligible elector of a city may become a candidate
27 for an elective city office by filing with the ~~city clerk~~
28 county commissioner of elections responsible under section 47.2
29 for conducting elections held for the city a valid petition
30 requesting that the elector's name be placed on the ballot
31 for that office. The petition must be filed not more than
32 seventy-one days and not less than forty-seven days before the
33 date of the election, and must be signed by eligible electors
34 equal in number to at least two percent of those who voted to
35 fill the same office at the last regular city election, but not

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less than ten persons. However, for those cities which may be required to hold a primary election, the petition must be filed not more than eighty-five days and not less than sixty-eight days before the date of the regular city election. Nomination petitions shall be filed not later than 5:00 p.m. on the last day for filing.

Sec. 9. Section 376.4, subsections 3, 4, and 5, Code 2014, are amended to read as follows:

3. ~~If the city clerk is not readily available during normal office hours, the city clerk shall designate other employees or officials of the city who are ordinarily available to accept nomination papers under this section.~~ On the final date for filing nomination papers the office of the ~~city clerk~~ county commissioner shall remain open until 5:00 p.m.

4. The ~~city clerk~~ county commissioner shall review each petition and affidavit of candidacy for completeness following the standards in section 45.5 and shall accept the petition for filing if on its face it appears to have the requisite number of signatures and if it is timely filed. The ~~city clerk~~ county commissioner shall note upon each petition and affidavit accepted for filing the date and time that they were filed. The ~~clerk~~ county commissioner shall return any rejected nomination papers to the person on whose behalf the nomination papers were filed.

5. Nomination papers filed with the ~~city clerk~~ county commissioner shall be available for public inspection.

5A. The city clerk shall deliver ~~all nomination papers together with~~ the text of any public measure being submitted by the city council to the electorate to the county commissioner of elections ~~on the day following~~ no later than the last day on which nomination petitions can be filed, and not later than 5:00 p.m. on that day.

Sec. 10. Section 376.11, subsections 3, 4, and 5, Code 2014, are amended to read as follows:

3. In city primary elections any person who receives

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1 write-in votes shall execute an affidavit in substantially the
2 form required by section 45.3, and file it with the county
3 commissioner of elections ~~or the city clerk~~ not later than 5:00
4 p.m. on the day after the canvass of the primary election.
5 If any person who received write-in votes fails to file the
6 affidavit at the time required, the county commissioner shall
7 disregard the write-in votes cast for that person. A notation
8 shall be made on the abstract of votes showing which persons
9 who received write-in votes filed affidavits. The total number
10 of votes cast for each office on the ballot shall be amended by
11 subtracting the write-in votes of those candidates who failed
12 to file the affidavit. It is not necessary for a candidate
13 whose name was printed upon the ballot to file an affidavit.
14 Of the remaining candidates, those who receive the highest
15 number of votes to the extent of twice the number of unfilled
16 positions shall be placed on the ballot for the regular city
17 election as candidates for that office.
18 4. In cities in which the city council has chosen a runoff
19 election in lieu of a primary, if a person who was elected
20 by write-in votes chooses not to accept the office by filing
21 a resignation notice with the ~~city clerk or~~ commissioner of
22 elections not later than 5:00 p.m. on the day following the
23 canvass, all remaining persons who received write-in votes and
24 who wish to be considered candidates for the runoff election
25 shall execute an affidavit in substantially the form required
26 by section 45.3 and file it with the county commissioner ~~or~~
27 ~~the city clerk~~ not later than 5:00 p.m. of the fourth day
28 following the canvass. If a person receiving write-in votes
29 fails to file the affidavit at the time required, the county
30 commissioner of elections shall disregard the write-in votes
31 cast for that person. The abstract of votes shall be amended
32 to show that the person who was declared elected declined the
33 office and a notation shall be made next to the names of those
34 persons who did not file the affidavit. A runoff election
35 shall be held with the remaining candidates who have the

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highest number of votes to the extent of twice the number of unfilled positions.

5. In a city in which the council has chosen a runoff election, if no person was declared elected for an office, all persons who received write-in votes shall execute an affidavit in substantially the form required by section 45.3 and file it with the county commissioner of elections ~~or the city clerk~~ not later than 5:00 p.m. on the day following the canvass of votes. If any person who received write-in votes fails to file the affidavit, the county commissioner of elections shall disregard the write-in votes cast for that person. The abstract of votes shall be amended to note which of the write-in candidates failed to file the affidavit. A runoff election shall be held with the remaining candidates who have the highest number of votes to the extent of twice the number of unfilled positions.

EXPLANATION

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

This bill relates to city elections.

The bill requires that if a vacancy in an elective city office is filled by appointment of the remaining members of the city council, that such appointment be for the period until the next regular city election, as defined in statute. If, however, there is an intervening special election in that city, then the election for the office shall be placed on the ballot at the special election. The bill requires that if an appointment is not made within 60 days after the vacancy occurs, the county commissioner of elections shall call a special election to fill the vacancy.

The bill further requires that nomination petitions and affidavits of candidacy for elective city office, withdrawals of such nominations, and objections to nominations be filed with the county commissioner of elections responsible for conducting elections for the city.

Senate File 2203 - Introduced

SENATE FILE 2203
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SF 127)

A BILL FOR

1 An Act providing for the restoration of the right to register
2 to vote and to vote and hold elective office for certain
3 persons and including effective date and retroactive
4 applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1219SV (2) 85
aw/sc

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1 Section 1. Section 39A.1, subsection 2, Code 2014, is
2 amended to read as follows:
3 2. The purpose of this chapter is to identify actions which
4 threaten the integrity of the election process and to impose
5 significant sanctions upon persons who intentionally commit
6 those acts. It is the intent of the general assembly that
7 offenses with the greatest potential to affect the election
8 process be vigorously prosecuted and strong punishment meted
9 out through the imposition of felony sanctions which, as a
10 consequence, remove the voting rights of the offenders until
11 such rights are restored by the governor, by the president of
12 the United States, or by operation of law. Other offenses are
13 still considered serious, but based on the factual context in
14 which they arise, they may not rise to the level of offenses
15 to which felony penalties attach. The general assembly
16 also recognizes that instances may arise in which technical
17 infractions of chapters 39 through 53 may occur which do not
18 merit any level of criminal sanction. In such instances,
19 administrative notice from the state or county commissioner
20 of elections is sufficient. Mandates or proscriptions in
21 chapters 39 through 53 which are not specifically included in
22 this chapter shall be considered to be directive only, without
23 criminal sanction.
24 Sec. 2. Section 43.18, subsection 9, Code 2014, is amended
25 to read as follows:
26 9. A statement that the candidate is aware that the
27 candidate is disqualified from holding office if the candidate
28 has been convicted of a felony or other infamous crime and the
29 candidate's rights have not been restored by the governor, ~~or~~
30 by the president of the United States, or by operation of law.
31 Sec. 3. Section 43.67, subsection 2, paragraph i, Code 2014,
32 is amended to read as follows:
33 *i.* A statement that the candidate is aware that the
34 candidate is disqualified from holding office if the candidate
35 has been convicted of a felony or other infamous crime and the

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candidate's rights have not been restored by the governor, ~~or~~ by the president of the United States, or by operation of law.

Sec. 4. Section 44.3, subsection 2, paragraph i, Code 2014, is amended to read as follows:

i. A statement that the candidate is aware that the candidate is disqualified from holding office if the candidate has been convicted of a felony or other infamous crime and the candidate's rights have not been restored by the governor, ~~or~~ by the president of the United States, or by operation of law.

Sec. 5. Section 45.3, subsection 9, Code 2014, is amended to read as follows:

9. A statement that the candidate is aware that the candidate is disqualified from holding office if the candidate has been convicted of a felony or other infamous crime and the candidate's rights have not been restored by the governor, ~~or~~ by the president of the United States, or by operation of law.

Sec. 6. Section 48A.6, subsection 1, Code 2014, is amended to read as follows:

1. A person who has been convicted of a felony as defined in section 701.7, or convicted of an offense classified as a felony under federal law. If the person's rights are later restored ~~by the governor, or by the president of the United States,~~ pursuant to section 914.8, or by a pardon issued by the governor or the president of the United States, the person may register to vote.

Sec. 7. Section 57.1, subsection 2, paragraph c, Code 2014, is amended to read as follows:

c. That prior to the election the incumbent had been duly convicted of a felony, as defined in section 701.7, and that the judgment had not been reversed, annulled, or set aside, nor the incumbent pardoned by the governor or the president of the United States or restored to the rights of citizenship ~~by the governor under chapter 914~~ pursuant to section 914.8, at the time of the election.

Sec. 8. Section 99B.1, subsection 13, paragraph a,

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1 subparagraph (3), Code 2014, is amended to read as follows:
2 (3) The applicant has not been convicted of a felony.
3 However, if the applicant's conviction occurred more than five
4 years before the date of the application for a license, and
5 if the applicant's rights of citizenship have been restored
6 by the governor pursuant to sections 914.1 through 914.6, the
7 director of the department may determine that the applicant is
8 an eligible applicant.
9 Sec. 9. Section 123.3, subsection 34, paragraph d, Code
10 2014, is amended to read as follows:
11 *d.* The person has not been convicted of a felony. However,
12 if the person's conviction of a felony occurred more than five
13 years before the date of the application for a license or
14 permit, and if the person's rights of citizenship have been
15 restored by the governor pursuant to sections 914.1 through
16 914.6, the administrator may determine that the person is of
17 good moral character notwithstanding such conviction.
18 Sec. 10. Section 161A.5, subsection 3, paragraph b, Code
19 2014, is amended to read as follows:
20 *b.* Every candidate shall file with the nomination papers
21 an affidavit stating the candidate's name, the candidate's
22 residence, that the person is a candidate and is eligible for
23 the office of commissioner, and that if elected the candidate
24 will qualify for the office. The affidavit shall also state
25 that the candidate is aware that the candidate is disqualified
26 from holding office if the candidate has been convicted of a
27 felony or other infamous crime and the candidate's rights have
28 not been restored by the governor, ~~or~~ by the president of the
29 United States, or by operation of law.
30 Sec. 11. Section 277.4, subsection 2, paragraph b, Code
31 2014, is amended to read as follows:
32 *b.* Signers of nomination petitions shall include their
33 addresses and the date of signing, and must reside in the same
34 director district as the candidate if directors are elected
35 by the voters of a director district, rather than at-large.

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A person may sign nomination petitions for more than one candidate for the same office, and the signature is not invalid solely because the person signed nomination petitions for one or more other candidates for the office. The petition shall be filed with the affidavit of the candidate being nominated, stating the candidate's name, place of residence, that such person is a candidate and is eligible for the office the candidate seeks, and that if elected the candidate will qualify for the office. The affidavit shall also state that the candidate is aware that the candidate is disqualified from holding office if the candidate has been convicted of a felony or other infamous crime and the candidate's rights have not been restored by the governor, ~~or~~ by the president of the United States, or by operation of law.

Sec. 12. Section 376.4, subsection 2, paragraph b, Code 2014, is amended to read as follows:

b. The petition must include the affidavit of the individual for whom it is filed, stating the individual's name, the individual's residence, that the individual is a candidate and eligible for the office, and that if elected the individual will qualify for the office. The affidavit shall also state that the candidate is aware that the candidate is disqualified from holding office if the candidate has been convicted of a felony or other infamous crime and the candidate's rights have not been restored by the governor, ~~or~~ by the president of the United States, or by operation of law.

Sec. 13. Section 914.2, Code 2014, is amended to read as follows:

914.2 Right of application.

Except as otherwise provided in section 902.2 or 914.8, a person convicted of a criminal offense has the right to make application to the board of parole for recommendation or to the governor for a reprieve, pardon, commutation of sentence, remission of fines or forfeitures, or restoration of rights of citizenship at any time following the conviction.

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1 Sec. 14. NEW SECTION. **914.8 Restoration of right to**
2 **register and to vote.**
3 1. A person convicted of a felony criminal offense who has
4 been discharged from probation, parole, or work release or who
5 is released from confinement under section 902.6 because the
6 person has completed the person's term of confinement shall
7 have the right to register to vote and to vote restored in the
8 manner provided in this section.
9 2. Upon discharge from criminal sentence, including
10 any accompanying term of probation, parole, or supervised
11 release, the department of corrections or judicial district
12 department of correctional services, whichever is applicable,
13 shall provide written notice to the inmate, parolee, or
14 probationer of the person's discharge which shall include a
15 voter registration form and a statement that the person's right
16 to register to vote and to vote has been restored.
17 3. The department of corrections shall monthly provide a
18 list of all persons discharged from confinement or supervision
19 to the state registrar of voters who shall provide the
20 information to the county registrars of voters as deemed
21 necessary.
22 4. Offenders may still make application for a restoration
23 of citizenship rights pursuant to this chapter. All such
24 applications, unless withdrawn, shall be processed as required
25 by this chapter.
26 5. This section shall not relieve an offender of any
27 unpaid restitution, fine, or other obligation resulting from
28 conviction.
29 Sec. 15. RETROACTIVE APPLICABILITY. This Act applies
30 retroactively to January 14, 2011.
31 Sec. 16. EFFECTIVE UPON ENACTMENT. This Act, being deemed
32 of immediate importance, takes effect upon enactment.
33 EXPLANATION
34 **The inclusion of this explanation does not constitute agreement with**
35 **the explanation's substance by the members of the general assembly.**

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1 This bill enacts new Code section 914.8 which requires that,
2 upon discharge from certain criminal sentences, citizenship
3 rights related to voting and qualification for public office
4 must be restored.
5 The bill requires that the right to register to vote and to
6 vote be restored for any individual who has been discharged
7 from criminal sentence, including any accompanying term of
8 probation, parole, or supervised release. The restoration
9 of citizenship rights provided for under the bill shall only
10 extend to the right to register to vote and to vote, and would
11 not include any other citizenship rights. The bill does not
12 relieve the individual of unpaid restitution, fines, or other
13 obligations resulting from conviction within the terms or
14 conditions of a criminal sentence. The bill does not limit an
15 individual's ability to apply to the governor for a restoration
16 of citizenship rights, as currently provided for in Code
17 chapter 914.
18 The bill requires that the department of corrections
19 notify the state registrar of voters upon the discharge of
20 criminal sentence for an individual. The bill requires that,
21 where applicable, the judicial district department make the
22 notification.
23 The bill takes effect upon enactment and applies
24 retroactively to January 14, 2011.

Senate File 2204 - Introduced

SENATE FILE 2204
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB 3087)

A BILL FOR

1 An Act relating to the regulation of pharmacy benefits
2 managers.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5250SV (4) 85
av/rj

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1 Section 1. Section 510B.1, Code 2014, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 5A. *"Maximum reimbursement amount"* means
4 the maximum reimbursement amount for a therapeutically and
5 pharmaceutically equivalent multiple-source prescription drug
6 that is listed in the most recent edition of the publication
7 entitled approved drug products with therapeutic equivalence
8 evaluations, published by the United States food and drug
9 administration, otherwise known as the orange book.
10 Sec. 2. Section 510B.2, Code 2014, is amended by adding the
11 following new unnumbered paragraph:
12 NEW UNNUMBERED PARAGRAPH. As a condition of complying with
13 this section regarding certification, a pharmacy benefits
14 manager shall enter into and maintain an agreement with
15 the commissioner setting out the terms of disclosure of
16 information, as deemed necessary by the commissioner, relating
17 to rebates received by the pharmacy benefits manager.
18 Sec. 3. NEW SECTION. **510B.8 Pricing methodology for maximum**
19 **reimbursement amount.**
20 1. The commissioner may require a pharmacy benefits manager
21 to submit information to the commissioner related to the
22 pharmacy benefits manager's pricing methodology for maximum
23 reimbursement amount.
24 2. For purposes of the disclosure of pricing methodology,
25 maximum reimbursement amounts shall be implemented as follows:
26 *a.* Established for multiple source prescription drugs
27 prescribed after the expiration of any generic exclusivity
28 period.
29 *b.* Established for any prescription drug with at least two
30 or more A-rated therapeutically equivalent, multiple source
31 prescription drugs with a significant cost difference.
32 *c.* Determined using comparable prescription drug prices
33 obtained from multiple nationally recognized comprehensive data
34 sources including wholesalers, prescription drug file vendors,
35 and pharmaceutical manufacturers for prescription drugs that

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1 are nationally available and available for purchase locally by
2 multiple pharmacies in the state.
3 3. For those prescription drugs to which maximum
4 reimbursement amount pricing applies, a pharmacy benefits
5 manager shall include in a contract with a pharmacy information
6 regarding which of the national compendia is used to
7 obtain pricing data used in the calculation of the maximum
8 reimbursement amount pricing and shall provide a process to
9 allow a pharmacy to comment on, contest, or appeal the maximum
10 reimbursement amount rates or maximum reimbursement amount
11 list. The right to comment on, contest, or appeal the maximum
12 reimbursement amount rates or maximum reimbursement amount list
13 shall be limited in duration and allow for retroactive payment
14 in the event that it is determined that maximum reimbursement
15 amount pricing has been applied incorrectly.
16 Sec. 4. COMPLIANCE PERIOD FOR DISCLOSURE AGREEMENTS. In
17 order to comply with the certification and disclosure
18 requirements of section 510B.2, as amended in this Act, a
19 pharmacy benefits manager shall have one hundred eighty days
20 after the effective date of this Act within which to enter
21 into an agreement with the commissioner regarding disclosure
22 of rebate information.
23 EXPLANATION
24 **The inclusion of this explanation does not constitute agreement with**
25 **the explanation's substance by the members of the general assembly.**
26 This bill relates to the regulation of pharmacy benefits
27 managers. The bill authorizes the commissioner of insurance
28 to require a pharmacy benefits manager to submit information
29 to the commissioner related to the pharmacy benefits manager's
30 pricing methodology for maximum reimbursement amounts for
31 prescription drugs. "Maximum reimbursement amount" is defined
32 as the maximum reimbursement amount for a therapeutically
33 and pharmaceutically equivalent multiple-source prescription
34 drug that is listed in the United States food and drug
35 administration's publication entitled approved drug products

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with therapeutic equivalence evaluations, otherwise known as the orange book.

For those prescription drugs to which maximum reimbursement amount pricing applies, a pharmacy benefits manager must include information in a contract with a pharmacy showing how maximum reimbursement amount pricing is calculated and allowing the pharmacy the opportunity to comment on, contest, or appeal the maximum reimbursement amount rates and list. The contract must also allow for retroactive payment if it is determined that maximum reimbursement amount pricing has been applied incorrectly.

The bill also allows the commissioner to implement the information submission requirements in relation to generic exclusivity, therapeutically equivalent drugs, and multiple drug manufacturers, wholesalers, and vendors.

The bill provides that pharmacy benefits managers must, within six months of the effective date of the bill, enter into an agreement with the commissioner relating to disclosure of rebates received by the pharmacy benefits managers.

Senate File 2205 - Introduced

SENATE FILE 2205
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB 3109)

(COMPANION TO LSB 5580HV BY
COMMITTEE ON COMMERCE)

A BILL FOR

1 An Act relating to matters under the purview of the credit
2 union division of the department of commerce, and including
3 effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5580SV (2) 85
rn/rj

S.F. 2205

1 Section 1. NEW SECTION. **533.209A Prohibited relationships.**
2 A director shall not be related by consanguinity or affinity
3 within the third degree to any person employed by a state
4 credit union in a senior management position. For purposes
5 of this section, *"senior management position"* includes a state
6 credit union's chief executive officer, president, or manager;
7 assistant chief executive officer, assistant president, vice
8 president, or assistant manager; or chief financial officer or
9 treasurer.
10 Sec. 2. Section 533.301, subsection 1, paragraph c, Code
11 2014, is amended to read as follows:
12 *c.* Other ~~state~~ credit unions.
13 Sec. 3. Section 533.301, subsection 5, paragraph i, Code
14 2014, is amended to read as follows:
15 *i.* Corporate bonds as defined by and subject to terms
16 and conditions imposed by the superintendent, provided that
17 the superintendent shall not approve investment in corporate
18 bonds unless the bonds are ~~rated in the two highest grades~~
19 ~~of corporate bonds by a nationally accepted rating agency~~
20 investment grade. For purposes of this paragraph, *"investment*
21 *grade"* means the issuer of a security has an adequate capacity
22 to meet the financial commitments under the security for the
23 projected life of the asset or exposure, even under adverse
24 economic conditions. An issuer has adequate capacity to
25 meet the financial commitments of a security if the risk of
26 default by the obligor is low and the full and timely repayment
27 of principal and interest on the security is expected. A
28 state credit union may consider any or all of the following
29 nonexhaustive or nonmutually exclusive factors, to the extent
30 appropriate, with respect to the credit risk of a security:
31 (1) Credit spreads.
32 (2) Securities-related research.
33 (3) Internal or external credit risk assessments.
34 (4) Default statistics.
35 (5) Inclusion on an index.

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1 (6) Priorities and enhancements.
2 (7) Price, yield, or volume.
3 (8) Asset class-specific factors.
4 Sec. 4. Section 533.301, subsection 28, Code 2014, is
5 amended to read as follows:
6 28. Sell, to persons in the field of membership, negotiable
7 checks, including traveler's checks; money orders; and other
8 similar money transfer instruments including international
9 and domestic electronic fund transfers and remittance ~~checks~~
10 transfers.
11 Sec. 5. NEW SECTION. **533.405A Involuntary dissolution.**
12 1. If the superintendent has taken over management of the
13 property and business of a state credit union pursuant to
14 section 533.502, and determined that the state credit union
15 cannot be reorganized or merged with another credit union, the
16 superintendent may move for the involuntary dissolution of the
17 state credit union and shall apply to the district court for
18 appointment as receiver with the authority to dissolve the
19 state credit union.
20 2. If a state credit union is in the process of a
21 voluntary dissolution, and pursuant to section 533.405,
22 the superintendent finds that the state credit union is not
23 making reasonable progress toward terminating its affairs, the
24 superintendent may move for the involuntary dissolution of the
25 state credit union and shall apply to the district court for
26 appointment as receiver with the authority to dissolve the
27 state credit union.
28 3. The provisions of section 533.503 shall apply when the
29 superintendent is acting as receiver, and as receiver the
30 superintendent shall distribute the assets pursuant to the
31 provisions of section 533.404.
32 Sec. 6. Section 533.503, Code 2014, is amended by adding the
33 following new subsections:
34 NEW SUBSECTION. 2A. The superintendent as receiver may sue
35 and defend in the superintendent's name with respect to the

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1 affairs of a state credit union.
2 NEW SUBSECTION. 5. The superintendent as receiver shall
3 hold all records of the receivership for a period of two years
4 after the court decree dissolving the state credit union
5 and discharging the receiver, and at the termination of the
6 two-year period, the records may then be destroyed.
7 Sec. 7. EFFECTIVE UPON ENACTMENT. The following provision
8 or provisions of this Act, being deemed of immediate
9 importance, take effect upon enactment:
10 1. The section of this Act amending section 533.301,
11 subsection 1, paragraph "c".
12 2. The section of this Act amending section 533.301,
13 subsection 5, paragraph "i".
14 EXPLANATION
15 The inclusion of this explanation does not constitute agreement with
16 the explanation's substance by the members of the general assembly.
17 This bill relates to matters under the purview of the credit
18 union division of the department of commerce.
19 The bill provides that a director shall not be related
20 by consanguinity or affinity within the third degree to any
21 person employed by a state credit union in a senior management
22 position. The bill defines "senior management position" to
23 include a credit union's chief executive officer, president,
24 or manager; assistant chief executive officer, assistant
25 president, vice president, or assistant manager; or chief
26 financial officer or treasurer.
27 The bill provides that a state credit union shall be
28 authorized to receive payments for ownership shares, for other
29 shares, or as deposits, from other credit unions. Currently,
30 this authorization applies strictly to other state credit
31 unions.
32 The bill modifies provisions relating to investments by a
33 state credit union in corporate bonds to delete a requirement
34 that the bonds are rated in the two highest grades of corporate
35 bonds by a nationally accepted rating agency and substituting

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1 the requirement that the bonds be considered investment grade.
2 The bill defines "investment grade" to mean the issuer of
3 a security has an adequate capacity to meet the financial
4 commitments under the security for the projected life of the
5 asset or exposure, even under adverse economic conditions. The
6 bill provides that an issuer has adequate capacity to meet the
7 financial commitments of a security if the risk of default
8 by the obligor is low and the full and timely repayment of
9 principal and interest on the security is expected. The bill
10 specifies a list of nonexhaustive or nonmutually exclusive
11 factors which a credit union may consider, to the extent
12 appropriate, with respect to the credit risk of a security.
13 The bill changes a reference to "remittance checks" to
14 "remittance transfers" regarding the ability of a state credit
15 union to sell, to persons in the field of membership, specified
16 checks, money orders, and other similar money transfer
17 instruments.
18 Additionally, the bill establishes new involuntary
19 dissolution provisions relating to state credit unions. The
20 bill provides that if the superintendent has taken over
21 management of the property and business of a state credit
22 union and determined that the state credit union cannot
23 be reorganized or merged with another credit union, the
24 superintendent may move for the involuntary dissolution of the
25 state credit union and shall apply to the district court for
26 appointment as receiver with the authority to dissolve the
27 state credit union. Further, the bill provides that if a state
28 credit union is in the process of a voluntary dissolution, and
29 the superintendent of credit unions finds that the state credit
30 union is not making reasonable progress toward terminating
31 its affairs, the superintendent may move for the involuntary
32 dissolution of the state credit union and shall apply to the
33 district court for appointment as receiver with the authority
34 to dissolve the state credit union.
35 The bill adds two new provisions applicable to the

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1 superintendent acting as receiver. The bill provides that
2 the superintendent as receiver may sue and defend in the
3 superintendent's name with respect to the affairs of a state
4 credit union, and shall hold all records of the receivership
5 for a period of two years after the court decree dissolving the
6 state credit union and discharging the receiver, which, at the
7 termination of the two-year period, may be destroyed.
8 The bill provides that the provisions relating to
9 authorization to receive specified payments from other credit
10 unions, and relating to the requirement that investments be
11 made in corporate bonds which are considered "investment
12 grade", take effect upon enactment.

Senate File 2206 - Introduced

SENATE FILE 2206
BY COMMITTEE ON ECONOMIC GROWTH

(SUCCESSOR TO SSB 3049)

A BILL FOR

1 An Act concerning the Iowa finance authority in regard to the
2 title guaranty program and private activity bonds.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5186SV (2) 85
ec/nh

S.F. 2206

1 DIVISION I
2 TITLE GUARANTY
3 Section 1. Section 16.1, subsection 1, paragraph af,
4 subparagraph (7), Code 2014, is amended to read as follows:
5 (7) The Iowa title guaranty program.
6 Sec. 2. Section 16.2A, subsection 1, Code 2014, is amended
7 to read as follows:
8 1. A title guaranty division is created within the
9 authority. The division may also be referred to as Iowa title
10 guaranty. The powers of the division relating to the issuance
11 of title guaranties are vested in and shall be exercised by
12 a division board of five members appointed by the governor
13 subject to confirmation by the senate. The membership of
14 the board shall include an attorney, an abstractor, a real
15 estate broker, a representative of a mortgage lender, and
16 a representative of the housing development industry. The
17 executive director of the authority shall appoint an attorney
18 as director of the title guaranty division, who shall serve
19 as an ex officio member of the board. The appointment of and
20 compensation for the division director are exempt from the
21 merit system provisions of chapter 8A, subchapter IV.
22 Sec. 3. Section 16.91, subsections 1, 3, and 4, Code 2014,
23 are amended to read as follows:
24 1. The authority through the title guaranty division shall
25 initiate and operate a program in which the division shall
26 offer guaranties of real property titles in this state. The
27 terms, conditions, and form of the guaranty contract shall be
28 forms approved by the division board. The division shall fix
29 a charge for the guaranty in an amount sufficient to permit
30 the program to operate on a self-sustaining basis, including
31 payment of administrative costs and the maintenance of an
32 adequate reserve against claims under the Iowa title guaranty
33 program. A title guaranty fund is created in the office of
34 the treasurer of state. Funds collected under this program
35 shall be placed in the title guaranty fund and are available

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1 to pay all claims, necessary reserves and all administrative
2 costs of the Iowa title guaranty program. Moneys in the fund
3 shall not revert to the general fund and interest on the
4 moneys in the fund shall be deposited in the housing trust
5 fund established in section 16.181 and shall not accrue to the
6 general fund. If the authority board in consultation with the
7 division board determines that there are surplus funds in the
8 title guaranty fund after providing for adequate reserves and
9 operating expenses of the division, the surplus funds shall be
10 transferred to the housing assistance fund created pursuant to
11 section 16.40.
12 3. With the approval of the authority board the division
13 and its board shall consult with the insurance division of
14 the department of commerce in developing a guaranty contract
15 acceptable to the secondary market and developing any other
16 feature of the program with which the insurance division may
17 have special expertise. The insurance division shall establish
18 the amount for a loss reserve fund. Except as provided in this
19 subsection, the Iowa title guaranty program is not subject to
20 the jurisdiction of or regulation by the insurance division or
21 the commissioner of insurance.
22 4. Each participating attorney and abstractor may be
23 required to pay an annual participation fee to be eligible to
24 participate in the Iowa title guaranty program. The fee, if
25 any, shall be set by the division, subject to the approval of
26 the authority.
27 Sec. 4. Section 16.91, subsection 5, paragraph a,
28 subparagraph (2), Code 2014, is amended to read as follows:
29 (2) Additionally, each participating abstractor is required
30 to own or lease, and maintain and use in the preparation of
31 abstracts, an up-to-date abstract title plant including tract
32 indices for real estate for each county in which abstracts are
33 prepared for real property titles guaranteed by the division.
34 The tract indices shall contain a reference to all instruments
35 affecting the real estate which are recorded in the office of

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1 the county recorder, and shall commence not less than forty
2 years prior to the date the abstractor commences participation
3 in the Iowa title guaranty program. However, a participating
4 attorney providing abstract services continuously from November
5 12, 1986, to the date of application, either personally or
6 through persons under the attorney's supervision and control is
7 exempt from the requirements of this subparagraph.
8 Sec. 5. Section 16.91, subsection 8, Code 2014, is amended
9 to read as follows:
10 8. The authority shall adopt rules pursuant to chapter 17A
11 that are necessary for the implementation of the Iowa title
12 guaranty program as established by the division and that have
13 been approved by the authority.
14 Sec. 6. Section 16.92, subsection 1, paragraph i, Code 2014,
15 is amended to read as follows:
16 *i. "Participating abstractor"* means an abstractor
17 participating in the Iowa title guaranty program.
18 Sec. 7. Section 447.13, subsection 1, Code 2014, is amended
19 to read as follows:
20 1. The cost of serving the notice, including the cost of
21 sending certified mail notices, and the cost of publication
22 under section 447.10, if publication is required, shall be
23 added to the amount necessary to redeem. The cost of a record
24 search shall also be added to the amount necessary to redeem.
25 However, if the certificate holder is other than a county, the
26 search must be performed by an abstractor who is an active
27 participant in the Iowa title guaranty program under section
28 16.91 or by an attorney licensed to practice law in the state
29 of Iowa, and the amount of the cost of the record search that
30 may be added to the amount necessary to redeem shall not exceed
31 three hundred dollars.
32 DIVISION II
33 PRIVATE ACTIVITY BOND ALLOCATIONS
34 Sec. 8. Section 7C.4A, subsection 7, paragraph a, Code 2014,
35 is amended to read as follows:

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1 *a.* The amount of the state ceiling which is not otherwise
2 allocated under subsections 1 through 5, and after June 30,
3 the amount of the state ceiling reserved under subsection 6
4 and not allocated, shall be allocated to all bonds requiring
5 an allocation under section 146 of the Internal Revenue Code
6 without priority for any type of bond over another, except
7 as otherwise provided in sections 7C.5 and 7C.11. A single
8 project allocated a portion of the state ceiling pursuant to
9 this subsection shall not receive an allocation in excess of
10 ~~ten~~ fifty million dollars in any calendar year.

11 EXPLANATION

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

14 This bill concerns the Iowa finance authority.
15 Division I renames the title guaranty program as the Iowa
16 title guaranty program. The bill also allows the title
17 guaranty division to be referred to as Iowa title guaranty.
18 Division II concerns bond activity and the Iowa finance
19 authority. Code section 7C.4A(7), concerning the allocation of
20 the state ceiling on bonds which is not otherwise allocated,
21 is amended to increase the current $10 million yearly cap on
22 the amount any single project may receive from the unused
23 allocation of the state ceiling on bonds to $50 million.

Senate File 2207 - Introduced

SENATE FILE 2207
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 2025)

A BILL FOR

1 An Act relating to the establishment of a legislative interim
2 committee on adoption records.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5571SV (3) 85
pf/rj

S.F. 2207

1 Section 1. LEGISLATIVE INTERIM COMMITTEE — ADOPTION
2 RECORDS. The legislative council is requested to establish
3 a legislative interim committee on adoption records for the
4 2014 legislative interim. The committee shall review the
5 issues related to and make recommendations regarding access
6 to adoption records. The committee shall receive input
7 from the department of human services, the judicial branch,
8 representatives of adoption agencies and independent adoption
9 providers, the Iowa state bar association, biological and
10 adoptive parents, adoptees, and others with interest or
11 expertise relating to adoption and access to adoption records.
12 The legislative interim committee shall submit the committee's
13 recommendations and a final report to the general assembly
14 following completion of the committee's work.
15 EXPLANATION
16 **The inclusion of this explanation does not constitute agreement with**
17 **the explanation's substance by the members of the general assembly.**
18 This bill requests the legislative council to establish a
19 legislative interim committee on adoption records for the 2014
20 legislative interim. The committee is directed to review the
21 issues related to and make recommendations regarding access to
22 adoption records. The bill specifies those from whom input
23 should be received and directs the committee to submit the
24 committee's recommendations and a final report to the general
25 assembly following completion of the committee's work.

Senate File 2208 - Introduced

SENATE FILE 2208
BY CHAPMAN

A BILL FOR

1 An Act relating to directed blood donations to a designated
2 recipient or from a designated donor.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5963SS (2) 85
ad/nh

S.F. 2208

1 Section 1. NEW SECTION. **135.39E Directed blood donation.**
2 1. A blood bank or other health facility shall allow
3 any donor qualified to donate blood under the criteria for
4 donor selection promulgated by the federal food and drug
5 administration to direct a donation of blood to a designated
6 recipient.
7 2. A blood bank or other health facility shall allow a
8 recipient of donated blood to designate a donor if all of the
9 following conditions are met:
10 *a.* The recipient, or someone on the recipient's behalf, has
11 solicited the donor.
12 *b.* The designated donor consents to the donation.
13 *c.* The designated donor's blood may be obtained in
14 sufficient time to meet the health care needs of the recipient.
15 *d.* The designated donor is qualified to donate blood under
16 the criteria for donor selection promulgated by the federal
17 food and drug administration.
18 *e.* The blood of the donor is compatible with the recipient's
19 medical needs.
20 3. Blood collected as a directed donation may be used
21 for someone other than, or in addition to, the designated
22 recipient if the donor's blood is not compatible with that of
23 the designated recipient or if any part of the donation is not
24 needed or used by the designated recipient.
25 4. This section shall not be construed to limit other
26 procedures or policies a blood bank or other health facility
27 may establish to enable directed donations of blood.
28 5. A directed donation of blood to a designated recipient
29 or from a designated donor shall be subject to all applicable
30 federal and state laws, regulations, and rules.
31 6. For purposes of this section, unless the context
32 otherwise requires:
33 *a.* *"Blood bank"* means the same as defined in section 141A.1.
34 *b.* *"Health facility"* means the same as defined in section
35 141A.1.

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EXPLANATION

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

This bill authorizes a blood donor to direct a blood donation to a specific recipient and a recipient to designate a specific blood donor. The bill requires a blood bank or health facility, as defined in the bill, to allow a directed blood donation if certain conditions are met. The bill provides that blood collected for a specific recipient or from a specific donor that is either not compatible with the needs of the patient or in excess of the patient's needs may be used for someone else. The bill provides that directed donations of blood are subject to all applicable federal and state laws, regulations, and rules.

Senate File 2209 - Introduced

SENATE FILE 2209
BY HOGG

A BILL FOR

1 An Act providing for an area education agency mental health
2 services collaborative grant program to be administered by
3 the department of education, and making appropriations.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5991XS (2) 85
kh/sc

S.F. 2209

1 Section 1. NEW SECTION. **256.25 Area education agency mental**
2 **health services collaborative grant program.**
3 1. The department shall establish an area education agency
4 mental health services collaborative grant program to award
5 competitive grants to area education agencies annually for
6 purposes of funding demonstration projects in which area
7 education agencies collaborate with mental health services
8 agencies located within the area education agency areas to make
9 mental health therapists available to schools to proactively
10 address student mental and behavioral health.
11 2. The department shall develop grant application,
12 selection, and evaluation criteria.
13 3. The application shall address accountability measures
14 that the area education agency will take and describe the
15 organizational and collaborative process to be employed by
16 the area education agency and the one or more participating
17 mental health services agencies. An area education agency or a
18 consortium of area education agencies may apply for a grant.
19 4. Each demonstration project shall be conducted for a
20 minimum of three years.
21 5. Grants shall be distributed by August 1 or as soon as
22 practicable in amounts as determined by the department.
23 6. The department shall submit progress reports analyzing
24 the status and preliminary findings of the demonstration
25 projects to the state board, the governor, and the general
26 assembly by January 15 annually. The department shall
27 summarize the findings of each project, and submit the summary
28 and any recommendations in a final report to the state board,
29 the governor, and the general assembly by January 15, 2018.
30 7. There is appropriated from the general fund of the
31 state to the department, for the following fiscal years,
32 the following amounts, to be used for providing grants in
33 accordance with this section:
34 *a.* For the fiscal year beginning July 1, 2014, and ending
35 June 30, 2015, the sum of two million dollars.

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1 *b.* For the fiscal year beginning July 1, 2015, and ending
2 June 30, 2016, the sum of two million dollars.
3 *c.* For the fiscal year beginning July 1, 2016, and ending
4 June 30, 2017, the sum of two million dollars.
5 8. Notwithstanding section 8.33, unencumbered or
6 unobligated funds remaining on June 30 of the fiscal year for
7 which the funds were appropriated shall not revert but shall
8 be available for expenditure for the following fiscal year for
9 the purposes of this section.
10 9. This section is repealed July 1, 2018.
11 EXPLANATION

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

14 This bill enacts new Code section 256.25 directing the
15 department of education to establish an area education agency
16 mental health services collaborative grant program to award
17 competitive grants to area education agencies (AEAs) annually
18 for purposes of funding demonstration projects in which AEAs
19 collaborate with mental health services agencies to make mental
20 health therapists available to schools to proactively address
21 student mental and behavioral health. The bill appropriates
22 $2 million annually to the department from the general fund of
23 the state for the 2014-2015, 2015-2016, and 2016-2017 fiscal
24 years for grant program purposes, and allows the moneys to
25 carryforward to the next succeeding fiscal year for the same
26 purposes.
27 The department shall develop grant application, selection,
28 and evaluation criteria. The application shall address
29 accountability measures that the AEA will take and describe the
30 organizational and collaborative process to be employed by the
31 AEA and the one or more participating mental health services
32 agencies. An AEA or a consortium of AEAs may apply for a grant.
33 The department shall submit progress reports analyzing the
34 status and preliminary findings of the projects to the state
35 board, the governor, and the general assembly by January 15

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1 annually. The department shall summarize the findings of each
2 project, and submit the summary and any recommendations in a
3 final report to the state board, the governor, and the general
4 assembly by January 15, 2018.
5 The program is repealed July 1, 2018.

Senate File 2210 - Introduced

SENATE FILE 2210
BY BOLKCOM

A BILL FOR

1 An Act providing for the licensure of art therapists by the
2 behavioral science board, making penalties applicable,
3 providing for fees, and including applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5764XS (2) 85
ad/sc

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1 Section 1. Section 147.1, subsections 3 and 6, Code 2014,
2 are amended to read as follows:
3 3. *"Licensed"* or *"certified"*, when applied to a physician
4 and surgeon, podiatric physician, osteopathic physician and
5 surgeon, physician assistant, psychologist, chiropractor,
6 nurse, dentist, dental hygienist, dental assistant,
7 optometrist, speech pathologist, audiologist, pharmacist,
8 physical therapist, physical therapist assistant, occupational
9 therapist, occupational therapy assistant, orthotist,
10 prosthetist, pedorthist, respiratory care practitioner,
11 practitioner of cosmetology arts and sciences, practitioner
12 of barbering, funeral director, dietitian, marital and family
13 therapist, mental health counselor, art therapist, social
14 worker, massage therapist, athletic trainer, acupuncturist,
15 nursing home administrator, hearing aid dispenser, or sign
16 language interpreter or transliterator means a person licensed
17 under this subtitle.
18 6. *"Profession"* means medicine and surgery, podiatry,
19 osteopathic medicine and surgery, practice as a physician
20 assistant, psychology, chiropractic, nursing, dentistry,
21 dental hygiene, dental assisting, optometry, speech pathology,
22 audiology, pharmacy, physical therapy, physical therapist
23 assisting, occupational therapy, occupational therapy
24 assisting, respiratory care, cosmetology arts and sciences,
25 barbering, mortuary science, marital and family therapy,
26 mental health counseling, art therapy, social work, dietetics,
27 massage therapy, athletic training, acupuncture, nursing
28 home administration, hearing aid dispensing, sign language
29 interpreting or transliterating, orthotics, prosthetics, or
30 pedorthics.
31 Sec. 2. Section 147.2, subsection 1, Code 2014, is amended
32 to read as follows:
33 1. A person shall not engage in the practice of medicine
34 and surgery, podiatry, osteopathic medicine and surgery,
35 psychology, chiropractic, physical therapy, physical

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1 therapist assisting, nursing, dentistry, dental hygiene,
2 dental assisting, optometry, speech pathology, audiology,
3 occupational therapy, occupational therapy assisting,
4 orthotics, prosthetics, pedorthics, respiratory care,
5 pharmacy, cosmetology arts and sciences, barbering, social
6 work, dietetics, marital and family therapy or mental health
7 counseling, art therapy, massage therapy, mortuary science,
8 athletic training, acupuncture, nursing home administration,
9 hearing aid dispensing, or sign language interpreting
10 or transliterating, or shall not practice as a physician
11 assistant, unless the person has obtained a license for that
12 purpose from the board for the profession.
13 Sec. 3. Section 147.13, subsection 16, Code 2014, is amended
14 to read as follows:
15 16. For marital and family therapy, art therapy, and mental
16 health counseling, the board of behavioral science.
17 Sec. 4. Section 147.14, subsection 1, paragraph m, Code
18 2014, is amended to read as follows:
19 *m.* For behavioral science, three members licensed to
20 practice marital and family therapy, all of whom shall be
21 practicing marital and family therapists; three members
22 licensed to practice mental health counseling, one of whom
23 shall be employed in graduate teaching, training, or research
24 in mental health counseling and two of whom shall be practicing
25 mental health counselors; three members licensed to practice
26 art therapy; and ~~three~~ two members who are not licensed to
27 practice marital and family therapy, art therapy, or mental
28 health counseling and who shall represent the general public.
29 Sec. 5. Section 147.74, Code 2014, is amended by adding the
30 following new subsection:
31 NEW SUBSECTION. 13A. An art therapist licensed under
32 chapter 154D and this chapter may use the words "licensed art
33 therapist" after the person's name or signify the same by the
34 use of the letters "L.A.T." after the person's name. An art
35 therapist licensed under chapter 154D and this chapter who

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1 possesses a doctoral degree may use the prefix "Doctor" or
2 "Dr." in conjunction with the person's name, but shall add
3 after the person's name the words "licensed art therapist".
4 Sec. 6. Section 154D.1, Code 2014, is amended by adding the
5 following new subsections:
6 NEW SUBSECTION. 01. *"Art therapy"* means the clinical
7 and evidence-based use of art interventions to accomplish
8 individualized goals within a therapeutic relationship through
9 an individualized art therapy treatment plan for the client
10 that identifies the goals, objectives, and potential strategies
11 of the art therapy services appropriate for the client using
12 art therapy interventions.
13 NEW SUBSECTION. 1A. *"Licensed art therapist"* means a person
14 licensed to practice art therapy under chapter 147 and this
15 chapter.
16 NEW SUBSECTION. 7A. *"Temporary licensed art therapist"*
17 means a person licensed to practice art therapy under
18 supervision in accordance with section 154D.7.
19 Sec. 7. Section 154D.1, subsections 4 and 7, Code 2014, are
20 amended to read as follows:
21 4. *"Licensee"* includes a licensed marital and family
22 therapist, a licensed art therapist, and a licensed mental
23 health counselor.
24 7. *"Temporary license"* means a license to practice marital
25 and family therapy, art therapy, or mental health counseling
26 under direct supervision of a qualified supervisor as
27 determined by the board by rule to fulfill the postgraduate
28 supervised clinical experience requirement in accordance with
29 this chapter.
30 Sec. 8. Section 154D.2, Code 2014, is amended to read as
31 follows:
32 **154D.2 Licensure — marital and family therapy — art therapy**
33 **— mental health counseling.**
34 An applicant for a license to practice marital and family
35 therapy, art therapy, or mental health counseling shall be

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1 granted a license by the board when the applicant satisfies all
2 of the following requirements:
3 1. Possesses a master's degree in marital and family
4 therapy, art therapy or a related field, or mental health
5 counseling, as applicable, consisting of at least sixty
6 semester hours, or its equivalent, from a nationally accredited
7 institution or from a program approved by the board.
8 2. Has at least two years of supervised clinical experience
9 or its equivalent as approved by the board. Standards for
10 supervision, including the required qualifications for
11 supervisors, shall be determined by the board by rule.
12 3. Passes an examination approved by the board.
13 Sec. 9. Section 154D.4, Code 2014, is amended to read as
14 follows:
15 **154D.4 Exemptions.**
16 1. This chapter and chapter 147 do not prevent qualified
17 members of other professions, including but not limited to
18 nurses, psychologists, social workers, physicians, physician
19 assistants, attorneys at law, or members of the clergy, from
20 providing or advertising that they provide services of a
21 marital and family therapy, art therapy, or mental health
22 counseling nature consistent with the accepted standards of
23 their respective professions, but these persons shall not use a
24 title or description denoting that they are licensed marital
25 and family therapists, licensed art therapists, or licensed
26 mental health counselors.
27 2. The licensure requirements of this chapter and chapter
28 147 do not apply to the following:
29 *a.* Students whose activities are conducted within a course
30 of professional education in marital and family therapy, art
31 therapy, or mental health counseling.
32 *b.* A person who practices marital and family therapy, art
33 therapy, or mental health counseling under the supervision of
34 a person licensed under this chapter as part of a clinical
35 experience as described in section 154D.2, subsection 2.

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1 *c.* The provision of children, family, or mental health
2 services through the department of human services or juvenile
3 court, or agencies contracting with the department of human
4 services or juvenile court, by persons who do not represent
5 themselves to be ~~either~~ a marital and family therapist, an art
6 therapist, or a mental health counselor.
7 Sec. 10. Section 154D.5, Code 2014, is amended to read as
8 follows:
9 **154D.5 Sexual conduct with client.**
10 The license of a marital and family therapist, an art
11 therapist, or a mental health counselor shall be revoked if the
12 board finds that the licensee engaged in sexual activity with a
13 client as determined by board rule. The revocation shall be in
14 addition to any other penalties provided by law.
15 Sec. 11. Section 154D.7, Code 2014, is amended to read as
16 follows:
17 **154D.7 Temporary license — marital and family therapy — art**
18 **therapy — mental health counseling — fees.**
19 Any person who has fulfilled all of the requirements for
20 licensure under this chapter, except for having completed
21 the postgraduate supervised clinical experience requirement
22 as determined by the board by rule, may apply to the board
23 for a temporary license. The license shall be designated
24 "temporary license in marital and family therapy", "temporary
25 license in art therapy", or "temporary license in mental health
26 counseling" and shall authorize the licensee to practice
27 marital and family therapy, art therapy, or mental health
28 counseling under the supervision of a qualified supervisor as
29 determined by the board by rule. The license shall be valid
30 for three years and may be renewed at the discretion of the
31 board. The fee for a temporary license shall be set by the
32 board to cover the administrative costs of issuing the license,
33 and if renewed, a renewal fee as set by the board shall be
34 required.
35 Sec. 12. TRANSITION PROVISIONS.

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1 1. Notwithstanding sections 147.14, as amended in this Act,
2 and 147.16, the governor may appoint to the board of behavioral
3 science pursuant to section 147.14, subsection 1, paragraph
4 "m", as amended in this Act, subject to confirmation by the
5 senate, in lieu of the three members licensed to practice
6 art therapy, three members with experience and expertise
7 substantially equivalent to the requirements for art therapy
8 licensure under section 154D.2, as amended in this Act.
9 2. The board of behavioral science shall adopt rules to
10 administer this Act, and the rules shall be effective July 1,
11 2015.
12 Sec. 13. APPLICABILITY.
13 1. Applicants for art therapy licensure under chapter 154D
14 who have not passed a licensure examination approved by the
15 board by July 1, 2015, shall be issued a temporary license to
16 practice art therapy for a period of two years, commencing on
17 July 1, 2015.
18 2. An applicant issued a temporary license pursuant to this
19 section shall pass a licensure examination approved by the
20 board on or before July 1, 2017, in order to remain licensed as
21 an art therapist.
22 EXPLANATION

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

25 This bill provides for the licensure of art therapists
26 by the behavioral science board. The bill defines "licensed
27 art therapist", "art therapy", and "temporary licensed art
28 therapist". To obtain an art therapy license, an applicant
29 must possess a master's degree in art therapy or a related
30 field, have at least two years supervised clinical experience,
31 and pass an examination approved by the board. The bill allows
32 a person practicing art therapy to receive a temporary license.
33 The bill makes conforming changes in Code chapter
34 147, regarding the general provisions for regulation of
35 health-related professions, and amends the membership of the

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1 board of behavioral science to include three art therapists.
2 The bill provides transition provisions for the initial
3 appointment of the additional members to the board of
4 behavioral science. The bill also provides transition
5 provisions relating to the applicability of requirements for
6 licensure of art therapists.
7 The provisions of Code chapters 147 and 272C, including
8 licensing sanctions and a provision in Code section 147.86
9 providing that a violation of Code chapter 147 or 154D is a
10 serious misdemeanor, are applicable to licensed art therapists.
11 A serious misdemeanor is punishable by confinement not to
12 exceed one year and a fine of at least $315 but not more than
13 $1,875.

Senate File 2211 - Introduced

SENATE FILE 2211
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3076)

A BILL FOR

1 An Act relating to the civil commitment of a sexually violent
2 predator.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5382SV (2) 85
jm/nh

S.F. 2211

1 Section 1. Section 229A.2, Code 2014, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 2A. *"Convicted"* means found guilty of,
4 pleads guilty to, or is sentenced or adjudicated delinquent
5 for an act which is an indictable offense in this state or in
6 another jurisdiction including in a federal, military, tribal,
7 or foreign court, including but not limited to a juvenile who
8 has been adjudicated delinquent, but whose juvenile court
9 records have been sealed under section 232.150, and a person
10 who has received a deferred sentence or a deferred judgment
11 or has been acquitted by reason of insanity. *"Conviction"*
12 includes the conviction of a juvenile prosecuted as an adult.
13 *"Convicted"* also includes a conviction for an attempt or
14 conspiracy to commit an offense. *"Convicted"* does not mean a
15 plea, sentence, adjudication, deferred sentence, or deferred
16 judgment which has been reversed or otherwise set aside.
17 Sec. 2. Section 229A.9A, subsection 2, Code 2014, is amended
18 to read as follows:
19 2. If release with or without supervision is ordered, the
20 department of human services shall prepare within ~~thirty~~ sixty
21 days of the order of the court a release plan addressing the
22 person's needs for counseling, medication, community support
23 services, residential services, vocational services, alcohol
24 or other drug abuse treatment, sex offender treatment, or any
25 other treatment or supervision necessary.
26 Sec. 3. Section 232.55, subsection 2, paragraph a, Code
27 2014, is amended to read as follows:
28 *a.* Adjudication and disposition proceedings under this
29 division are not admissible as evidence against a person in a
30 subsequent proceeding in any other court before or after the
31 person reaches majority except in a proceeding pursuant to
32 chapter 229A or in a sentencing proceeding after conviction
33 of the person for an offense other than a simple or serious
34 misdemeanor.
35 EXPLANATION

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

3 This bill relates to the definition of a sexually violent
4 predator for purposes of civil commitment procedures.
5 For purposes of determining whether a person has previously
6 been convicted of a sexually violent offense for civil
7 commitment as a sexually violent predator, the bill defines
8 "convicted" to mean found guilty of, pleads guilty to, or is
9 sentenced or adjudicated delinquent for an act which is an
10 indictable offense in this state or in another jurisdiction
11 including in a federal, military, tribal, or foreign
12 court, including but not limited to a juvenile who has been
13 adjudicated delinquent, but whose juvenile court records have
14 been sealed under Code section 232.150, and a person who has
15 received a deferred sentence or a deferred judgment or has been
16 acquitted by reason of insanity. "Conviction" includes the
17 conviction of a juvenile prosecuted as an adult. "Convicted"
18 also includes a conviction for an attempt or conspiracy to
19 commit an offense. "Convicted" does not mean a plea, sentence,
20 adjudication, deferred sentence, or deferred judgment which
21 has been reversed or otherwise set aside. Current law does
22 not define "conviction" in Code chapter 229A. The term
23 "conviction" generally does not include deferred judgments or
24 juvenile adjudications.
25 The bill extends the time period the department of human
26 services has to prepare a release plan for a person committed
27 as a sexually violent predator who is ordered released by
28 the court from 30 days to 60 days. Code section 229A.9A(3)
29 prohibits a committed person from being released prior to the
30 court setting a hearing on the release plan developed by the
31 department of human services.
32 Code section 232.55 is amended to permit the use of juvenile
33 delinquency proceedings as evidence in the civil commitment
34 proceeding of a sexually violent predator under Code chapter
35 229A.

Senate File 2212 - Introduced

SENATE FILE 2212
BY COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SF 2013)

A BILL FOR

1 An Act relating to land disposal of yard waste.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5231SV (2) 85
tm/nh

S.F. 2212

Section 1. Section 455D.9, subsection 1, Code 2014, is amended to read as follows:

1. Land disposal of yard waste as defined by the department is prohibited. ~~However, yard waste which has been separated at its source from other solid waste may be accepted by a sanitary landfill for the purposes of soil conditioning or composting.~~ A sanitary landfill may accept yard waste under any of the following circumstances:

a. When the yard waste is separated at its source from other solid waste and is accepted by the sanitary landfill for the purposes of soil conditioning and composting.

b. When the yard waste is collected for disposal as a result of a severe storm and the yard waste originates in an area declared to be a disaster area in a declaration issued by the president of the United States or the governor.

c. When the yard waste is collected for disposal to control, eradicate, or prevent the spread of insect pests, tree and plant diseases, or invasive plant species problems.

EXPLANATION

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

This bill relates to land disposal of yard waste.

Currently, land disposal of yard waste is prohibited except yard waste may be accepted by a sanitary landfill for the purposes of soil conditioning or composting.

The bill adds two additional circumstances under which yard waste may be accepted for land disposal. The first is when the yard waste is collected for disposal as a result of a severe storm and the yard waste originates in an area declared to be a disaster area in a declaration issued by the president of the United States or the governor. The second circumstance is when the yard waste is collected for disposal to control, eradicate, or prevent the spread of insect pests, tree and plant diseases, or invasive plant species problems.

Senate File 2213 - Introduced

SENATE FILE 2213
BY SODDERS

A BILL FOR

1 An Act authorizing counties to impose a local tourism tax
2 following approval at election and establishing a local
3 tourism tax fund.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5941SS (3) 85
md/sc

S.F. 2213

1 Section 1. Section 331.402, subsection 2, Code 2014, is
2 amended by adding the following new paragraph:
3 NEW PARAGRAPH. *Og.* Impose a local tourism tax in accordance
4 with chapter 423A.
5 Sec. 2. Section 331.427, subsection 1, unnumbered paragraph
6 1, Code 2014, is amended to read as follows:
7 Except as otherwise provided by state law, county revenues
8 from taxes and other sources for general county services shall
9 be credited to the general fund of the county, including
10 revenues received under sections 9I.11, 101A.3, 101A.7, 123.36,
11 123.143, 142D.9, 176A.8, 321.105, 321.152, 321G.7, 321I.8,
12 section 331.554, subsection 6, sections 341A.20, 364.3, 368.21,
13 423A.7, 423A.7A, 428A.8, 433.15, 434.19, 445.57, 453A.35,
14 458A.21, 483A.12, 533.329, 556B.1, 583.6, 602.8108, 904.908,
15 and 906.17, and the following:
16 Sec. 3. Section 423A.3, Code 2014, is amended to read as
17 follows:
18 **423A.3 State-imposed hotel and motel tax.**
19 A tax of five percent is imposed upon the sales price for
20 the renting of any lodging if the renting occurs in this state.
21 The tax shall be collected by any lessor of lodging from the
22 user of that lodging. The lessor shall add the tax to the
23 sales price of the lodging, and the state-imposed tax, when
24 collected, shall be stated as a distinct item, separate and
25 apart from the sales price of the lodging and the local tax
26 imposed, if any, under section 423A.4 or section 423A.4A.
27 Sec. 4. NEW SECTION. **423A.4A Local tourism tax — election.**
28 1. A county may impose by ordinance of the board of
29 supervisors a local tourism tax, at a rate of one percent,
30 which shall be imposed upon the sales price from the renting
31 of lodging. The tax when imposed shall apply within the
32 boundaries of the county.
33 2. The question of imposition or repeal of a local tourism
34 tax may be submitted to the registered voters of the county
35 at an election held on a date specified in section 39.2,

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1 subsection 4, paragraph *"a"*. Within ten days of the election
2 at which a majority of those voting on the question favors
3 the imposition or repeal of the local tourism tax, the county
4 auditor shall give written notice by sending a copy of the
5 abstract of votes from the favorable election to the director
6 of revenue.
7 3. A local tourism tax shall be imposed on January 1 or
8 July 1, following the notification of the director of revenue.
9 Once imposed, the tax shall remain in effect for a minimum of
10 one year. A local tourism tax shall terminate only on June
11 30 or December 31. At least forty-five days prior to the tax
12 being effective or prior to the repeal of the tax, a county
13 shall provide notice by mail of such action to the director of
14 revenue. The director shall have the authority to waive the
15 notice requirement.
16 4. A county shall impose or repeal a local tourism tax only
17 after an election at which a majority of those voting on the
18 question favors imposition or repeal. However, a local tourism
19 tax shall not be repealed if obligations are outstanding which
20 are payable as provided in section 423A.7A, unless funds
21 sufficient to pay the principal, interest, and premium, if any,
22 on the outstanding obligations at and prior to maturity have
23 been properly set aside and pledged for that purpose. The
24 election shall be held at the time of the general election or
25 at a special election called for that purpose.
26 Sec. 5. Section 423A.5, subsection 2, unnumbered paragraph
27 1, Code 2014, is amended to read as follows:
28 There is exempted from the provisions of this chapter and
29 from the computation of any amount of tax imposed by section
30 423A.4 <u>or section 423A.4A</u> all of the following:
31 Sec. 6. Section 423A.6, Code 2014, is amended to read as
32 follows:
33 **423A.6 Administration by director.**
34 1. <u>*a.*</u> The director of revenue shall administer the state
35 ~~and~~ <u>hotel and motel tax, the</u> local hotel and motel tax<u>, and</u>

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1 the local tourism tax as nearly as possible in conjunction
2 with the administration of the state sales tax law, except
3 that portion of the law which implements the streamlined sales
4 and use tax agreement. The director shall provide appropriate
5 forms, or provide on the regular state tax forms, for reporting
6 state ~~and~~ hotel and motel tax liability, local hotel and motel
7 tax liability, and local tourism tax liability. All moneys
8 received or refunded one hundred eighty days after the date on
9 which a city or county terminates its local hotel and motel tax
10 or a county terminates its local tourism tax, and all moneys
11 received from the state hotel and motel tax shall be deposited
12 in or withdrawn from the general fund of the state.
13 *b.* Beginning the first day of the calendar quarter beginning
14 on the reinvestment district's commencement date, the director
15 of revenue shall, subject to remittance limitations established
16 by the economic development authority board pursuant to section
17 15J.4, subsection 3, transfer from the general fund of the
18 state to a district account created in the state reinvestment
19 district fund for each reinvestment district established
20 under chapter 15J, the new state hotel and motel tax revenue,
21 determined in section 15J.5, subsection 2, paragraph "*b*", in
22 the district. Such transfers shall cease pursuant to section
23 15J.8.
24 2. The director, in consultation with local officials,
25 shall collect and account for a local hotel and motel tax and
26 shall credit all revenues to the local transient guest tax fund
27 created in section 423A.7. The director in consultation with
28 local officials shall collect and account for a local tourism
29 tax and shall credit all revenues to the local tourism tax
30 fund created in section 423A.7A. Local authorities shall not
31 require any tax permit not required by the director of revenue.
32 3. Section 422.25, subsection 4, sections 422.30, 422.67,
33 and 422.68, section 422.69, subsection 1, sections 422.70,
34 422.71, 422.72, 422.74, and 422.75, section 423.14, subsection
35 1, and sections 423.23, 423.24, 423.25, 423.31, 423.33,

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1 423.35, 423.37 through 423.42, and 423.47, consistent with the
2 provisions of this chapter, apply with respect to the taxes
3 authorized under this chapter, in the same manner and with the
4 same effect as if the state and local hotel and motel taxes
5 and the local tourism tax were retail sales taxes within the
6 meaning of those statutes. Notwithstanding this subsection,
7 the director shall provide for quarterly filing of returns and
8 for other than quarterly filing of returns both as prescribed
9 in section 423.31. The director may require all persons who
10 are engaged in the business of deriving any sales price subject
11 to tax under this chapter to register with the department.
12 All taxes collected under this chapter by a retailer or any
13 individual are deemed to be held in trust for the state of Iowa
14 and the local jurisdictions imposing the taxes.
15 Sec. 7. NEW SECTION. **423A.7A Local tourism tax fund.**
16 1. A local tourism tax fund is created in the department
17 which shall consist of all moneys credited to such fund under
18 section 423A.6.
19 2. All moneys in the local tourism tax fund shall be
20 remitted at least quarterly by the department, pursuant to
21 rules of the director of revenue, to each county in the amount
22 collected from businesses in the county.
23 3. Moneys received by the county from this fund shall be
24 credited to the general fund of the county, subject to the
25 provisions of subsection 4.
26 4. The revenue derived from any local tourism tax authorized
27 by section 423A.4A shall be used for the acquisition by the
28 county of sites for, or constructing, improving, enlarging,
29 equipping, repairing, operating, or maintaining of, recreation,
30 convention, cultural, or entertainment facilities including
31 but not limited to memorial buildings, halls and monuments,
32 civic center convention buildings, auditoriums, coliseums,
33 and parking areas or facilities located at those recreation,
34 convention, cultural, or entertainment facilities. In
35 addition, the revenue derived from a local tourism tax may

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be used by the county to pay principal and interest on bonds issued by the county for purposes of section 423A.7, subsection 4, paragraph *"a"*, or for the promotion and encouragement of tourism and convention business in the county.

EXPLANATION

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

This bill authorizes a county to impose by ordinance a local tourism tax at a rate of 1 percent upon the sales price from the renting of lodging. If imposed, a local tourism tax applies within the boundaries of the county. Under the bill, a county shall impose or repeal a local tourism tax only after an election at which a majority of those voting on the question favors imposition or repeal.

The bill requires the director of revenue to administer the local tourism tax as nearly as possible in conjunction with the administration of the state sales tax law. The bill also requires the director of revenue to collect and account for the local tourism tax and to credit all revenues to the local tourism tax fund created in the bill. All moneys in the local tourism tax fund must be remitted at least quarterly by the department of revenue to each county in the amount collected from businesses in the county.

The revenue derived from any local tourism tax authorized in the bill shall be used for the acquisition of sites for, or constructing, improving, enlarging, equipping, repairing, operating, or maintaining of, recreation, convention, cultural, or entertainment facilities and parking areas or facilities located at those recreation, convention, cultural, or entertainment facilities. In addition, the revenue derived from a local tourism tax may be used by the county in conjunction with the county's expenditure of local hotel and motel tax revenue for county purposes specified in Code section 423A.7(4)(a).

Senate File 2214 - Introduced

SENATE FILE 2214
BY BOLKCOM, McCOY, and
COURTNEY

A BILL FOR

1 An Act reclassifying marijuana from a schedule I controlled
2 substance to a schedule II controlled substance.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5132XS (4) 85
jm/nh

S.F. 2214

Section 1. Section 124.204, subsection 4, paragraph m, Code 2014, is amended by striking the paragraph.

Sec. 2. Section 124.204, subsection 4, paragraph u, unnumbered paragraph 1, Code 2014, is amended to read as follows:

Tetrahydrocannabinols, ~~except as otherwise provided by rules of the board for medicinal purposes,~~ meaning tetrahydrocannabinols naturally contained in a plant of the genus Cannabis (Cannabis plant) as well as synthetic equivalents of the substances contained in the Cannabis plant, or in the resinous extractives of such plant, and synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity to those substances contained in the plant, such as the following:

Sec. 3. Section 124.204, subsection 7, Code 2014, is amended by striking the subsection.

Sec. 4. Section 124.206, subsection 7, paragraph a, Code 2014, is amended to read as follows:

a. Marijuana ~~when used for medicinal purposes pursuant to rules of the board~~.

EXPLANATION

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

The bill reclassifies marijuana as a schedule II controlled substance instead of a schedule I controlled substance and strikes references to the authority of the board of pharmacy to adopt rules for the use of marijuana or tetrahydrocannabinols for medicinal purposes.

A schedule I controlled substance is a highly addictive substance that has no accepted medical use in the United States and a schedule II controlled substance is a highly addictive substance that has an accepted medical use in the United States. The reclassification of marijuana from a schedule I controlled substance to a schedule II controlled substance allows a physician to issue a prescription for marijuana.

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1 The penalties remain unchanged for violations involving
2 marijuana under the bill. The penalties under Code section
3 124.401 range from a class "B" felony punishable by up to 50
4 years of confinement to a serious misdemeanor punishable by
5 up to six months of confinement depending on the amount of
6 marijuana involved in the offense.

Senate File 2215 - Introduced

SENATE FILE 2215
BY BOLKCOM, McCOY, and
COURTNEY

A BILL FOR

1 An Act relating to the creation of the medical cannabis Act
2 and providing for civil and criminal penalties and fees and
3 including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5136XS (20) 85
rh/nh

S.F. 2215

1 Section 1. Section 124.401, subsection 5, Code 2014, is
2 amended by adding the following new unnumbered paragraph:
3 NEW UNNUMBERED PARAGRAPH. A person may knowingly or
4 intentionally process, produce, possess, manufacture,
5 distribute, dispense, deliver, or transport marijuana if the
6 processing, production, possession, manufacture, distribution,
7 dispensing, delivery, or transporting is in accordance with the
8 provisions of chapter 124D.
9 Sec. 2. NEW SECTION. **124D.1 Short title.**
10 This chapter shall be known and may be cited as the *"Medical*
11 *Cannabis Act"*.
12 Sec. 3. NEW SECTION. **124D.2 Purpose.**
13 The purpose of this chapter is to allow for the medical use
14 of cannabis in a regulated program for alleviating symptoms
15 caused by debilitating medical conditions and the medical
16 treatments for such conditions.
17 Sec. 4. NEW SECTION. **124D.3 Definitions.**
18 As used in this chapter, the following definitions shall
19 apply:
20 1. *"Adequate supply"* means an amount of cannabis, in any
21 form approved by the department, possessed by a qualified
22 patient or collectively possessed by a qualified patient and
23 the qualified patient's primary caregiver that is determined
24 by department rule to be no more than reasonably necessary to
25 ensure the uninterrupted availability of cannabis for a period
26 of three months and that is derived solely from an intrastate
27 source.
28 2. *"Cannabis"* means all parts of the plants of the genus
29 cannabis, whether growing or not; the seeds thereof; the resin
30 extracted from any part of the plant; and every compound,
31 manufacture, salt, derivative, mixture, or preparation of the
32 plant, its seeds, or resin, including tetrahydrocannabinols.
33 *"Cannabis"* does not include the mature stalks of the plant;
34 fiber produced from the stalks; oil or cake made from the
35 seeds of the plant; any other compound, manufacture, salt,

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1 derivative, mixture, or preparation of the mature stalks,
2 except the resin extracted therefrom; fiber; or oil or cake
3 or the sterilized seed of the plant which is incapable of
4 germination.
5 3. *"Debilitating medical condition"* means any of the
6 following:
7 *a.* Cancer.
8 *b.* Multiple sclerosis.
9 *c.* Epilepsy.
10 *d.* AIDS or HIV as defined in section 141A.1.
11 *e.* Spinal cord damage with intractable spasticity.
12 *f.* Any other medical condition, medical treatment, or
13 disease approved by the department.
14 4. *"Department"* means the department of public health.
15 5. *"Licensed producer"* means any qualified patient, primary
16 caregiver, or nonprofit private entity within this state that
17 the department determines to be qualified to process, produce,
18 possess, manufacture, distribute, dispense, deliver, and
19 transport cannabis in this state pursuant to this chapter and
20 that is licensed by the department. A qualified patient or
21 primary caregiver licensed as a producer shall produce no more
22 than an adequate supply of cannabis for the qualified patient's
23 personal use only.
24 6. *"Medical use of cannabis"* means the acquisition,
25 possession, cultivation, manufacture, use, delivery, transfer,
26 or transportation of cannabis or paraphernalia related to the
27 administration of cannabis to treat or alleviate a registered
28 qualifying patient's debilitating medical condition or symptoms
29 associated with the patient's debilitating medical condition.
30 7. *"Practitioner"* means a person licensed in this state to
31 prescribe and administer a controlled substance regulated under
32 chapter 124.
33 8. *a.* *"Primary caregiver"* means a resident of this state,
34 at least eighteen years of age, who has been designated by
35 the qualified patient's practitioner or a person having legal

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1 custody of the qualified patient, as being necessary to take
2 responsibility for managing the well-being of a qualified
3 patient with respect to the medical use of cannabis pursuant
4 to the provisions of this chapter. A qualified patient may
5 designate one or more primary caregivers.
6 *b. "Primary caregiver"* includes an employee of a hospice
7 program, if the employee meets the definition of a primary
8 caregiver under paragraph *"a"*.
9 9. *"Program"* means the medical use of cannabis program
10 established and administered by the department pursuant to
11 rule.
12 10. *"Qualified patient"* means a resident of this state who
13 has been diagnosed by a practitioner as having a debilitating
14 medical condition and who has received written certification
15 and been issued a registry identification card pursuant to this
16 chapter.
17 11. *"Registry identification card"* means a document issued
18 by the department that identifies a person as a registered
19 qualified patient or registered primary caregiver.
20 12. *"Written certification"* means a statement signed by a
21 qualified patient's practitioner that, in the practitioner's
22 professional opinion, the patient has a debilitating medical
23 condition and the practitioner believes that the potential
24 health benefits of the medical use of cannabis would likely
25 outweigh the health risks for the qualified patient. A written
26 certification shall expire at the end of one year from the date
27 of issuance.
28 Sec. 5. NEW SECTION. **124D.4 Medical use of cannabis —**
29 **exemption from criminal and civil penalties.**
30 1. A qualified patient who has been issued and who possesses
31 a registry identification card shall not be subject to arrest
32 or prosecution, civil or criminal penalty, or the denial of
33 any right or privilege for the medical use of cannabis if the
34 quantity of cannabis does not exceed an adequate supply.
35 2. A qualified patient's primary caregiver shall not be

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1 subject to arrest or prosecution, civil or criminal penalty,
2 or the denial of any right or privilege for the medical use of
3 cannabis on behalf of the qualified patient, if the quantity of
4 cannabis does not exceed an adequate supply.
5 3. Subsection 1 does not apply to a qualified patient under
6 the age of eighteen years unless all of the following apply:
7 *a.* The qualified patient's practitioner has explained the
8 potential risks and benefits of the medical use of cannabis
9 to the qualified patient and to a parent, guardian, or person
10 having legal custody of the qualified patient.
11 *b.* A parent, guardian, or person having legal custody
12 consents in writing to do all of the following:
13 (1) Allow the qualified patient's medical use of cannabis.
14 (2) Serve as the qualified patient's primary caregiver.
15 (3) Control the dosage and the frequency of the medical use
16 of cannabis by the qualified patient.
17 (4) Designate one or more primary caregivers for the
18 qualified patient.
19 4. A qualified patient or a primary caregiver shall be
20 granted the full legal protections provided in this section if
21 the qualified patient or primary caregiver is in possession
22 of a registry identification card. If a qualified patient or
23 primary caregiver is arrested and is not in possession of the
24 person's registry identification card, any charge or charges
25 filed against the person shall be dismissed by the court if the
26 person produces to the clerk of the district court, prior to
27 the initial court date, a registry identification card issued
28 to that person and valid at the time of the person's arrest.
29 5. A practitioner shall not be subject to arrest or
30 prosecution, civil or criminal penalty, or the denial of any
31 right or privilege for recommending the medical use of cannabis
32 or for providing a written certification for the medical use of
33 cannabis pursuant to this chapter.
34 6. A licensed producer shall not be subject to arrest
35 or prosecution, civil or criminal penalty, or the denial

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1 of any right or privilege, for the processing, production,
2 possession, manufacture, distribution, dispensing, delivery, or
3 transporting of cannabis pursuant to this chapter.
4 7. Any property interest that is possessed, owned, or
5 used in connection with the medical use of cannabis, or acts
6 incidental to such use, and any property seized shall be
7 treated in accordance with the provisions of chapters 808, 809,
8 and 809A. Any such property seized is subject to forfeiture
9 as provided by chapter 809 or 809A. Cannabis, paraphernalia,
10 or other property seized from a qualified patient or primary
11 caregiver in connection with the claimed medical use of
12 cannabis shall be returned immediately upon the determination
13 by a court that the qualified patient or primary caregiver is
14 entitled to the protections of the provisions of this chapter,
15 as may be evidenced by a failure to actively investigate the
16 case, a decision not to prosecute, the dismissal of charges,
17 or acquittal.
18 8. A person shall not be subject to arrest or prosecution,
19 civil or criminal penalty, or the denial of any right or
20 privilege for a cannabis-related offense simply for being in
21 the presence of the medical use of cannabis as permitted under
22 the provisions of this chapter.
23 Sec. 6. NEW SECTION. **124D.5 Prohibitions, restrictions, and**
24 **limitations on the medical use of cannabis — criminal penalties.**
25 1. Participation in a medical use of cannabis program
26 by a qualified patient or primary caregiver does not relieve
27 the qualified patient or primary caregiver from any of the
28 following:
29 *a.* Criminal prosecution or civil penalties for activities
30 not authorized under this chapter.
31 *b.* Liability for damages or criminal prosecution arising
32 out of the operation of a vehicle while under the influence of
33 cannabis.
34 *c.* Criminal prosecution or civil penalty for possession or
35 use of cannabis in any of the following places:

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1 (1) In a school bus or public vehicle.
2 (2) On the grounds of any public or private preschool or
3 elementary or secondary school.
4 (3) In the workplace of the qualified patient's or primary
5 caregiver's employment.
6 (4) At a public park, recreation center, youth center, or
7 other public place.
8 2. A qualified patient or primary caregiver who makes
9 a fraudulent representation to a law enforcement officer
10 about the person's medical use of cannabis to avoid arrest
11 or prosecution for a cannabis-related offense is guilty of a
12 simple misdemeanor.
13 3. A licensed producer who does any of the following shall
14 be subject to arrest, prosecution, and civil or criminal
15 penalties under state or federal law:
16 *a.* Sells, distributes, dispenses, delivers, or transfers
17 cannabis to a person not approved by the department pursuant to
18 this chapter.
19 *b.* Obtains, transports, or delivers cannabis outside this
20 state in violation of federal law.
21 Sec. 7. NEW SECTION. **124D.6 Medical advisory board —**
22 **duties.**
23 1. No later than August 15, 2014, the director of the
24 department shall establish a medical advisory board consisting
25 of eight practitioners representing the fields of neurology,
26 pain management, medical oncology, psychiatry, infectious
27 disease, family medicine, and gynecology. The practitioners
28 shall be nationally board-certified in their area of specialty
29 and knowledgeable about the medical use of cannabis.
30 2. Advisory board members shall be chosen for appointment by
31 the director from a list proposed by the Iowa medical society.
32 3. A quorum of the advisory board shall consist of five
33 members.
34 4. The advisory board shall have the following duties:
35 *a.* Review and recommend to the department for approval

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1 additional debilitating medical conditions for persons who
2 would benefit from the medical use of cannabis.
3 *b.* Accept and review petitions to add medical conditions,
4 medical treatments, or diseases to the list of debilitating
5 medical conditions that qualify for the medical use of
6 cannabis.
7 *c.* Convene at least twice per year to conduct public
8 hearings and to evaluate petitions, which shall be maintained
9 as confidential personal health information, to add medical
10 conditions, medical treatments, or diseases to the list of
11 debilitating medical conditions that qualify for the medical
12 use of cannabis.
13 *d.* Issue recommendations concerning rules to be adopted for
14 the issuance of registry identification cards.
15 *e.* Recommend quantities of cannabis that are necessary
16 to constitute an adequate supply for qualified patients and
17 primary caregivers.
18 *f.* Review actions of the department in approving or denying
19 registry identification card applications to ensure such
20 approvals and denials are issued pursuant to the requirements
21 of section 124D.8. In reviewing such actions, the advisory
22 board shall be subject to the same confidentiality restrictions
23 imposed on the department pursuant to section 124D.7,
24 subsection 2, paragraph *"a"*.
25 Sec. 8. NEW SECTION. **124D.7 Department rules and duties.**
26 1. No later than October 1, 2014, and after consultation
27 with the medical advisory board, the department shall adopt
28 rules pursuant to chapter 17A to establish and implement a
29 medical use of cannabis program consistent with the purposes
30 of this chapter. The authority may adopt emergency rules
31 pursuant to chapter 17A to implement this section and the rules
32 shall be effective immediately upon filing unless a later date
33 is specified in the rules. The rules shall do all of the
34 following:
35 *a.* Govern the manner in which the department shall consider

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1 applications for new and renewal registry identification cards
2 and for qualified patients and primary caregivers.
3 *b.* Define the amount of cannabis that constitutes an
4 adequate supply, including amounts for topical treatments.
5 *c.* Identify criteria and set forth procedures for including
6 additional medical conditions, medical treatments, or diseases
7 on the list of debilitating medical conditions that qualify
8 for the medical use of cannabis. Procedures shall include a
9 petition process and shall allow for public comment and public
10 hearings before the medical advisory board.
11 *d.* Set forth additional medical conditions, medical
12 treatments, or diseases for inclusion on the list of
13 debilitating medical conditions that qualify for the medical
14 use of cannabis as recommended by the medical advisory board.
15 *e.* Establish requirements for the licensure of producers and
16 set forth procedures to obtain licenses.
17 *f.* Develop a distribution system for medical cannabis within
18 this state that provides for all of the following:
19 (1) Cannabis production facilities within this state housed
20 on secured grounds and operated by licensed producers.
21 (2) The distribution of medical cannabis to qualified
22 patients and their primary caregivers to occur at locations
23 designated by the department.
24 *g.* Establish application and renewal fees that generate
25 revenues sufficient to offset all expenses of implementing and
26 administering this chapter.
27 *h.* Specify and implement procedures that address public
28 safety including security procedures and product quality,
29 safety, and labeling.
30 2. The department shall do all of the following:
31 *a.* Maintain a confidential file containing the names
32 and addresses of the persons who have either applied for or
33 received a registry identification card. Individual names
34 contained in the file shall be confidential and shall not be
35 subject to disclosure, except as provided in subparagraph (1).

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1 (1) Information in the confidential file maintained
2 pursuant to this paragraph *"a"* may be released to the following
3 persons under the following circumstances:
4 (a) To authorized employees or agents of the department as
5 necessary to perform the duties of the department pursuant to
6 this chapter.
7 (b) To authorized employees of state or local law
8 enforcement agencies, but only for the purpose of verifying
9 that a person is lawfully in possession of a registry
10 identification card issued pursuant to this chapter.
11 (2) Release of information pursuant to subparagraph
12 (1) shall be consistent with the federal Health Insurance
13 Portability and Accountability Act of 1996, Pub. L. No.
14 104-191.
15 *b.* Submit an annual report to the general assembly by
16 January 15 of each year that does not disclose any identifying
17 information about registry identification cardholders or
18 practitioners, but does contain, at a minimum, all of the
19 following information:
20 (1) The number of applications and renewal applications
21 submitted for registry identification cards.
22 (2) The number of registered qualifying patients and
23 registered primary caregivers in each county.
24 (3) The nature of the debilitating medical conditions of the
25 qualifying patients.
26 (4) The number of registry identification cards revoked.
27 (5) The number of practitioners providing written
28 certifications for qualifying patients.
29 (6) The sufficiency of the overall supply available to
30 qualified patients statewide.
31 Sec. 9. NEW SECTION. **124D.8 Registry identification cards.**
32 1. The department shall issue a registry identification
33 card to a qualified patient and to any primary caregiver for
34 the qualified patient, if the qualified patient and primary
35 caregiver submit all of the following in an application to the

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1 department, in accordance with the department's rules:
2 *a.* A written certification.
3 *b.* The name, address, and date of birth of the qualified
4 patient.
5 *c.* The name, address, and telephone number of the qualified
6 patient's practitioner.
7 *d.* The name, address, and date of birth of any primary
8 caregiver for the qualified patient.
9 2. *a.* The department shall verify the information contained
10 in an application submitted pursuant to subsection 1 and
11 shall approve or deny an application within thirty days of
12 receipt. The department may deny an application only if the
13 applicant did not provide the information required pursuant
14 to subsection 1 or if the department determines that the
15 information provided was falsified. A person whose application
16 has been denied shall not be allowed to reapply for a registry
17 identification card for six months from the date of the denial
18 unless otherwise authorized by the department.
19 *b.* The department's approval or denial of an application
20 under this section shall be subject to review by the medical
21 advisory board.
22 3. The department shall issue a registry identification
23 card within thirty days of receiving an application or a
24 renewal application. The card shall expire one year after the
25 date of issuance.
26 4. A registry identification card shall contain all of the
27 following:
28 *a.* The name, address, and date of birth of the qualified
29 patient and any primary caregiver.
30 *b.* The date of issuance and expiration date of the registry
31 identification card.
32 *c.* Any other information that the department may require by
33 rule.
34 5. The department shall issue a registry identification
35 card to any primary caregiver named in the qualified patient's

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1 approved application or renewal application provided the
2 primary caregiver meets the requirements of section 124D.3,
3 subsection 8.
4 6. A qualified patient or primary caregiver who possesses
5 a registry identification card shall notify the department of
6 any change in the person's name or address, qualified patient's
7 practitioner, or qualified patient's primary caregiver, or
8 any change in status of the qualified patient's debilitating
9 medical condition within ten days of the change.
10 7. Possession of or application for a registry
11 identification card shall not constitute probable cause or
12 give rise to reasonable suspicion for a governmental agency
13 to search the person or property of the person possessing or
14 applying for the card.
15 Sec. 10. NEW SECTION. **124D.9 Medical cannabis dispensaries**
16 **prohibited.**
17 1. The establishment and operation of any medical cannabis
18 dispensary in this state is prohibited. For purposes of this
19 section, *"medical cannabis dispensary"* means any facility,
20 establishment, or location, whether fixed or mobile, where
21 medical cannabis is made available to, distributed by, or
22 distributed to any person and that is not licensed pursuant to
23 this chapter.
24 2. A violation of subsection 1 shall be enforced by means of
25 civil enforcement through a restraining order, a preliminary or
26 permanent injunction, or by any other means authorized under
27 law.
28 Sec. 11. Section 453B.6, Code 2014, is amended to read as
29 follows:
30 **453B.6 Pharmaceuticals.**
31 1. This chapter does not require persons lawfully in
32 possession of a taxable substance to pay the tax required under
33 this chapter or to purchase, acquire, or affix the stamps,
34 labels, or other official indicia otherwise required by this
35 chapter.

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1 2. A person who is in possession of cannabis for medical
2 use in accordance with chapter 124D is in lawful possession of
3 a taxable substance and is not subject to the requirements of
4 this chapter.
5 Sec. 12. TRANSITION PROVISIONS.
6 1. During the period between July 1, 2014, and thirty days
7 after the effective date of rules adopted by the department
8 of public health for the establishment and implementation of
9 a medical use of cannabis program pursuant to section 124D.7,
10 as enacted in this Act, a person who would be eligible for
11 treatment for a debilitating medical condition through the
12 medical use of cannabis as a qualified patient may obtain a
13 written certification from a practitioner and upon presentation
14 of that certification to the department, the department
15 shall issue a temporary certificate for participation in
16 the program. The department shall maintain a list of all
17 temporary certificates issued pursuant to this section and the
18 confidentiality provisions of section 124D.7, subsection 2, as
19 enacted in this Act, shall apply to such list.
20 2. A person possessing a temporary certificate pursuant to
21 subsection 1 shall not be subject to arrest or prosecution,
22 civil or criminal penalty, or the denial of any right or
23 privilege for the medical use of cannabis if the amount of
24 cannabis is not more than the amount that is specified on the
25 temporary certificate issued by the department.
26 3. For purposes of this section, "cannabis", "debilitating
27 medication condition", "medical use of cannabis",
28 "practitioner", "program", "qualified patient", and "written
29 certification" mean the same as defined in section 124D.3, as
30 enacted in this Act.
31 EXPLANATION
32 **The inclusion of this explanation does not constitute agreement with**
33 **the explanation's substance by the members of the general assembly.**
34 This bill relates to the creation of the medical cannabis
35 Act and provides for civil and criminal penalties and fees and

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1 includes effective date provisions.
2 The bill establishes new Code chapter 124D, the medical
3 cannabis Act, to allow for the medical use of cannabis for
4 alleviating symptoms caused by debilitating medical conditions
5 and their medical treatments. The bill defines "medical use
6 of cannabis" to mean the acquisition, possession, cultivation,
7 manufacture, use, delivery, transfer, or transportation of
8 cannabis or related paraphernalia to treat or alleviate a
9 registered qualifying patient's debilitating medical condition
10 as defined in the bill. The bill defines "cannabis" to mean
11 all parts of the plants of the genus cannabis, whether growing
12 or not; the seeds thereof; the resin extracted from any part of
13 the plant; and every compound, manufacture, salt, derivative,
14 mixture, or preparation of the plant, its seeds, or resin,
15 including tetrahydrocannabinols. It does not include the
16 mature stalks of the plant; fiber produced from the stalks; oil
17 or cake made from the seeds of the plant; any other compound,
18 manufacture, salt, derivative, mixture, or preparation of the
19 mature stalks, except the resin extracted therefrom; fiber;
20 or oil or cake or the sterilized seed of the plant which is
21 incapable of germination (see also Code section 124.101(19)).
22 The bill provides that a qualified patient who has been
23 issued and who possesses a registry identification card issued
24 by the Iowa department of public health shall not be subject to
25 arrest or prosecution, civil or criminal penalty, or the denial
26 of any right or privilege for the medical use of cannabis if
27 the quantity of cannabis does not exceed an adequate supply.
28 The bill also provides the same immunity for a qualified
29 patient's primary caregiver and for a licensed producer.
30 The bill defines a qualified patient as a resident of this
31 state who has been diagnosed by a practitioner as having a
32 debilitating medical condition as specified in the bill and
33 who has received written certification and has been issued
34 a registry identification card pursuant to the new Code
35 chapter. A qualified patient may designate one or more primary

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1 caregivers. A primary caregiver is defined as a resident of
2 this state, at least 18 years old, who has been designated by
3 the patient's practitioner or a person having legal custody of
4 the qualified patient as being necessary to take responsibility
5 for managing the well-being of a qualified patient with respect
6 to the medical use of cannabis pursuant to the provisions of
7 the bill. "Licensed producer" is defined as any qualified
8 patient, primary caregiver, or nonprofit private entity within
9 this state that the department of public health determines
10 to be qualified to process, produce, possess, manufacture,
11 distribute, dispense, deliver, and transport cannabis in this
12 state under the bill. A qualified patient or primary caregiver
13 licensed as a producer shall produce no more than an adequate
14 supply of cannabis for the patient's personal use only.
15 "Practitioner" is defined as a person licensed in this state to
16 prescribe and administer a controlled substance regulated under
17 Code chapter 124.
18 The bill provides that participation in the medical use of
19 cannabis program by a qualified patient or primary caregiver
20 does not relieve the qualified patient or primary caregiver
21 from prosecution or civil penalties for activities not
22 authorized under the bill, liability for damages or criminal
23 prosecution arising out of the operation of a vehicle while
24 under the influence of cannabis or other criminal prosecution
25 or civil penalties for possession or use of cannabis in certain
26 situations. A qualified patient or primary caregiver who
27 makes a fraudulent representation to a law enforcement officer
28 about the person's medical use of cannabis to avoid arrest
29 or prosecution for a cannabis-related offense is guilty of a
30 simple misdemeanor.
31 The bill directs the department of public health to
32 establish a medical advisory board no later than August 15,
33 2014, consisting of eight practitioners representing the fields
34 of neurology, pain management, medical oncology, psychiatry,
35 infectious disease, family medicine, and gynecology. The

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1 practitioners shall be nationally board-certified in their
2 area of specialty and knowledgeable about the medical use of
3 cannabis and appointed by the director from a list proposed by
4 the Iowa medical society. The advisory board is required to
5 review and recommend to the department for approval additional
6 debilitating medical conditions for persons who would benefit
7 from the medical use of cannabis, accept and review petitions
8 to add medical conditions, medical treatments, or diseases
9 to the list of debilitating medical conditions that qualify
10 for the medical use of cannabis, meet at least twice per year
11 to conduct public hearings and to evaluate petitions to add
12 medical conditions, medical treatments, or diseases to the
13 list of debilitating medical conditions that qualify for the
14 medical use of cannabis, issue recommendations concerning rules
15 to be adopted for the issuance of registry identification
16 cards, recommend quantities of cannabis that are necessary
17 to constitute an adequate supply for qualified patients and
18 primary caregivers, and review actions of the department in
19 approving or denying registry identification card applications.
20 The department is required to adopt rules pursuant to
21 Code chapter 17A to establish and implement a medical use of
22 cannabis program consistent with the purpose of the bill no
23 later than October 1, 2014. The department is authorized to
24 adopt emergency rules pursuant to Code chapter 17A. The rules
25 shall relate to applications for new and renewal registry
26 identification cards and for qualified patients and primary
27 caregivers, the amount of cannabis that constitutes an adequate
28 supply for purposes of the bill, including amounts for topical
29 treatments, criteria and procedures for including additional
30 medical conditions, medical treatments, or diseases as
31 debilitating medical conditions that qualify for the medical
32 use of cannabis, requirements for the licensure of producers,
33 the development of a distribution system for medical cannabis
34 within this state, the establishment of application and
35 renewal fees that generate revenues sufficient to offset all

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1 expenses of implementing and administering the Code chapter,
2 and specify and implement procedures that address public safety
3 including security procedures and product quality, safety,
4 and labeling. The department is to maintain confidential
5 information collected pursuant to the bill and provide for the
6 release of certain information to certain persons under certain
7 confidentiality guidelines and to submit an annual report to
8 the general assembly by January 15 of each year.
9 The department is also required to issue a registry
10 identification card to a qualified patient and any primary
11 caregiver named in the qualified patient's application, if the
12 qualified patient and each primary caregiver submit certain
13 information in an application to the department. The bill
14 provides that possession of or application for a registry
15 identification card shall not constitute probable cause or
16 give rise to reasonable suspicion for a governmental agency
17 to search the person or property of the person possessing or
18 applying for the card.
19 The bill prohibits the establishment and operation of any
20 unlicensed medical cannabis dispensary in this state. The bill
21 defines "medical cannabis dispensary" to mean any facility,
22 establishment, or location, whether fixed or mobile, where
23 medical cannabis is made available to, distributed by, or
24 distributed to any person and that is not licensed pursuant
25 to the bill. A violation of this provision shall be enforced
26 by means of civil enforcement through a restraining order, a
27 preliminary or permanent injunction, or by any other means
28 authorized under the law.
29 The bill provides a transition period to specify that
30 during the period between July 1, 2014, and 30 days after the
31 effective date of rules adopted by the department, a person
32 who would be eligible for treatment for a debilitating medical
33 condition under the bill through the medical use of cannabis
34 as a qualified patient may obtain a written certification from
35 a practitioner and upon presentation of that certification to

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1 the department of public health, the department shall issue
2 a temporary certificate for the medical use of marijuana.
3 The department shall maintain a confidential list of all
4 temporary certificates issued pursuant to the bill. A person
5 possessing a temporary certificate shall not be subject to
6 arrest, prosecution, civil or criminal penalty, or the denial
7 of any right or privilege for the medical use of cannabis
8 if the amount of cannabis is not more than the amount that
9 is specified on the temporary certificate issued by the
10 department.
11 The bill amends Code section 124.401, relating to prohibited
12 acts involving controlled substances, to provide that it is
13 lawful for a person to knowingly or intentionally process,
14 produce, possess, manufacture, distribute, dispense, deliver,
15 or transport marijuana if such activities are in accordance
16 with the provisions of the bill. The bill also amends
17 Code section 453B.6, relating to tax stamps for controlled
18 substances, to specify that possession of cannabis in
19 accordance with the provisions of the bill is lawful possession
20 and a tax stamp is not required.

Senate File 2216 - Introduced

SENATE FILE 2216
BY JOHNSON

A BILL FOR

1 An Act relating to public hospitals by allowing a hospital
2 board to hold closed sessions for strategic planning and
3 by allowing a city to reduce terms for trustees for city
4 hospitals or health care facilities.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5867XS (4) 85
aw/sc

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1 Section 1. Section 21.5, subsection 1, paragraph 1, Code
2 2014, is amended to read as follows:
3 *1.* To discuss patient care quality and process improvement
4 initiatives in a meeting of a public hospital or to discuss
5 strategic planning, marketing and pricing strategies, or
6 similar proprietary information in a meeting of a public
7 hospital, where public disclosure of such information would
8 harm such a hospital's competitive position when no public
9 purpose would be served by public disclosure. The minutes and
10 the audio recording of a closed session under this paragraph
11 shall be available for public inspection when the public
12 disclosure would no longer harm the hospital's competitive
13 position. For purposes of this paragraph, *"public hospital"*
14 means a hospital licensed pursuant to chapter 135B and governed
15 pursuant to chapter 145A, 226, 347, 347A, or 392. This
16 paragraph does not apply to the information required to be
17 disclosed pursuant to section 347.13, subsection 11, or to any
18 discussions relating to terms or conditions of employment,
19 including but not limited to compensation of an officer or
20 employee or group of officers or employees.
21 Sec. 2. Section 392.6, subsections 1 and 2, Code 2014, are
22 amended to read as follows:
23 1. If a hospital or health care facility is established by a
24 city, the city shall by ordinance provide for the election, at
25 a special election held pursuant to section 39.2, subsection 4,
26 paragraph *"b"*, of three trustees, whose terms of office shall be
27 four years, unless otherwise provided pursuant to subsection
28 2A. However, at the first election, three shall be elected and
29 hold their office, one for four years and two for two years,
30 and they shall by lot determine their respective terms, unless
31 otherwise provided pursuant to subsection 2A. A candidate for
32 hospital or health care facility trustee must be a resident of
33 the hospital or health care facility service area within the
34 boundaries of the state at the time of the election at which
35 the person's name appears on the ballot. A board of trustees

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1 elected pursuant to this section shall serve as the sole and
2 only board of trustees for any and all institutions established
3 by a city as provided for in this section.
4 2. The administration and management of an institution as
5 provided for in this section is vested in a board of trustees
6 consisting of three, five, or seven members. A three-member
7 board may be expanded to a five-member board, and a five-member
8 board may be expanded to a seven-member board. Expansion of
9 the membership of the board shall occur only on approval of
10 a majority of the current board of trustees. The additional
11 members shall be appointed by the current board of trustees.
12 One appointee shall serve until the next succeeding general
13 or regular city election, at which time a successor shall be
14 elected, and the other appointee shall serve until the second
15 succeeding general or regular city election, at which time
16 a successor shall be elected. The determination of which
17 election an appointed additional member shall be required to
18 seek election shall be determined by lot. Thereafter, the
19 terms of office of such additional members shall be four years,
20 unless otherwise provided pursuant to subsection 2A.
21 Sec. 3. Section 392.6, Code 2014, is amended by adding the
22 following new subsection:
23 NEW SUBSECTION. 2A. *a.* A city may by ordinance provide for
24 the initial election, at a special election held pursuant to
25 section 39.2, subsection 4, paragraph *"b"*, of three trustees,
26 whose terms of office shall be three years. However, at the
27 first election, three shall be elected and hold their office,
28 one shall serve until the next succeeding general or regular
29 city election, one shall serve until the second succeeding
30 general or regular city election, and one shall serve until the
31 third succeeding general or regular city election, and they
32 shall by lot determine their respective terms.
33 *b.* (1) A city may by ordinance reduce the length of terms
34 of all trustees of an existing three-member board of trustees
35 from four-year terms to three-year terms, provided that the

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1 ordinance specifies the following:
2 (a) That the trustee who has served the greatest number of
3 days of a four-year term shall serve until the next succeeding
4 general or regular city election.
5 (b) That the trustee elected who has served the fewest
6 number of days of a four-year term shall serve until the third
7 succeeding general or regular city election.
8 (c) If two trustees have served the same number of days,
9 that the determination of which trustee shall be required to
10 seek election at the second succeeding general or regular city
11 election shall be determined by lot.
12 (d) That not more than one trustee office shall appear on
13 the ballot at a general or regular city election.
14 (2) A city may by ordinance reduce the length of terms
15 of all trustees of an existing five-member board of trustees
16 from four-year terms to three-year terms, provided that the
17 ordinance specifies the following:
18 (a) That the two trustees who have served the greatest
19 number of days of a four-year term shall serve until the next
20 succeeding general or regular city election.
21 (b) That the two trustees who have served the fewest
22 number of days of a four-year term shall serve until the third
23 succeeding general or regular city election.
24 (c) If three trustees have served the same number of days,
25 that the determination of which trustee shall be required to
26 seek election at the second succeeding general or regular city
27 election shall be determined by lot.
28 (d) That not more than two trustee offices shall appear on
29 the ballot at a general or regular city election.
30 (3) A city may by ordinance reduce the length of terms of
31 all trustees of an existing seven-member board of trustees
32 from four-year terms to three-year terms, provided that the
33 ordinance specifies the following:
34 (a) That the three trustees who have served the greatest
35 number of days of a four-year term shall serve until the next

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1 succeeding general or regular city election.
2 (b) That the two trustees who have served the fewest
3 number of days of a four-year term shall serve until the third
4 succeeding general or regular city election.
5 (c) That the determination of which two trustees shall be
6 required to seek election at the second succeeding general or
7 regular city election shall be determined by lot, provided
8 that if there are four trustees that have all served the same
9 greatest number of days, that no more than one trustee of that
10 group be selected by lot and be required to seek election at
11 the second succeeding general or regular city election.
12 (d) That not more than three trustee offices shall appear on
13 the ballot at a general or regular city election.
14 EXPLANATION
15 **The inclusion of this explanation does not constitute agreement with**
16 **the explanation's substance by the members of the general assembly.**
17 This bill relates to boards of trustees for city hospitals or
18 health care facilities.
19 Under current law, a governmental body may hold a closed
20 session for certain reasons, and members of the public may be
21 denied access to the session. Current law provides that one
22 such reason is to discuss patient care quality and process
23 improvement initiatives in a meeting of a public hospital or to
24 discuss marketing and pricing strategies or similar proprietary
25 information in a meeting of a public hospital, where public
26 disclosure of such information would harm such a hospital's
27 competitive position when no public purpose would be served by
28 public disclosure. The bill provides that such a hospital may
29 also hold a closed session to discuss strategic planning. By
30 operation of current law, the minutes and the audio recording
31 of a closed session to discuss strategic planning shall be
32 available for public inspection when the public disclosure
33 would no longer harm the hospital's competitive position.
34 Under current law, a city council may adopt an ordinance
35 to provide for the election of an initial three-member board

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of trustees for a city hospital or health care facility to serve four-year terms. The bill provides that a city council may also adopt an ordinance to provide for the election of an initial three-member board of trustees for a city hospital or health care facility to serve three-year terms. The bill further provides that a city may adopt an ordinance to reduce the terms of trustees from four to three years for an existing board of trustees with three, five, or seven members. The bill requires that such an ordinance include specific provisions for the reduction of terms of current trustees and specific provisions for the subsequent election of trustees.

Senate File 2217 - Introduced

SENATE FILE 2217
BY JOHNSON

A BILL FOR

1 An Act relating to closed meetings of a public hospital.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5870XS (2) 85
rh/rj

S.F. 2217

1 Section 1. Section 21.5, subsection 1, paragraph 1, Code
2 2014, is amended to read as follows:
3 *1.* To discuss patient care quality and process improvement
4 initiatives in a meeting of a public hospital or to discuss
5 marketing and pricing strategies ~~or similar~~, strategic
6 planning, and other proprietary information in a meeting of a
7 public hospital, where public disclosure of such information
8 would harm such a hospital's competitive position when no
9 public purpose would be served by public disclosure. The
10 minutes and the audio recording of a closed session under
11 this paragraph shall be available for public inspection when
12 the public disclosure would no longer harm the hospital's
13 competitive position. For purposes of this paragraph, *"public*
14 *hospital"* means a hospital licensed pursuant to chapter 135B
15 and governed pursuant to chapter 145A, 226, 347, 347A, or 392.
16 This paragraph does not apply to the information required to
17 be disclosed pursuant to section 347.13, subsection 11, or to
18 any discussions relating to terms or conditions of employment,
19 including but not limited to compensation of an officer or
20 employee or group of officers or employees.
21 EXPLANATION
22 **The inclusion of this explanation does not constitute agreement with**
23 **the explanation's substance by the members of the general assembly.**
24 Under Iowa's open meetings law (Iowa Code chapter 21),
25 a meeting of a public hospital may be closed to the public
26 to discuss patient care quality and process improvement
27 initiatives or to discuss marketing and pricing strategies
28 or similar proprietary information, where public disclosure
29 of such information would harm the hospital's competitive
30 position. This bill amends this provision to also allow a
31 public hospital to hold a closed meeting to discuss strategic
32 planning and other proprietary information of the public
33 hospital where public disclosure of such information would harm
34 the hospital's competitive position.

Senate File 2218 - Introduced

SENATE FILE 2218
BY JOHNSON

A BILL FOR

1 An Act establishing an Iowa great lakes management initiative,
2 and providing appropriations to a related fund.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5206XS (9) 85
da/nh

S.F. 2218

1 Section 1. NEW SECTION. **161D.21 Definitions.**
2 As used in this subchapter, unless the context otherwise
3 requires:
4 1. *"Commissioners"* means the commissioners of the soil and
5 water conservation district responsible for the Iowa great
6 lakes watershed as provided in chapter 161A.
7 2. *"Depository"* means the same as defined in section 12C.1.
8 3. *"Division"* means the division of soil conservation of the
9 department of agriculture and land stewardship as provided in
10 chapter 161A.
11 4. *"Fund"* means the Iowa great lakes management initiative
12 fund created in section 161D.24.
13 5. *"Initiative"* means the Iowa great lakes management
14 initiative established pursuant to section 161D.22.
15 Sec. 2. NEW SECTION. **161D.22 Legislative findings — Iowa**
16 **great lakes management initiative established.**
17 1. The general assembly finds all of the following:
18 *a.* The Iowa great lakes include the state's largest natural
19 lakes, renowned for their unique clear blue waters.
20 *b.* The Iowa great lakes are an indispensable part of
21 Iowa's natural heritage, providing recreational and leisure
22 opportunities to all Iowans.
23 *c.* The Iowa great lakes have long been one of the state's
24 most important visitor attractions, making fundamental
25 contributions to the prosperity of northwest Iowa and the
26 entire state.
27 2. An Iowa great lakes management initiative is established
28 to protect, restore, and enhance the Iowa great lakes as a
29 critical natural resource of the state.
30 Sec. 3. NEW SECTION. **161D.23 Administration of the Iowa**
31 **great lakes management initiative.**
32 1. The soil and water conservation district responsible for
33 the Iowa great lakes watershed shall administer the Iowa great
34 lakes management initiative to further the purposes set out in
35 section 161D.22.

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1 2. The commissioners shall encourage the adoption of best
2 management practices by persons involved in planning or using
3 land or water resources located within the Iowa great lakes
4 watershed, including by doing all of the following:
5 *a.* Providing for sustainable agricultural practices, urban
6 development, and recreational uses.
7 *b.* Safeguarding the Iowa great lakes as a unique and vital
8 natural resource.
9 *c.* Cooperating with stakeholders in the watershed, including
10 all of the following:
11 (1) The federal and state government, including the
12 department of agriculture and land stewardship and the
13 department of natural resources.
14 (2) Local governments located within the watershed.
15 (3) Organizations and individuals interested in the
16 watershed.
17 3. The commissioners shall administer the Iowa great lakes
18 management initiative fund established in section 161D.24.
19 4. The commissioners shall have all powers necessary to
20 carry out this section. In carrying out this section, the
21 commissioners may do all of the following:
22 *a.* Adopt and revise a long-term strategic plan and any
23 compatible short-term plans.
24 *b.* Provide for long-term programs and short-term projects.
25 *c.* Cooperate with stakeholders in order to optimize
26 financing.
27 *d.* Authorize payment for costs, fees, commissions, or other
28 reasonable expenses from moneys deposited into the Iowa great
29 lakes management initiative fund. However, the commissioners
30 shall not in any manner directly or indirectly pledge the
31 credit of this state.
32 *e.* Enter into contracts including but not limited to
33 agreements with owners or occupants of land. The commissioners
34 may provide for the payment of financial incentives for
35 establishing or maintaining permanent or temporary soil and

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1 water conservation practices as provided in chapter 161A. The
2 financial incentives may be provided on a cost-share basis in
3 the same manner as provided in chapter 161A.
4 5. The commissioners acting under this chapter shall not do
5 any of the following:
6 *a.* Compel a person to take action or refrain from taking
7 action, unless the commissioners are proceeding under the terms
8 of a contract pursuant to which the person is a party.
9 *b.* In any manner directly or indirectly pledge the credit of
10 the state of Iowa.
11 6. The division of soil conservation may adopt rules as
12 necessary in order to provide for the administration of this
13 subchapter by the commissioners.
14 Sec. 4. NEW SECTION. **161D.24 Iowa great lakes management**
15 **initiative fund.**
16 1. An Iowa great lakes management initiative fund is
17 created. The fund shall be an account established in a
18 depository and controlled by the commissioners.
19 2. The fund shall consist of moneys appropriated to the
20 fund, moneys required to be credited to the fund, and moneys
21 accepted by the commissioners from any source for placement in
22 the fund.
23 3. The fund shall be used exclusively to finance efforts to
24 further the Iowa great lakes management initiative established
25 pursuant to section 161D.22 and for the administration of the
26 initiative as provided in section 161D.23. Moneys in the fund
27 shall not be used to support any of the following:
28 *a.* Regulatory efforts.
29 *b.* Efforts to promote economic development activities
30 including but not limited to recreational or leisure
31 opportunities or tourism.
32 4. Not more than fifty thousand dollars from the fund
33 shall be used for purposes of administering this subchapter
34 in any fiscal year. However, upon a two-thirds majority
35 vote approving a measure, the commissioners may authorize up

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1 to one hundred thousand dollars to be used for purposes of
2 administering this subchapter in a specific fiscal year.
3 5. *a.* Notwithstanding section 8.33, any unexpended or
4 unobligated balance remaining in the fund at the end of a
5 fiscal year shall be retained in the fund for expenditure as
6 provided in this section.
7 *b.* Notwithstanding section 12C.7, subsection 2, interest or
8 earnings on investments or time deposits of the moneys in the
9 fund shall be credited to the fund. The recapture of awards
10 originating from the fund shall be retained in the fund.
11 6. The division of soil conservation may provide for a
12 review of the fund's receipts and expenditures as determined
13 reasonable by the division. The division may require any of
14 the following:
15 *a.* A financial statement prepared by the commissioners.
16 *b.* A financial statement that is accompanied by an
17 unqualified or qualified opinion based upon an audit performed
18 by a certified public accountant licensed in this state.
19 *c.* An audit report prepared by the auditor of state.
20 Sec. 5. NEW SECTION. **161D.25 Standing appropriation.**
21 For each fiscal year of the fiscal period beginning July 1,
22 2014, and ending June 30, 2034, there is appropriated from the
23 general fund of the state the sum of one million dollars, to be
24 deposited in the Iowa great lakes management initiative fund
25 created pursuant to section 161D.24.
26 Sec. 6. NEW SECTION. **161D.26 Annual report.**
27 1. The commissioners shall prepare an annual report.
28 2. The annual report shall be filed with all of the
29 following:
30 *a.* The department of management.
31 *b.* The department of agriculture and land stewardship.
32 *c.* The department of natural resources.
33 *d.* The legislative services agency.
34 3. The annual report shall be filed in an electronic format
35 by 4:30 p.m. on December 31 of each year.

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1 4. The annual report shall provide information regarding
2 the Iowa great lakes management initiative, including all of
3 the following:
4 *a.* Its operations and accomplishments.
5 *b.* Its budget, receipts, and actual expenditures during the
6 previous fiscal year.
7 *c.* Its assets and liabilities and the status of the Iowa
8 great lakes management initiative fund at the end of the
9 previous fiscal year.
10 *d.* A statement of its proposed and projected activities for
11 the current and subsequent fiscal years.
12 *e.* Performance goals, and a description indicating the
13 extent of progress during the reporting period in attaining the
14 performance goals.
15 *f.* Recommendations to the governor and the general assembly,
16 as the commissioners deem necessary.
17 *g.* Any other information that the commissioners deem
18 necessary.
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 INTRODUCTION. This bill establishes an Iowa great lakes
23 management initiative in order to protect, restore, and enhance
24 the Iowa great lakes as a critical natural resource of the
25 state. The bill includes a finding that the Iowa great lakes
26 are an indispensable part of Iowa's natural heritage.
27 ADMINISTRATION. According to the bill, the initiative is
28 to be administered by the soil and water conservation district
29 responsible for the Iowa great lakes watershed under Code
30 chapter 161A. The governing body of a district consists of
31 five commissioners elected on a nonpartisan basis (Code section
32 161A.5). The commissioners are required to encourage the
33 adoption of best management practices by persons involved
34 in planning or using the watershed where the Iowa great
35 lakes are located. This includes providing for sustainable

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1 agricultural practices, urban development, and recreational
2 uses; safeguarding the watershed as a unique and vital natural
3 resource; and cooperating with stakeholders in the watershed.
4 FUND. The bill establishes an Iowa great lakes management
5 initiative fund which is an account established and controlled
6 by the commissioners. The fund includes moneys accepted by
7 the commissioners for deposit in and moneys appropriated to
8 the fund. Moneys in the fund are to be used exclusively to
9 finance efforts to further the initiative and cannot be used
10 for regulatory efforts or to promote economic development
11 activities. The bill also places limits upon the amount of
12 moneys that may be used for administration. The department of
13 agriculture and land stewardship, acting through its division
14 of soil conservation, is responsible for reviewing the fund's
15 receipts and expenditures.
16 APPROPRIATION. The bill appropriates $20 million to
17 the fund over a period of 20 years. Specifically, the bill
18 appropriates $1 million to the fund each fiscal year beginning
19 on July 1, 2014, and ending June 30, 2034.
20 REPORT. The bill requires the commissioners to prepare
21 an annual report to be filed with various interested state
22 agencies and the legislative services agency. The report must
23 provide information regarding the initiative and the fund. It
24 must include performance goals and may include recommendations
25 for further legislative action.

Senate Resolution 107 - Introduced

SENATE RESOLUTION NO. 107
BY JOHNSON, KAPUCIAN, GUTH, GREINER, CHAPMAN, BOETTGER, WHITVER, ERNST, DIX, SINCLAIR, BREITBACH, ZUMBACH, ZAUN, GARRETT, FEENSTRA, SEGEBART, BEHN, BERTRAND, ANDERSON, SCHNEIDER, SMITH, SENG, DANIELSON, DOTZLER, DVORSKY, HOGG, HART, BOLKCOM, RAGAN, BRASE, HATCH, BEALL, QUIRMBACH, SCHOENJAHN, BLACK, PETERSEN, JOCHUM, GRONSTAL, SODDERS, DEARDEN, HORN, COURTNEY, WILHELM, BOWMAN, and McCOY

1 A Resolution celebrating the 100th anniversary of
2 the signing of the Smith-Lever Act, the founding
3 legislation of the nationwide Cooperative Extension
4 System.
5 WHEREAS, May 8, 2014, marks the centennial of the
6 signing of the Smith-Lever Act, which established
7 Cooperative Extension, the nationwide transformational
8 education system operating through land-grant
9 universities in partnership with federal, state, and
10 local governments; and
11 WHEREAS, Seaman A. Knapp, the second president of
12 Iowa´s agricultural college, now Iowa State University,
13 is credited as the father of the early extension
14 movement; and
15 WHEREAS, Iowa State University Extension and
16 Outreach has been making a difference in the lives of
17 Iowans for well over 100 years; and
18 WHEREAS, in 1903, Sioux County farmers and Iowa
19 State University established the basis for agricultural
20 cooperative extension work, continuing today through
21 Agriculture and Natural Resources Extension and

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1 Outreach; and
2 WHEREAS, Iowa counties began organizing for
3 extension work in 1912, and today elected extension
4 councils in every county partner with Iowa State
5 University Extension and Outreach to bring
6 research-based education to their citizens; and
7 WHEREAS, in 1916 Black Hawk County hired Iowa's
8 first extension home demonstration agent, the
9 predecessor to today's specialists in Human Sciences
10 Extension and Outreach; and
11 WHEREAS, by the 1970s, programs in community
12 resource development, now Community and Economic
13 Development, had become an integral part of Iowa State
14 University Extension and Outreach; and
15 WHEREAS, 4-H, the youth program of Cooperative
16 Extension nationwide, traces its beginnings in Iowa to
17 Page County and the work of Jessie Field Shambaugh, and
18 today 4-H Youth Development reaches one in five Iowa
19 school-age youth; and
20 WHEREAS, extension and outreach educational programs
21 are focused on feeding people, keeping them healthy,
22 helping their communities to prosper and thrive, and
23 turning the world over to the next generation in better
24 shape than we found it; NOW THEREFORE,
25 BE IT RESOLVED BY THE SENATE, that the Senate
26 encourages the people of Iowa to observe and celebrate
27 the centennial of the Smith-Lever Act with a focus on
28 continuing an innovative and sustainable future for
29 extension education in Iowa and nationally; and
30 BE IT FURTHER RESOLVED, That the Senate thanks Iowa

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1 State University Extension and Outreach volunteers who
2 provide thousands of hours to promote excellence for
3 4-H, master gardeners, and other programs in their
4 communities; and
5 BE IT FURTHER RESOLVED, That the Senate honors the
6 Iowa State University faculty and Iowa State University
7 Extension and Outreach educators throughout the
8 state who dedicate their careers to providing trusted
9 education to help farmers, families, youth, businesses,
10 and communities solve problems, develop skills, and
11 build a better future.

Senate Study Bill 3183 - Introduced

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

A BILL FOR

1 An Act concerning live dog racing at pari-mutuel dog
2 racetracks, simultaneously telecast wagering, establishing
3 fees, and including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5742XC (1) 85
ec/sc

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1 Section 1. NEW SECTION. **99D.9A Dog racetrack licensure —**
2 **fees.**
3 1. Upon at least fourteen days' written notification to the
4 commission, a licensee authorized to operate a pari-mutuel dog
5 racetrack and to conduct gambling games pursuant to section
6 99F.6 as of January 1, 2014, may, upon agreement to comply with
7 the requirements of this section, discontinue performances of
8 live dog races at the racetrack and maintain a license under
9 this chapter for purposes of permitting pari-mutuel wagering
10 on simultaneously telecast horse races and for purposes of
11 conducting gambling games.
12 2. Upon written notification and discontinuance of live dog
13 racing by a licensee, all of the following shall occur:
14 *a.* The commission shall determine what portion of the
15 unexpended moneys in the dog racing promotion fund created
16 in section 99D.12 is attributable to the licensee that has
17 discontinued live racing and shall transfer those moneys to the
18 Iowa greyhound pari-mutuel racing retirement fund created in
19 section 99D.9B.
20 *b.* Any agreement approved by the commission for dog purse
21 supplement payments for live racing that was discontinued by
22 the licensee shall be terminated.
23 *c.* The commission, the licensee of the pari-mutuel dog
24 racetrack located in Pottawattamie county, and the Iowa
25 greyhound association shall take all action necessary to
26 facilitate the transfer of unexpended funds in an escrow fund
27 created pursuant to a decision in December 1995 regarding
28 dog purse supplements at the racetrack to the commission for
29 deposit in the Iowa greyhound pari-mutuel racing retirement
30 fund created in section 99D.9B.
31 *d.* The licensee shall pay the live racing cessation fee as
32 provided by this section and shall continue to pay the annual
33 license fee and regulatory fee as a pari-mutuel dog racetrack
34 licensed to operate gambling games pursuant to the requirements
35 of section 99F.4A.

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1 3. For purposes of this section, the live racing cessation
2 fee shall be paid to the commission for deposit in the Iowa
3 greyhound pari-mutuel racing retirement fund created in section
4 99D.9B, which fee shall be determined as follows:
5 *a.* For the pari-mutuel dog racetrack located in Dubuque
6 county, the payment of two million one hundred forty-two
7 thousand dollars within two weeks of the discontinuance of live
8 racing at the licensee, and two million one hundred forty-three
9 thousand dollars each July 1 for six consecutive calendar years
10 thereafter, commencing on July 1 of the calendar year following
11 the calendar year in which live racing was discontinued.
12 *b.* For the pari-mutuel dog racetrack located in
13 Pottawattamie county, the payment of seven million eight
14 hundred fifty-two thousand dollars within two weeks of the
15 discontinuance of live racing at the licensee, and seven
16 million eight hundred fifty-eight thousand dollars each July
17 1 for six consecutive calendar years thereafter, commencing
18 on July 1 of the calendar year following the calendar year in
19 which live racing was discontinued.
20 4. A licensee who discontinues live racing pursuant to
21 the requirements of this section shall remain licensed as a
22 pari-mutuel dog racetrack licensed to operate gambling games,
23 shall comply with the requirements of this chapter applicable
24 to a dog racetrack licensee except for those requirements
25 applicable to live racing, and shall be permitted, but not
26 required, to conduct pari-mutuel wagering on simultaneously
27 telecast horse races.
28 Sec. 2. NEW SECTION. **99D.9B Iowa greyhound pari-mutuel**
29 **racing retirement fund.**
30 1. An Iowa greyhound pari-mutuel racing retirement fund is
31 created in the state treasury under the control of the racing
32 and gaming commission.
33 2. The fund shall consist of all of the following:
34 *a.* Moneys in the dog racing promotion fund created in
35 section 99D.12 that were deposited in those funds from a dog

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1 racetrack licensee that discontinues scheduling performances of
2 live dog races pursuant to section 99D.9A.
3 *b.* Moneys representing greyhound racing escrow funds that
4 are transferred to the fund pursuant to the requirements of
5 section 99D.9A.
6 *c.* Moneys deposited in the fund from the live racing
7 cessation fee established in section 99D.9A.
8 3. Moneys in the fund shall be distributed by the commission
9 to eligible recipients in an expeditious manner pursuant to
10 rules adopted by the commission. The commission may use moneys
11 in the fund to retain a consultant to assist the commission in
12 the development of a distribution plan to eligible recipients.
13 For purposes of this section, *"eligible recipients"* means
14 greyhound owners, greyhound breeders, kennel operators, any
15 persons involved in greyhound racing in Iowa, and no-kill
16 animal adoption agencies.
17 4. Section 8.33 does not apply to moneys in the fund.
18 Notwithstanding section 12C.7, subsection 2, interest or
19 earnings on moneys deposited in the fund shall be credited to
20 the fund.
21 5. The commission shall adopt rules to administer this
22 section. The commission may adopt rules on an emergency basis
23 as provided in sections 17A.4 and 17A.5 to administer this
24 section. Any emergency rules adopted in accordance with this
25 section shall also be published as a notice of intended action
26 as provided in section 17A.4.
27 Sec. 3. Section 99D.11, subsection 6, paragraph b, Code
28 2014, is amended to read as follows:
29 *b.* (1) The commission may authorize the licensee to
30 simultaneously telecast within the racetrack enclosure or
31 licensed premises, for the purpose of pari-mutuel wagering, a
32 horse ~~or dog~~ race licensed by the racing authority of another
33 state. It is the responsibility of each licensee to obtain
34 the consent of appropriate racing officials in other states as
35 required by the federal Interstate Horseracing Act of 1978,

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1 15 U.S.C. § 3001 – 3007, to televise races for the purpose of
2 conducting pari-mutuel wagering.
3 (2) A licensee may also obtain the permission of a person
4 licensed by the commission to conduct horse ~~or dog~~ races in
5 this state to televise races conducted by that person for the
6 purpose of conducting pari-mutuel ~~racing~~ wagering. However,
7 arrangements made by a licensee to televise any race for
8 the purpose of conducting pari-mutuel wagering are subject
9 to the approval of the commission, and the commission shall
10 select the races to be televised. The races selected by the
11 commission shall be the same for all licensees approved by the
12 commission to televise races for the purpose of conducting
13 pari-mutuel wagering. The commission shall not authorize the
14 simultaneous telecast or televising of and a licensee shall
15 not simultaneously telecast or televise any horse ~~or dog~~ race
16 for the purpose of conducting pari-mutuel wagering unless the
17 simultaneous telecast or televising is done at the racetrack
18 of a licensee that schedules no less than sixty performances
19 of nine live races each day of the season or at the licensed
20 premises of a licensee that is not obligated to schedule
21 performances of live races pursuant to section 99D.9A.
22 (3) For purposes of the taxes imposed under this
23 chapter, races televised by a licensee for purposes of
24 pari-mutuel wagering shall be treated as if the races were
25 held at the racetrack or licensed premises of the licensee.
26 Notwithstanding any contrary provision in this chapter, the
27 commission may allow a licensee to adopt the same deductions
28 as those of the pari-mutuel racetrack from which the races are
29 being simultaneously telecast.
30 Sec. 4. Section 99D.15, subsection 4, Code 2014, is amended
31 to read as follows:
32 4. A tax of two percent is imposed on the gross sum
33 wagered by the pari-mutuel method on horse races ~~and dog~~
34 ~~races~~ which are simultaneously telecast. The tax imposed by
35 this subsection is in lieu of the taxes imposed pursuant to

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subsection 1 ~~or 3~~, but the tax revenue from simulcast horse races shall be distributed as provided in subsection 1 ~~and the tax revenue from simulcast dog races shall be distributed as provided in subsection 3~~.

Sec. 5. Section 99F.6, subsection 4, paragraph b, Code 2014, is amended to read as follows:

b. (1) The commission shall authorize the licensees of pari-mutuel dog racetracks located in Dubuque county ~~and Black Hawk county~~ to conduct gambling games as provided in section 99F.4A if the licensees schedule at least one hundred thirty performances of twelve live races each day during a season of twenty-five weeks. For the pari-mutuel dog racetrack located in Pottawattamie county, the commission shall authorize the licensee to conduct gambling games as provided in section 99F.4A if the licensee schedules at least two hundred ninety performances of twelve live races each day during a season of fifty weeks. ~~The~~ However, the requirement to schedule performances of live races for purposes of conducting gambling games under this chapter shall not apply to a licensee who is not obligated to schedule performances of live races pursuant to section 99D.9A.

(2) If a pari-mutuel dog racetrack is required to schedule performances of live races for purposes of conducting gambling games under this chapter, the commission shall approve an annual contract to be negotiated between the annual recipient of the dog racing promotion fund and each dog racetrack licensee to specify the percentage or amount of gambling game proceeds which shall be dedicated to supplement the purses of live dog races. The parties shall agree to a negotiation timetable to insure no interruption of business activity. If the parties fail to agree, the commission shall impose a timetable. If the two parties cannot reach agreement, each party shall select a representative and the two representatives shall select a third person to assist in negotiating an agreement. The two representatives may select

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the commission or one of its members to serve as the third party. Alternately, each party shall submit the name of the proposed third person to the commission who shall then select one of the two persons to serve as the third party. ~~All parties to the negotiations, including the commission, shall consider that the dog racetracks were built to facilitate the development and promotion of Iowa greyhound racing dogs in this state and shall negotiate and decide accordingly.~~

Sec. 6. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

EXPLANATION

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

This bill concerns the conduct of live dog racing at pari-mutuel dog racetracks authorized to conduct gambling games.

New Code section 99D.9A allows a licensee authorized to operate a pari-mutuel dog racetrack and to conduct gambling games as of January 1, 2014, to, upon at least 14 days' written notice to the racing and gaming commission, discontinue performances of live dog races, and to maintain a license under Code chapter 99D for purposes of permitting, but not requiring, pari-mutuel wagering on simultaneously telecast horse races and continuing to allow the licensee to conduct gambling games. The bill provides that upon discontinuing live racing, the racing and gaming commission shall transfer any unexpended moneys in the dog racing promotion fund attributable to the licensee discontinuing live dog racing to an Iowa greyhound pari-mutuel racing retirement fund created in the bill. In addition, upon discontinuing live racing, moneys from an escrow fund for greyhound racing shall be transferred to the new racing retirement fund and any agreement for dog purse supplement payments for live racing shall be terminated. The licensee, upon discontinuing live dog racing, shall commence paying a new live racing cessation fee. The new Code section

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1 sets the live racing cessation fee for the pari-mutuel dog
2 racetrack located in Dubuque county at $2.142 million, payable
3 upon discontinuing live racing, and at $2.143 million, payable
4 each July 1 for six calendar years thereafter. For the
5 pari-mutuel dog racetrack located in Pottawattamie county, the
6 annual dog racetrack licensure fee is set at $7.852 million,
7 payable upon discontinuing live racing, and at $7.858 million,
8 payable each July 1 for six calendar years thereafter. The
9 bill provides that a licensee discontinuing live racing shall
10 continue to pay the annual license fee and regulatory fee as a
11 pari-mutuel dog racetrack licensed to conduct gambling games
12 pursuant to the requirements of Code section 99F.4A.
13 New Code section 99D.9B establishes an Iowa greyhound
14 pari-mutuel racing retirement fund under the control of the
15 racing and gaming commission. The fund shall consist of moneys
16 transferred from the dog racing promotion fund, moneys credited
17 to the fund from a dog racetrack licensee that discontinues
18 live dog racing in an amount representing the remaining balance
19 of all dog purse supplement payments, moneys in greyhound
20 racing escrow funds, and moneys from the live racing cessation
21 fee established in new Code section 99D.9A. The bill provides
22 that moneys in the fund shall be distributed to greyhound
23 owners, greyhound breeders, kennel operators, any persons
24 involved in greyhound racing in Iowa in a manner determined by
25 the racing and gaming commission, and no-kill animal adoption
26 agencies.
27 Code section 99D.11(6)(b), concerning pari-mutuel wagering
28 on simultaneous telecasts of horse or dog races, is amended
29 to eliminate simultaneous telecast wagering on dog races and
30 to allow a simultaneous telecast of horse races at a licensee
31 in this state that is not obligated to schedule live dog
32 races pursuant to new Code section 99D.9A. Under current
33 law, simulcast telecasting of races can only be allowed at
34 a racetrack of a licensee that schedules no less than 60
35 performances of nine live races each day of the season.

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1 Code section 99D.15 is amended to conform to the provisions
2 in the bill discontinuing simultaneous telecast wagering on dog
3 races.
4 Code section 99F.6(4)(b) is amended to allow the conduct
5 of gambling games at a pari-mutuel dog racetrack that is not
6 obligated to schedule performances of live races pursuant to
7 new Code section 99D.9A. In addition, if a pari-mutuel dog
8 racetrack conducts live dog races, the bill eliminates the
9 requirement that the determination of supplemental dog purses
10 shall consider that the dog racetracks were built to facilitate
11 greyhound racing.
12 The bill takes effect upon enactment.

Senate Study Bill 3184 - Introduced

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

A BILL FOR

1 An Act concerning allowable solicitations for a charitable
2 purpose on a public road and making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6142XC (2) 85
ec/sc

S.F. _____

1 Section 1. NEW SECTION. **13C.4 Authorized solicitations —**
2 **roadways.**
3 1. A charitable organization shall be permitted to solicit
4 contributions on any place within a public road or street, as
5 defined by section 306.3, subject to the requirements of this
6 section.
7 2. To permit the solicitation of contributions on a public
8 road, a charitable organization shall file an application with
9 the applicable local authority no later than ten days prior to
10 the date the solicitation will first occur which application
11 shall provide as follows:
12 *a.* The date or dates and times of day when the solicitation
13 is to occur.
14 *b.* The location or locations on a public road where the
15 solicitation is to occur.
16 *c.* The manner and conditions under which the solicitation
17 is to occur.
18 *d.* Proof of a valid liability insurance policy of at least
19 one million dollars insuring the charitable organization
20 against bodily injury and property damage arising out of or in
21 connection with the solicitation.
22 *e.* Acknowledgment that only peace officers, fire fighters,
23 volunteer emergency medical services providers, and any other
24 persons employed, or who volunteer, to protect the public
25 safety shall conduct the solicitation.
26 3. The applicable local authority shall review an
27 application submitted pursuant to this section in an
28 expeditious manner and shall allow the solicitation if the
29 requirements of subsection 2 are met.
30 4. For purposes of this section, the *"applicable local*
31 *authority"* means the city council for a road located within
32 the corporate limits of the city and the county board of
33 supervisors for a road located outside the corporate limits of
34 a city.
35 EXPLANATION

S.F. _____

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

This bill allows a charitable organization to solicit contributions on any place within a public road under certain circumstances.

New Code section 13C.4 provides that a charitable organization may submit an application to the local authorities and be permitted to solicit on a road if certain conditions are met. The application is required to be submitted at least 10 days prior to the solicitation and shall include the date or dates of the solicitation as well as times of day, the location or locations of the solicitation, proof of a valid liability insurance policy of at least $1 million, and an acknowledgment that only fire fighters, police officers, volunteer emergency medical services providers, and any other persons employed to protect the public safety shall conduct the solicitation. The bill provides that the applicable local authority shall allow the solicitation if the requirements of the new Code section are met and is defined as the city council for a road located within a city and the county board of supervisors for a road located outside the corporate limits of a city.

Senate Study Bill 3185 - Introduced

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

A BILL FOR

1 An Act relating to appropriations to the justice system and
2 including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5016XG (10) 85
jm/tm

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1 DIVISION I
2 FY 2013-2014 — APPROPRIATIONS
3 Section 1. 2013 Iowa Acts, chapter 139, section 3, paragraph
4 a, is amended to read as follows:
5 a. For the operation of the Fort Madison correctional
6 facility, including salaries, support, maintenance, and
7 miscellaneous purposes:
8 ..... $ 43,107,133
9 Of the amount appropriated in this paragraph, the department
10 may use up to $500,000 for the remodel of the relocated John
11 Bennett facility and the demolition of the existing farm
12 bunkhouse adjacent to the newly constructed Fort Madison
13 correctional facility. Notwithstanding section 8.33, moneys
14 allocated in this unnumbered paragraph designated for the
15 remodel and demolition that remain unencumbered or unobligated
16 at the close of the fiscal year shall not revert but shall
17 remain available to be used for the purposes designated until
18 the close of the succeeding fiscal year.
19 Sec. 2. EFFECTIVE UPON ENACTMENT. This division of this
20 Act, being deemed of immediate importance, takes effect upon
21 enactment.
22 DIVISION II
23 FY 2014-2015 — APPROPRIATIONS
24 Sec. 3. 2013 Iowa Acts, chapter 139, section 19, is amended
25 to read as follows:
26 SEC. 19. DEPARTMENT OF JUSTICE.
27 1. There is appropriated from the general fund of the state
28 to the department of justice for the fiscal year beginning July
29 1, 2014, and ending June 30, 2015, the following amounts, or
30 so much thereof as is necessary, to be used for the purposes
31 designated:
32 a. For the general office of attorney general for salaries,
33 support, maintenance, and miscellaneous purposes, including
34 the prosecuting attorneys training program, matching funds
35 for federal violence against women grant programs, victim

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1 assistance grants, office of drug control policy prosecuting
2 attorney program, and odometer fraud enforcement~~, and for not~~
3 ~~more than the following full-time equivalent positions~~:
4 ..... $ ~~3,983,965~~
5 8,164,905
6 ~~..... FTEs 214.00~~
7 It is the intent of the general assembly that as a condition
8 of receiving the appropriation provided in this lettered
9 paragraph, the department of justice shall maintain a record
10 of the estimated time incurred representing each agency or
11 department.
12 b. For victim assistance grants:
13 ..... $ ~~3,367,200~~
14 6,734,400
15 The funds appropriated in this lettered paragraph shall be
16 used to provide grants to care providers providing services to
17 crime victims of domestic abuse or to crime victims of rape and
18 sexual assault.
19 The balance of the victim compensation fund established in
20 section 915.94 may be used to provide salary and support of not
21 more than 24 FTEs and to provide maintenance for the victim
22 compensation functions of the department of justice.
23 The department of justice shall transfer at least $150,000
24 from the victim compensation fund established in section 915.94
25 to the victim assistance grant program.
26 c. For legal services for persons in poverty grants as
27 provided in section 13.34:
28 ..... $ ~~1,090,281~~
29 2,400,000
30 2. a. The department of justice, in submitting budget
31 estimates for the fiscal year commencing July 1, 2015, pursuant
32 to section 8.23, shall include a report of funding from sources
33 other than amounts appropriated directly from the general fund
34 of the state to the department of justice or to the office of
35 consumer advocate. These funding sources shall include but

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are not limited to reimbursements from other state agencies, commissions, boards, or similar entities, and reimbursements from special funds or internal accounts within the department of justice. The department of justice shall also report actual reimbursements for the fiscal year commencing July 1, 2013, and actual and expected reimbursements for the fiscal year commencing July 1, 2014.

b. The department of justice shall include the report required under paragraph "a", as well as information regarding any revisions occurring as a result of reimbursements actually received or expected at a later date, in a report to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative services agency. The department of justice shall submit the report on or before January 15, 2015.

Sec. 4. 2013 Iowa Acts, chapter 139, section 20, is amended to read as follows:

SEC. 20. OFFICE OF CONSUMER ADVOCATE. There is appropriated from the department of commerce revolving fund created in section 546.12 to the office of consumer advocate of the department of justice for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes~~, and for not more than the following full-time equivalent positions~~:

..... $ ~~1,568,082~~
3,137,588

~~..... FTEs 22.00~~

Sec. 5. 2013 Iowa Acts, chapter 139, section 21, is amended to read as follows:

SEC. 21. DEPARTMENT OF CORRECTIONS — FACILITIES.

1. There is appropriated from the general fund of the state to the department of corrections for the fiscal year

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1 beginning July 1, 2014, and ending June 30, 2015, the following
2 amounts, or so much thereof as is necessary, to be used for the
3 operation of adult correctional institutions, reimbursement
4 of counties for certain confinement costs, and federal prison
5 reimbursement, to be allocated as follows:
6 a. For the operation of the Fort Madison correctional
7 facility, including salaries, support, maintenance, and
8 miscellaneous purposes:
9 ..... $ ~~21,553,567~~
10 42,655,684
11 b. For the operation of the Anamosa correctional facility,
12 including salaries, support, maintenance, and miscellaneous
13 purposes:
14 ..... $ ~~16,460,261~~
15 33,344,253
16 It is the intent of the general assembly that the department
17 of corrections maintain and operate the Luster Heights prison
18 camp.
19 c. For the operation of the Oakdale correctional facility,
20 including salaries, support, maintenance, and miscellaneous
21 purposes:
22 ..... $ ~~29,275,062~~
23 59,132,786
24 d. For the operation of the Newton correctional facility,
25 including salaries, support, maintenance, and miscellaneous
26 purposes:
27 ..... $ ~~13,563,645~~
28 27,464,108
29 e. For the operation of the Mt. Pleasant correctional
30 facility, including salaries, support, maintenance, and
31 miscellaneous purposes:
32 ..... $ ~~12,405,714~~
33 24,982,135
34 f. For the operation of the Rockwell City correctional
35 facility, including salaries, support, maintenance, and

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1 miscellaneous purposes:
2 ..... $ ~~4,835,574~~
3 9,728,353
4 g. For the operation of the Clarinda correctional facility,
5 including salaries, support, maintenance, and miscellaneous
6 purposes:
7 ..... $ ~~12,620,808~~
8 25,717,430
9 Moneys received by the department of corrections as
10 reimbursement for services provided to the Clarinda youth
11 corporation are appropriated to the department and shall be
12 used for the purpose of operating the Clarinda correctional
13 facility.
14 h. For the operation of the Mitchellville correctional
15 facility, including salaries, support, maintenance, and
16 miscellaneous purposes:
17 ..... $ ~~10,802,018~~
18 21,937,970
19 i. For the operation of the Fort Dodge correctional
20 facility, including salaries, support, maintenance, and
21 miscellaneous purposes:
22 ..... $ ~~14,932,616~~
23 29,989,648
24 j. For reimbursement of counties for temporary confinement
25 of work release and parole violators, as provided in sections
26 901.7, 904.908, and 906.17, and for offenders confined pursuant
27 to section 904.513:
28 ..... $ ~~537,546~~
29 1,075,092
30 k. For federal prison reimbursement, reimbursements for
31 out-of-state placements, and miscellaneous contracts:
32 ..... $ ~~242,206~~
33 484,411
34 2. The department of corrections shall use moneys
35 appropriated in subsection 1 to continue to contract for the

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1 services of a Muslim imam and a Native American spiritual
2 leader.
3 Sec. 6. 2013 Iowa Acts, chapter 139, section 22, is amended
4 to read as follows:
5 SEC. 22. DEPARTMENT OF CORRECTIONS —— ADMINISTRATION.
6 There is appropriated from the general fund of the state to the
7 department of corrections for the fiscal year beginning July
8 1, 2014, and ending June 30, 2015, the following amounts, or
9 so much thereof as is necessary, to be used for the purposes
10 designated:
11 1. For general administration, including salaries, support,
12 maintenance, employment of an education director to administer
13 a centralized education program for the correctional system,
14 and miscellaneous purposes:
15 ..... $ ~~2,540,791~~
16 5,270,010
17 a. It is the intent of the general assembly that each
18 lease negotiated by the department of corrections with a
19 private corporation for the purpose of providing private
20 industry employment of inmates in a correctional institution
21 shall prohibit the private corporation from utilizing inmate
22 labor for partisan political purposes for any person seeking
23 election to public office in this state and that a violation
24 of this requirement shall result in a termination of the lease
25 agreement.
26 b. It is the intent of the general assembly that as a
27 condition of receiving the appropriation provided in this
28 subsection the department of corrections shall not enter into
29 a lease or contractual agreement pursuant to section 904.809
30 with a private corporation for the use of building space for
31 the purpose of providing inmate employment without providing
32 that the terms of the lease or contract establish safeguards to
33 restrict, to the greatest extent feasible, access by inmates
34 working for the private corporation to personal identifying
35 information of citizens.

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2. For educational programs for inmates at state penal institutions:

..... $ ~~1,304,055~~
2,608,109

a. To maximize the funding for educational programs, the department shall establish guidelines and procedures to prioritize the availability of educational and vocational training for inmates based upon the goal of facilitating an inmate's successful release from the correctional institution.

b. The director of the department of corrections may transfer moneys from Iowa prison industries and the canteen operating funds established pursuant to section 904.310, for use in educational programs for inmates.

c. Notwithstanding section 8.33, moneys appropriated in this subsection that remain unobligated or unexpended at the close of the fiscal year shall not revert but shall remain available to be used only for the purposes designated in this subsection until the close of the succeeding fiscal year.

3. For the development of the Iowa corrections offender network (ICON) data system:

..... $ ~~1,000,000~~
2,000,000

4. For offender mental health and substance abuse treatment:

..... $ ~~11,160~~
22,319

~~5. For viral hepatitis prevention and treatment:~~

~~..... $ 83,941~~

~~6. For operations costs and miscellaneous purposes:~~

~~..... $ 1,285,655~~

7. It is the intent of the general assembly that for the fiscal year addressed by this section the department of corrections shall continue to operate the correctional farms under the control of the department at the same or greater level of participation and involvement as existed as of January

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1 1, 2011; shall not enter into any rental agreement or contract
2 concerning any farmland under the control of the department
3 that is not subject to a rental agreement or contract as of
4 January 1, 2011, without prior legislative approval; and
5 shall further attempt to provide job opportunities at the
6 farms for inmates. The department shall attempt to provide
7 job opportunities at the farms for inmates by encouraging
8 labor-intensive farming or gardening where appropriate; using
9 inmates to grow produce and meat for institutional consumption;
10 researching the possibility of instituting food canning
11 and cook-and-chill operations; and exploring opportunities
12 for organic farming and gardening, livestock ventures,
13 horticulture, and specialized crops.
14 Sec. 7. 2013 Iowa Acts, chapter 139, section 23, is amended
15 to read as follows:
16 SEC. 23. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
17 SERVICES.
18 1. There is appropriated from the general fund of the state
19 to the department of corrections for the fiscal year beginning
20 July 1, 2014, and ending June 30, 2015, for salaries, support,
21 maintenance, and miscellaneous purposes, the following amounts,
22 or so much thereof as is necessary, to be allocated as follows:
23 a. For the first judicial district department of
24 correctional services:
25 ..... $ ~~7,049,543~~
26 14,653,677
27 b. For the second judicial district department of
28 correctional services:
29 ..... $ ~~5,435,213~~
30 11,098,361
31 c. For the third judicial district department of
32 correctional services:
33 ..... $ ~~3,552,933~~
34 7,241,257
35 d. For the fourth judicial district department of

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1 correctional services:
2 ..... $ ~~2,747,655~~
3 5,608,005
4 e. For the fifth judicial district department of
5 correctional services, including funding for electronic
6 monitoring devices for use on a statewide basis:
7 ..... $ ~~9,687,714~~
8 19,817,516
9 f. For the sixth judicial district department of
10 correctional services:
11 ..... $ ~~7,319,269~~
12 14,833,623
13 g. For the seventh judicial district department of
14 correctional services:
15 ..... $ ~~3,804,891~~
16 7,745,173
17 h. For the eighth judicial district department of
18 correctional services:
19 ..... $ ~~4,103,307~~
20 8,133,194
21 2. Each judicial district department of correctional
22 services, within the funding available, shall continue programs
23 and plans established within that district to provide for
24 intensive supervision, sex offender treatment, diversion of
25 low-risk offenders to the least restrictive sanction available,
26 job development, and expanded use of intermediate criminal
27 sanctions.
28 3. Each judicial district department of correctional
29 services shall provide alternatives to prison consistent with
30 chapter 901B. The alternatives to prison shall ensure public
31 safety while providing maximum rehabilitation to the offender.
32 A judicial district department of correctional services may
33 also establish a day program.
34 4. The governor's office of drug control policy shall
35 consider federal grants made to the department of corrections

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1 for the benefit of each of the eight judicial district
2 departments of correctional services as local government
3 grants, as defined pursuant to federal regulations.
4 5. The department of corrections shall continue to contract
5 with a judicial district department of correctional services to
6 provide for the rental of electronic monitoring equipment which
7 shall be available statewide.
8 Sec. 8. 2013 Iowa Acts, chapter 139, section 28, is amended
9 to read as follows:
10 SEC. 28. IOWA LAW ENFORCEMENT ACADEMY.
11 1. There is appropriated from the general fund of the
12 state to the Iowa law enforcement academy for the fiscal year
13 beginning July 1, 2014, and ending June 30, 2015, the following
14 amount, or so much thereof as is necessary, to be used for the
15 purposes designated:
16 For salaries, support, maintenance, and miscellaneous
17 purposes, including jailer training and technical assistance~~,~~
18 ~~and for not more than the following full-time equivalent~~
19 ~~positions~~:
20 ..... $ ~~500,849~~
21 1,003,214
22 ~~..... FTEs 23.88~~
23 It is the intent of the general assembly that the Iowa law
24 enforcement academy may provide training of state and local
25 law enforcement personnel concerning the recognition of and
26 response to persons with Alzheimer's disease.
27 The Iowa law enforcement academy may temporarily exceed and
28 draw more than the amount appropriated in this subsection and
29 incur a negative cash balance as long as there are receivables
30 equal to or greater than the negative balance and the amount
31 appropriated in this subsection is not exceeded at the close
32 of the fiscal year.
33 2. The Iowa law enforcement academy may select at least
34 five automobiles of the department of public safety, division
35 of state patrol, prior to turning over the automobiles to

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1 the department of administrative services to be disposed
2 of by public auction, and the Iowa law enforcement academy
3 may exchange any automobile owned by the academy for each
4 automobile selected if the selected automobile is used in
5 training law enforcement officers at the academy. However, any
6 automobile exchanged by the academy shall be substituted for
7 the selected vehicle of the department of public safety and
8 sold by public auction with the receipts being deposited in the
9 depreciation fund to the credit of the department of public
10 safety, division of state patrol.
11 Sec. 9. 2013 Iowa Acts, chapter 139, section 29, is amended
12 to read as follows:
13 SEC. 29. STATE PUBLIC DEFENDER. There is appropriated from
14 the general fund of the state to the office of the state public
15 defender of the department of inspections and appeals for the
16 fiscal year beginning July 1, 2014, and ending June 30, 2015,
17 the following amounts, or so much thereof as is necessary, to
18 be allocated as follows for the purposes designated:
19 1. For salaries, support, maintenance, and miscellaneous
20 purposes~~, and for not more than the following full-time~~
21 ~~equivalent positions~~:
22 ..... $ ~~12,931,091~~
23 25,882,243
24 ~~..... FTEs 219.00~~
25 2. For payments on behalf of eligible adults and juveniles
26 from the indigent defense fund, in accordance with section
27 815.11:
28 ..... $ ~~14,950,965~~
29 29,901,929
30 Sec. 10. 2013 Iowa Acts, chapter 139, section 30, is amended
31 to read as follows:
32 SEC. 30. BOARD OF PAROLE. There is appropriated from the
33 general fund of the state to the board of parole for the fiscal
34 year beginning July 1, 2014, and ending June 30, 2015, the
35 following amount, or so much thereof as is necessary, to be

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1 used for the purposes designated:
2 For salaries, support, maintenance, and miscellaneous
3 purposes~~, and for not more than the following full-time~~
4 ~~equivalent positions~~:
5 ..... $ ~~601,918~~
6 1,204,583
7 ~~..... FTEs 11.00~~
8 Sec. 11. 2013 Iowa Acts, chapter 139, section 31, is amended
9 to read as follows:
10 SEC. 31. DEPARTMENT OF PUBLIC DEFENSE. There is
11 appropriated from the general fund of the state to the
12 department of public defense for the fiscal year beginning July
13 1, 2014, and ending June 30, 2015, the following amounts, or
14 so much thereof as is necessary, to be used for the purposes
15 designated:
16 1. MILITARY DIVISION
17 For salaries, support, maintenance, and miscellaneous
18 purposes~~, and for not more than the following full-time~~
19 ~~equivalent positions~~:
20 ..... $ ~~3,263,521~~
21 6,554,478
22 ~~..... FTEs 293.61~~
23 The military division may temporarily exceed and draw more
24 than the amount appropriated in this subsection and incur a
25 negative cash balance as long as there are receivables of
26 federal funds equal to or greater than the negative balance and
27 the amount appropriated in this subsection is not exceeded at
28 the close of the fiscal year.
29 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION OR
30 SUCCESSOR AGENCY
31 For salaries, support, maintenance, and miscellaneous
32 purposes~~, and for not more than the following full-time~~
33 ~~equivalent positions~~:
34 ..... $ ~~1,087,139~~
35 2,629,623

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~~..... FTEs 37.40~~

a. The homeland security and emergency management division or successor agency may temporarily exceed and draw more than the amount appropriated in this subsection and incur a negative cash balance as long as there are receivables of federal funds equal to or greater than the negative balance and the amount appropriated in this subsection is not exceeded at the close of the fiscal year.

b. It is the intent of the general assembly that the homeland security and emergency management division or successor agency work in conjunction with the department of public safety, to the extent possible, when gathering and analyzing information related to potential domestic or foreign security threats, and when monitoring such threats.

Sec. 12. 2013 Iowa Acts, chapter 139, section 32, is amended to read as follows:

SEC. 32. DEPARTMENT OF PUBLIC SAFETY. There is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the department´s administrative functions, including the criminal justice information system~~, and for not more than the following full-time equivalent positions~~:

..... $ ~~2,033,527~~
4,183,349

~~..... FTEs 39.00~~

2. For the division of criminal investigation, including the state´s contribution to the peace officers´ retirement, accident, and disability system provided in chapter 97A in the amount of the state´s normal contribution rate, as defined in section 97A.8, multiplied by the salaries for which the moneys are appropriated, to meet federal fund matching requirements~~, and for not more than the following full-time equivalent positions~~:

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1 ..... $ ~~6,466,707~~
2 13,625,414
3 ~~..... FTEs 149.60~~
4 3. For the criminalistics laboratory fund created in
5 section 691.9:
6 ..... $ ~~151,173~~
7 302,345
8 4. a. For the division of narcotics enforcement, including
9 the state's contribution to the peace officers' retirement,
10 accident, and disability system provided in chapter 97A in the
11 amount of the state's normal contribution rate, as defined in
12 section 97A.8, multiplied by the salaries for which the moneys
13 are appropriated, to meet federal fund matching requirements~~,~~
14 ~~and for not more than the following full-time equivalent~~
15 ~~positions~~:
16 ..... $ ~~3,377,928~~
17 6,919,855
18 ~~..... FTEs 66.00~~
19 b. For the division of narcotics enforcement for undercover
20 purchases:
21 ..... $ ~~54,521~~
22 109,042
23 5. For the division of state fire marshal, for fire
24 protection services as provided through the state fire service
25 and emergency response council as created in the department,
26 and for the state's contribution to the peace officers'
27 retirement, accident, and disability system provided in chapter
28 97A in the amount of the state's normal contribution rate,
29 as defined in section 97A.8, multiplied by the salaries for
30 which the moneys are appropriated~~, and for not more than the~~
31 ~~following full-time equivalent positions~~:
32 ..... $ ~~2,235,278~~
33 4,590,556
34 ~~..... FTEs 53.00~~
35 6. For the division of state patrol, for salaries, support,

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maintenance, workers' compensation costs, and miscellaneous purposes, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of the state's normal contribution rate, as defined in section 97A.8, multiplied by the salaries for which the moneys are appropriated~~, and for not more than the following full-time equivalent positions~~:

..... $ ~~27,768,104~~
56,698,208

~~..... FTEs 494.47~~

It is the intent of the general assembly that members of the state patrol be assigned to patrol the highways and roads in lieu of assignments for inspecting school buses for the school districts.

~~7. For operations costs, and miscellaneous purposes:~~

~~..... $ 850,000~~

8. For deposit in the sick leave benefits fund established under section 80.42 for all departmental employees eligible to receive benefits for accrued sick leave under the collective bargaining agreement:

..... $ ~~139,759~~
279,517

9. For costs associated with the training and equipment needs of volunteer fire fighters:

..... $ ~~362,760~~
825,520

a. Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure only for the purpose designated in this subsection until the close of the succeeding fiscal year.

b. Notwithstanding section 8.39, the department of public safety may reallocate moneys appropriated in this section as necessary to best fulfill the needs provided for in the appropriation. However, the department shall not reallocate

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moneys appropriated to the department in this section unless notice of the reallocation is given to the legislative services agency and the department of management prior to the effective date of the reallocation. The notice shall include information regarding the rationale for reallocating the moneys. The department shall not reallocate moneys appropriated in this section for the purpose of eliminating any program.

10. For the public safety interoperable and broadband communications fund established in section 80.44:
..... $ 154,661

Sec. 13. 2013 Iowa Acts, chapter 139, section 33, is amended to read as follows:

SEC. 33. GAMING ENFORCEMENT.

1. There is appropriated from the gaming enforcement revolving fund created in section 80.43 to the department of public safety for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For any direct support costs for agents and officers of the division of criminal investigation's excursion gambling boat, gambling structure, and racetrack enclosure enforcement activities, including salaries, support, maintenance, and miscellaneous purposes~~, and for not more than the following full-time equivalent positions~~:
..... $ ~~5,449,004~~
10,898,008
~~..... FTEs 115.00~~

2. For each additional license to conduct gambling games on an excursion gambling boat, gambling structure, or racetrack enclosure issued during the fiscal year beginning July 1, 2014, there is appropriated from the gaming enforcement fund to the department of public safety for the fiscal year beginning July 1, 2014, and ending June 30, 2015, an additional amount of not more than $300,000 to be used for not more than 3.00 additional full-time equivalent positions.

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3. The department of public safety, with the approval of the department of management, may employ no more than three special agents for each additional riverboat or gambling structure regulated after July 1, 2014, and three special agents for each racing facility which becomes operational during the fiscal year which begins July 1, 2014. Positions authorized in this subsection are in addition to the full-time equivalent positions otherwise authorized in this section.

Sec. 14. 2013 Iowa Acts, chapter 139, section 34, is amended to read as follows:

SEC. 34. CIVIL RIGHTS COMMISSION. There is appropriated from the general fund of the state to the Iowa state civil rights commission for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes~~, and for not more than the following full-time equivalent positions~~:

..... $ ~~648,535~~
1,169,540
~~..... FTEs 28.00~~

The Iowa state civil rights commission may enter into a contract with a nonprofit organization to provide legal assistance to resolve civil rights complaints.

Sec. 15. 2013 Iowa Acts, chapter 139, section 35, is amended to read as follows:

SEC. 35. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION. There is appropriated from the general fund of the state to the criminal and juvenile justice planning division of the department of human rights for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous

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1 purposes~~, and for not more than the following full-time~~
2 ~~equivalent positions~~:
3 ..... $ ~~630,053~~
4 1,100,105
5 ~~..... FTEs 10.81~~
6 The criminal and juvenile justice planning advisory council
7 and the juvenile justice advisory council shall coordinate
8 their efforts in carrying out their respective duties relative
9 to juvenile justice.
10 EXPLANATION

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

13 This bill relates to appropriations to the justice system in
14 2013 Iowa Acts, chapter 139 (SF 447).
15 The bill makes appropriations from the general fund of
16 the state for FY 2014-2015 to the departments of justice,
17 corrections, public defense, and public safety, and the Iowa
18 law enforcement academy, office of the state public defender,
19 board of parole, Iowa state civil rights commission, and
20 the criminal and juvenile justice planning division of the
21 department of human rights.
22 The bill makes appropriations from the department of
23 commerce revolving fund to the office of consumer advocate of
24 the department of justice.
25 The bill makes appropriations from the gaming enforcement
26 revolving fund to the department of public safety.
27 The bill strikes specific appropriations to the department
28 of corrections for viral hepatitis prevention in the amount of
29 $83,941 and for operations, costs, and miscellaneous purposes
30 in the amount of $1,285,655.
31 The bill appropriates moneys from the general fund of the
32 state to the department of public safety for the public safety
33 interoperable and broadband communications fund established in
34 Code section 80.44.
35 The bill specifies that up to $500,000 of the moneys

S.F. _____ H.F. _____

1 appropriated to the department of corrections for the operation
2 of Fort Madison for FY 2013-2014 may be used for the remodel
3 of the relocated John Bennett facility and the demolition of
4 the existing farm bunkhouse adjacent to the newly constructed
5 Fort Madison correctional facility. The bill allows the
6 moneys designated for the remodel or demolition that remain
7 unencumbered or unobligated to remain available to be used for
8 such purposes until the close of FY 2014-2015. The provision
9 takes effect upon enactment.

Senate Study Bill 3186 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON WILHELM)

A BILL FOR

1 An Act relating to fees charged for the services of a lawful
2 custodian in examining and copying public records.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5756SC (1) 85
rh/rj

S.F. _____

1 Section 1. Section 22.1, subsection 3, paragraph a, Code
2 2014, is amended to read as follows:
3 *a.* As used in this chapter, *"public records"* includes all
4 records, documents, tape, or other information, stored or
5 preserved in any medium and in the format typically used by the
6 government body, of or belonging to this state or any county,
7 city, township, school corporation, political subdivision,
8 nonprofit corporation other than a fair conducting a fair event
9 as provided in chapter 174, whose facilities or indebtedness
10 are supported in whole or in part with property tax revenue
11 and which is licensed to conduct pari-mutuel wagering pursuant
12 to chapter 99D, or tax-supported district in this state, or
13 any branch, department, board, bureau, commission, council, or
14 committee of any of the foregoing.
15 Sec. 2. Section 22.3, subsection 2, Code 2014, is amended
16 to read as follows:
17 2. All expenses of the examination and copying shall be paid
18 by the person desiring to examine or copy.
19 *a.* The lawful custodian may charge a reasonable fee for the
20 services of the lawful custodian or the custodian's authorized
21 designee in supervising the examination and copying of the
22 records as provided in paragraph *"b"*. If copy equipment is
23 available at the office of the lawful custodian of any public
24 records, the lawful custodian shall provide any person a
25 reasonable number of copies of any public record in the custody
26 of the office upon the payment of a fee.
27 *b.* (1) The fee for the examination and copying service
28 requested by a resident of this state, as determined by the
29 lawful custodian, shall not exceed the actual cost of providing
30 the service. Actual costs shall include only those expenses
31 directly attributable to supervising the examination of and
32 making and providing copies of public records. Actual costs
33 shall not include charges for ordinary expenses or costs such
34 as employment benefits, depreciation, maintenance, electricity,
35 or insurance associated with the administration of the office

S.F. _____

1 of the lawful custodian.
2 (2) The nonresident fee for the examination and copying
3 service requested by a nonresident of this state, as determined
4 by the lawful custodian, shall be based upon a reasonable fee
5 for expenses attributable to supervising the examination of
6 and making and providing copies of public records, which shall
7 include but not be limited to the actual costs as provided in
8 subparagraph (1).
9 *c.* A lawful custodian is not required to reformat a public
10 record to suit the needs of a person desiring to examine
11 or copy the record under this section. However, a lawful
12 custodian may elect to reformat a public record and may charge
13 the person reformatting costs which may include but are not
14 limited to any fees charged by a nongovernment body to reformat
15 the public record.
16 *d.* For purposes of this section:
17 (1) *"Nonresident"* means an individual or business entity who
18 is not a resident as defined in subparagraph (2).
19 (2) *"Resident"* means either of the following:
20 (a) For an individual, the place which the individual
21 declares is the individual's home with the intent to remain
22 there permanently or for a definite, or indefinite or
23 indeterminable length of time.
24 (b) For a business entity, a partnership, firm,
25 association, corporation, sole proprietorship, or other
26 business concern, formed under and governed by the laws of this
27 state, as evidenced at the request of the lawful custodian by a
28 certificate of existence from the office of the secretary of
29 state dated within the last three months prior to making the
30 public record request.
31 EXPLANATION

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

34 This bill relates to fees charged for the services of a
35 lawful custodian in examining and copying public records.

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1 Under current law, a lawful custodian may charge a
2 reasonable fee for expenses associated with the lawful
3 custodian's services in the examination and copying of a public
4 record, but those fees are limited to actual costs directly
5 attributable to the custodian's examination and copying costs.
6 The bill provides that fees charged for a resident public
7 record request relating to the services of a lawful custodian
8 in examining and copying a public record are limited to the
9 actual costs as provided under current law, but that fees
10 charged for a nonresident public record request shall be
11 based upon a reasonable fee for expenses attributable to the
12 examination and copying of the public record, which shall
13 include but not be limited to actual costs.
14 The bill provides that a lawful custodian is not required
15 to reformat a public record to suit the needs of a person
16 desiring to examine or copy the record under this Code section.
17 However, a lawful custodian may elect to reformat a public
18 record and may charge the person reformatting costs which
19 may include but are not limited to any fees charged by a
20 nongovernment body to reformat the public record. The bill
21 makes a conforming change in the definition of public records.
22 The bill provides definitions of resident and nonresident
23 for purposes of the bill.

Senate Study Bill 3187 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON WILHELM)

A BILL FOR

1 An Act relating to the disposal of property by cities and
2 including applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6161XC (3) 85
md/sc

S.F. _____

1 Section 1. Section 174.15, subsection 2, Code 2014, is
2 amended to read as follows:
3 2. Notwithstanding section 364.7, subsection ~~3~~ 1, paragraph
4 *"c"*, a city may dispose of real property by gift to a fair.
5 Sec. 2. Section 364.7, Code 2014, is amended to read as
6 follows:
7 **364.7 Disposal of property.**
8 1. A city may not dispose of an interest in real property
9 with a market value in excess of ten thousand dollars by sale,
10 lease for a term of more than three years, or gift, except in
11 accordance with the following procedure:
12 ~~1.~~ *a.* The council shall set forth its proposal in a
13 resolution and shall publish notice as provided in section
14 362.3, of the resolution and of a date, time and place of a
15 public hearing on the proposal.
16 ~~2.~~ *b.* After the public hearing, the council may make a
17 final determination on the proposal by resolution.
18 ~~3.~~ *c.* A city may not dispose of real property by gift
19 except to a governmental body for a public purpose or to a
20 nonprofit entity that is exempt from federal income taxation
21 pursuant to section 501(c)(3) of the Internal Revenue Code for
22 use by the nonprofit entity in providing affordable housing.
23 2. For purposes of this section, unless the type of interest
24 in the real property is not required to be assessed or have a
25 value ascribed to it by the assessor, *"market value"* means the
26 most recent actual value as determined by the assessor under
27 section 441.21.
28 Sec. 3. Section 364.12A, Code 2014, is amended to read as
29 follows:
30 **364.12A Condemnation of residential buildings — public**
31 **purpose.**
32 For the purposes of section 6A.4, subsection 6, a city may
33 condemn a residential building found to be a public nuisance
34 and take title to the property for the public purpose of
35 disposing of the property under section 364.7 by conveying the

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1 property to a private individual or a nonprofit entity for
2 rehabilitation or for demolition and construction of housing.
3 Sec. 4. APPLICABILITY. This Act applies to interests in
4 real property disposed of by a city on or after July 1, 2014.
5 EXPLANATION

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

8 Current Code section 364.7 provides that a city may not
9 dispose of an interest in real property by sale, lease for a
10 term of more than three years, or gift, except in accordance
11 with a procedure that includes publication of the proposal to
12 sell, lease, or gift the property and after a public hearing on
13 the proposal.
14 This bill provides that the procedure of publication and
15 public hearing shall only apply to the city's disposition of
16 an interest in real property with a market value in excess
17 of $10,000. The bill also provides that unless the type of
18 interest in the real property is not required to be assessed
19 or have a value ascribed to it by the assessor, "market
20 value" means the most recent actual value as determined by the
21 assessor for purposes of property taxation.
22 Current Code section 364.7 also provides that a city may not
23 dispose of real property by gift except to a governmental body
24 for a public purpose. The bill authorizes a city to dispose
25 of real property by gift to a nonprofit entity for use in
26 providing affordable housing.
27 The bill also amends Code section 364.12A relating to the
28 disposal of property found to be a nuisance and acquired by
29 condemnation to provide for the disposal of such property
30 to a nonprofit entity for rehabilitation or for demolition
31 and construction of housing. Code section 364.12A currently
32 provides for the disposal of such property acquired by
33 condemnation to a private individual for such purposes.
34 The bill applies to interests in real property disposed of by
35 a city on or after July 1, 2014.

Senate Study Bill 3188 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON HOGG)

A BILL FOR

1 An Act relating to the county attorney court debt collection
2 program.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6159SC (2) 85
lh/sc

S.F. _____

1 Section 1. Section 602.8107, subsection 4, paragraph f,
2 Code 2014, is amended to read as follows:
3 *f.* Beginning July 1, 2010, and every fiscal year thereafter,
4 amounts collected and distributed pursuant to this subsection
5 shall be equal to or greater than twenty-five thousand
6 dollars for each county or twenty-five thousand dollars in the
7 aggregate for counties that have entered into an agreement
8 pursuant to chapter 28E. If a county, or counties that
9 have entered into a chapter 28E agreement, fails to meet the
10 minimum threshold established in this paragraph, the county, or
11 counties under the chapter 28E agreement, shall be ineligible
12 to participate in the county attorney collection program the
13 following fiscal year. In the event a county is ineligible to
14 collect under this program, the county may apply to the state
15 debt coordinator ~~established in section 421C.1~~ to reenter the
16 program following the fiscal year of ineligibility.
17 Sec. 2. Section 602.8107, subsection 4, paragraph g, Code
18 2014, is amended by striking the paragraph.
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 strikes a reference to a Code section in former
23 Code chapter 421C in which the state debt coordinator was
24 established in language establishing a mechanism for a county
25 to reenter the county attorney court debt collection program
26 after a period of ineligibility. Code chapter 421C was
27 repealed January 1, 2014, pursuant to its own terms.
28 The bill also strikes language that requires a county that
29 participates in the county attorney court debt collection
30 program to file an annual report with the state debt
31 coordinator as established in former Code chapter 421C.

Senate Study Bill 3189 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON HOGG)

A BILL FOR

1 An Act relating to dissemination by a young person of material
2 depicting a sex act or nudity and sexual exploitation of a
3 minor.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6164SC (2) 85
jm/rj

S.F. _____

1 Section 1. NEW SECTION. **728.2A Dissemination by young**
2 **persons of material depicting a sex act or nudity.**
3 1. Any person fourteen through eighteen years of age who
4 knowingly disseminates to another person fourteen through
5 eighteen years of age material depicting either or both
6 persons, one of whom is a minor, engaged in a sex act or in a
7 state of full or partial nudity, as defined in section 709.21,
8 commits a simple misdemeanor.
9 2. A person convicted under this section shall not be
10 required to register as a sex offender under chapter 692A.
11 Sec. 2. Section 728.12, Code 2014, is amended by adding the
12 following new subsection:
13 NEW SUBSECTION. 5. A violation of this section does not
14 apply to a person fourteen through eighteen years of age if all
15 of the following circumstances apply:
16 *a.* The material was disseminated to a person fourteen
17 through eighteen years of age.
18 *b.* The material depicts the sender, recipient, or both, one
19 of whom is a minor, engaged in a prohibited sex act or in the
20 simulation of a prohibited sex act.
21 *c.* The material was knowingly created with the consent of
22 the persons depicted.
23 *d.* The sender of the material knows or reasonably believes
24 the material would not be offensive to the recipient of the
25 material.
26 *e.* The person does not further disseminate or exhibit the
27 material if the material depicts another person.
28 EXPLANATION

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

31 This bill relates to dissemination by a young person
32 of material depicting a sex act or nudity and to sexual
33 exploitation of a minor.
34 The bill grants discretion to a prosecutor to charge a person
35 14 through 18 years of age with a simple misdemeanor under

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1 new Code section 708.2A, for disseminating to another person
2 14 through 18 years of age material depicting either or both
3 persons, one of whom is a minor, engaged in a sex act or in
4 a state of full or partial nudity. A person convicted under
5 new Code section 708.2A is not required to register as a sex
6 offender and is not subject to a special sentence.
7 Under current law, it is a serious misdemeanor to knowingly
8 disseminate obscene material to a minor, and such a conviction
9 requires the person to register as a sex offender.
10 A sex act is defined in Code section 728.1 to mean any
11 sexual contact, actual or simulated, either natural or deviant,
12 between two or more persons, or between a person and an animal,
13 by penetration of the penis into the vagina or anus, or by
14 contact between the mouth or tongue and genitalia or anus, or
15 by contact between a finger of one person and the genitalia
16 of another person or by use of artificial sexual organs or
17 substitutes therefore in contact with the genitalia or anus.
18 Full or partial nudity is defined to mean the showing of any
19 part of the human genitals or pubic area or buttocks, or any
20 part of the nipple of the breast of a female, with less than
21 fully opaque covering.
22 Under the bill a person 14 through 18 years of age is not
23 guilty of sexual exploitation of a minor pursuant to Code
24 section 728.12 if all the following circumstances apply: the
25 material was disseminated to a person 14 through 18 years of
26 age; the material depicts the sender, recipient, or both, one
27 of whom is a minor, engaged in a prohibited sex act or in the
28 simulation of a prohibited sex act; the material was knowingly
29 created with the consent of the persons depicted; the sender of
30 the material knows or reasonably believes the material would
31 not be offensive to the recipient of the material; and the
32 person does not further disseminate or exhibit the material if
33 the material depicts another person.
34 A person who commits sexual exploitation of a minor commits
35 an aggravated misdemeanor up to a class "C" felony, depending

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1 on the facts and circumstances of the particular offense. The
2 person is also required to register as a sex offender under
3 Code chapter 692A and is subject to a special sentence as
4 provided in Code chapter 903B.

Senate Study Bill 3190 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON HOGG)

A BILL FOR

1 An Act relating to statutory corrections which may adjust
2 language to reflect current practices, insert earlier
3 omissions, delete redundancies and inaccuracies, delete
4 temporary language, resolve inconsistencies and conflicts,
5 update ongoing provisions, or remove ambiguities and
6 providing effective and applicability dates.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5493SC (8) 85
lh/nh

S.F. _____

DIVISION I
MISCELLANEOUS CHANGES

Section 1. Section 2C.16, subsection 3, Code 2014, is amended to read as follows:

3. If the ombudsman believes that a law resulted in an administrative action ~~has occurred because of laws of~~ which ~~results are~~ is unfair or otherwise objectionable, the ombudsman shall notify the general assembly concerning desirable statutory change.

Sec. 2. Section 6B.4, Code 2014, is amended to read as follows:

6B.4 Commission to assess damages.

1. Annually the board of supervisors of a county shall appoint not less than twenty-eight residents of the county and the names of such persons shall be placed on a list and they shall be eligible to serve as members of a compensation commission. One-fourth of the persons appointed shall be owner-operators of agricultural property, one-fourth of the persons appointed shall be owners of city property, one-fourth shall be licensed real estate salespersons or real estate brokers, and one-fourth shall be persons having knowledge of property values in the county by reason of their occupation, such as bankers, auctioneers, property managers, property appraisers, and persons responsible for making loans on property.

2. *a.* The chief judge of the judicial district or the chief judge's designee shall select by lot six persons from the list, ~~two~~ who shall constitute a compensation commission to assess the damages to all property to be taken by the applicant and located in the county, as follows:

(1) Two persons who are owner-operators of agricultural property when the property to be condemned is agricultural property~~; two~~.

(2) Two persons who are owners of city property when the property to be condemned is other than agricultural property~~;~~

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1 ~~and two~~.
2 (3) Two persons from each of the remaining two
3 representative groups~~, who shall constitute a compensation~~
4 ~~commission to assess the damages to all property to be taken~~
5 ~~by the applicant and located in the county, and shall name a~~
6 ~~chairperson from the persons selected~~.
7 *b.* The chief judge or the judge's designee shall name a
8 chairperson from the persons selected and may appoint such
9 alternate members and chairpersons to the commission as are
10 deemed necessary and appropriate under the circumstances. A
11 person shall not be selected as a member or alternate member
12 of the compensation commission if the person possesses any
13 interest in the proceeding which would cause the person to
14 render a biased decision. The applicant shall mail a copy
15 of the list of commissioners and alternates appointed by the
16 chief judge by certified mail to the property owner at the
17 owner's last known address. The applicant shall also cause
18 the list of commissioners and alternates to be published once
19 in a newspaper of general circulation in the county, not less
20 than four nor more than twenty days before the meeting of
21 the compensation commission to assess the damages. Service
22 of the list of commissioners and alternates by publication
23 shall be deemed complete on the day of publication. In
24 lieu of mailing and publishing the list of commissioners and
25 alternates, the applicant may cause the list to be served upon
26 the owner of the property in the manner provided by the Iowa
27 rules of civil procedure for the personal service of original
28 notice. The list of commissioners and alternates shall be
29 mailed and published or served, as above provided, prior to or
30 contemporaneously with service of the notice of assessment as
31 provided in section 6B.8.
32 3. Written instructions for members of compensation
33 commissions shall be prepared under the direction of the chief
34 justice of the supreme court and distributed to the sheriff
35 in each county. The sheriff shall transmit copies of the

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instructions to each member of a compensation commission, and such instructions shall be read aloud to each commission before it commences its duties.

Sec. 3. Section 6B.37, Code 2014, is amended to read as follows:

6B.37 Form of record — certificate.

~~Said~~ The papers described in sections 6B.35 and 6B.36 shall be securely fastened together, arranged in the order named ~~above~~ in those sections, and be accompanied by a certificate of the officer filing the papers that the papers are true and correct copies of the original files in the proceedings and that the statements accompanying the papers are true.

Sec. 4. Section 6B.40, Code 2014, is amended to read as follows:

6B.40 Failure to record — liability.

Any sheriff, or clerk of the district court, as the case may be, who fails to present ~~said~~ the required papers, statements, and certificate for record, and any recorder who fails to record the same as ~~above~~ provided in section 6B.38 shall be liable for all damages caused by such failure.

Sec. 5. Section 7C.12, subsection 2, paragraph a, Code 2014, is amended to read as follows:

a. Shall promulgate rules which are necessary or expedient to carry out the intent and purposes of ~~the private activity bond allocation Act~~ this chapter.

Sec. 6. Section 9I.3, subsection 3, paragraph d, subparagraphs (5) and (6), Code 2014, are amended to read as follows:

~~(5) Reserved.~~

~~(6)~~ (5) Effective July 1, 2001, a nonresident alien, foreign business, or foreign government or an agent, trustee, or fiduciary of the alien, business, or government shall not~~, except as provided in subparagraph (5),~~ acquire or hold agricultural land used for the primary purpose of testing, developing, or producing animals.

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1 Sec. 7. Section 12C.16, subsection 1, paragraph b,
2 subparagraph (1), subparagraph division (d), Code 2014, is
3 amended to read as follows:
4 (d) To the extent of the guarantee, loans, obligations,
5 or nontransferable letters of credit upon which the payment
6 of principal and interest is fully secured or guaranteed by
7 the United States of America or an agency or instrumentality
8 of the United States of America ~~or the United States central~~
9 ~~credit union~~, a corporate central credit union organized
10 under section 533.213, or a corporate credit union whose
11 activities are subject to regulation by the national credit
12 union administration, and the rating of any one of such credit
13 unions remains within the two highest classifications of prime
14 established by at least one of the standard rating services
15 approved by the superintendent of banking by rule pursuant to
16 chapter 17A. The treasurer of state shall adopt rules pursuant
17 to chapter 17A to implement this section.
18 Sec. 8. Section 12C.17, subsection 1, paragraph c, Code
19 2014, is amended to read as follows:
20 *c.* The securities shall be deposited with the federal
21 reserve bank, the federal home loan bank of Des Moines, Iowa,
22 ~~or the United States central credit union,~~ a corporate central
23 credit union organized under section 533.213, or a corporate
24 credit union whose activities are subject to regulation by the
25 national credit union administration pursuant to a bailment
26 agreement or a pledge custody agreement.
27 Sec. 9. Section 12C.17, subsection 4, Code 2014, is amended
28 to read as follows:
29 4. Upon written request from the appropriate public
30 officer but not less than monthly, the federal reserve bank,
31 the federal home loan bank of Des Moines, Iowa, ~~the United~~
32 ~~States central credit union,~~ a corporate central credit union
33 organized under section 533.213, or a corporate credit union
34 whose activities are subject to regulation by the national
35 credit union administration shall report a description, the

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par value, and the market value of any pledged collateral by a credit union.

Sec. 10. Section 16.2, subsection 1, unnumbered paragraph 1, Code 2014, is amended to read as follows:

An Iowa finance authority board of directors is created. The powers of the authority are vested in and shall be exercised by the board. The ~~board~~ authority includes nine members appointed by the governor subject to confirmation by the senate.

Sec. 11. Section 16.197, Code 2014, is amended to read as follows:

16.197 Limitation of liability.

~~The~~ A member of the authority, a person acting on behalf of the authority while acting within the scope of their employment or agency, or the treasurer of state shall not be subject to personal liability resulting from carrying out the powers and duties of the authority or the treasurer, as applicable, in sections 16.193 through 16.196.

Sec. 12. Section 16.221, subsection 3, paragraph c, Code 2014, is amended to read as follows:

c. Obtain affordable operating capital~~, including as provided by section 175.35~~.

Sec. 13. Section 17A.4, subsection 3, paragraph c, Code 2014, is amended to read as follows:

c. If an objection to a rule is filed under this subsection, a copy of the objection, properly dated, shall be forwarded to the agency at the time of filing the objection. In any action contesting a rule or portion of a rule adopted pursuant to this subsection, the burden of proof shall be on the agency to show that the procedures of subsection 1 were impracticable, unnecessary, or contrary to the public interest ~~and that, if a category of rules was involved, the category was very narrowly tailored~~.

Sec. 14. Section 17A.4, subsection 5, Code 2014, is amended to read as follows:

5. ~~No~~ A rule ~~adopted after July 1, 1975,~~ is not valid unless

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adopted in substantial compliance with the ~~above~~ requirements of this section that are in effect at the time of adoption of the rule. However, a rule shall be conclusively presumed to have been made in compliance with all of the ~~above~~ procedural requirements of this section if it has not been invalidated on the grounds of noncompliance in a proceeding commenced within two years after its effective date.

Sec. 15. Section 17A.4, subsection 9, Code 2014, is amended to read as follows:

9. Upon the vote of two-thirds of its members, the administrative rules review committee, following notice of intended action as provided in subsection 1 and prior to adoption of a rule pursuant to that notice, may suspend further action relating to that notice for seventy days. Notice ~~of~~ that a notice of intended action ~~that~~ was suspended under this provision shall be published in the Iowa administrative code and bulletin.

Sec. 16. Section 23.6, subsection 6, Code 2014, is amended to read as follows:

6. ~~The board may examine~~ Examine, as deemed necessary by the board, a record of a governmental body or a government body that is the subject matter of a complaint, including any record that is confidential by law. Confidential records provided to the board by a governmental body or a government body shall continue to maintain their confidential status. Any member or employee of the board is subject to the same policies and penalties regarding the confidentiality of the document as an employee of the governmental body or ~~a~~ the government body.

Sec. 17. Section 23.9, Code 2014, is amended to read as follows:

23.9 Informal assistance.

After accepting a complaint, the board shall promptly work with the parties, through employees ~~on its own staff~~ of the board, to reach an informal, expeditious resolution of the complaint.

S.F. _____

1 Sec. 18. Section 24.13, Code 2014, is amended to read as
2 follows:
3 **24.13 Procedure by levying board.**
4 Any board which has the power to levy a tax without the same
5 first being certified to it, shall follow the same procedure
6 for hearings as is ~~hereinbefore~~ required of certifying boards
7 under this chapter.
8 Sec. 19. Section 28D.6, subsection 4, Code 2014, is amended
9 to read as follows:
10 4. Any employee of a sending agency assigned in this
11 state who suffers disability or death as a result of personal
12 injury arising out of and in the course of such assignment, or
13 sustained in the performance of duties in connection therewith,
14 shall be treated for the purpose of the receiving agency's
15 employee compensation program, as an employee, as defined in
16 such compensation program, who has sustained such injury in the
17 performance of such duty, but shall not receive benefits under
18 that compensation program for any period for which the employee
19 elects to receive similar benefits as an employee under the
20 sending agency's employee compensation program.
21 Sec. 20. Section 29A.50, Code 2014, is amended to read as
22 follows:
23 **29A.50 Immunity.**
24 The commanding officer and members of any of the military
25 forces engaged in the suppression of an insurrection,
26 assistance to civil authorities in emergencies, homeland
27 defense~~,~~ or security duties, or the enforcement of the laws,
28 shall have the same immunity as peace officers.
29 Sec. 21. Section 35D.2, subsection 1, Code 2014, is amended
30 to read as follows:
31 1. Persons described in section 35D.1 who are disabled by
32 disease, injury, or old age, and who meet the qualifications
33 for nursing or residential care, and who are unable to earn a
34 livelihood, and who are residents of the state of Iowa on the
35 date of the application and immediately preceding the date the

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1 application is accepted, may be admitted to the home as members
2 under rules adopted by the commission. The commission shall
3 adopt rules to emphasize the admission of homeless honorably
4 discharged veterans. Eligibility determinations are subject
5 to approval by the commandant.
6 Sec. 22. Section 80D.12, subsection 2, Code 2014, is amended
7 to read as follows:
8 2. For reserve ~~police~~ peace officers of a tribal government,
9 hospital and medical assistance and benefits shall be provided
10 by the tribal government to members of the reserve force who
11 sustain injury while performing official duties in the same
12 manner as for a regular peace officer of the tribal government.
13 Sec. 23. Section 89.3, subsection 8, Code 2014, is amended
14 to read as follows:
15 8. Inspections of unfired steam pressure vessels operating
16 in excess of fifteen pounds per square inch and low pressure
17 steam boilers shall be conducted at least once each calendar
18 year. The inspections conducted ~~over~~ within each two-year
19 period shall include an external inspection conducted while
20 the boiler is operating and an internal inspection, where
21 construction permits. No more than one inspection shall be
22 conducted ~~over a~~ per six-month period. An internal inspection
23 of an unfired steam pressure vessel or low pressure steam
24 boiler may be required at any time by the commissioner upon the
25 observation by an inspector of conditions, enumerated by the
26 commissioner through rules, warranting an internal inspection.
27 Sec. 24. Section 101.21, subsection 1, paragraph a, Code
28 2014, is amended to read as follows:
29 *a.* An aboveground tank which ~~complies with~~ meets any of the
30 following criteria:
31 (1) Has one thousand one hundred gallons or less capacity.
32 (2) Stores flammable liquids on a farm located outside the
33 limits of a city, if the aboveground tank has two thousand
34 gallons or less capacity.
35 (3) Stores combustible liquids on a farm located outside

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1 the limits of a city, if the aboveground tank has five thousand
2 gallons or less capacity.
3 Sec. 25. Section 101A.2, subsection 4, Code 2014, is amended
4 to read as follows:
5 4. Except as permitted in section 101A.3 and sections
6 101A.9 ~~to~~ through 101A.11, it shall be unlawful for any person
7 to willfully manufacture, import, store, detonate, sell, or
8 otherwise transfer any explosive materials unless such person
9 is the holder of a valid license issued pursuant to this
10 section.
11 Sec. 26. Section 105.10, subsection 2, Code 2014, is amended
12 to read as follows:
13 2. Except as provided in section 105.11, a person shall not
14 engage in the business of designing, installing, or repairing
15 plumbing, mechanical, HVAC, refrigeration, sheet metal, or
16 hydronic systems unless at all times a licensed master, who
17 shall be responsible for the proper designing, installing, and
18 repairing of the plumbing, HVAC, refrigeration, sheet metal,
19 or hydronic system, is employed by the person and is actively
20 in charge of the plumbing, mechanical, HVAC, refrigeration,
21 sheet metal, or hydronic work of the person. An individual who
22 performs such work pursuant to a business operated as a sole
23 proprietorship shall be a licensed master in the applicable
24 discipline.
25 Sec. 27. Section 123.3, subsection 5, Code 2014, is amended
26 to read as follows:
27 5. *"Alcoholic liquor"* or *"intoxicating liquor"* means the
28 varieties of liquor defined in subsections 3 and 43 which
29 contain more than five percent of alcohol by weight, beverages
30 made as described in subsection 7 which beverages contain more
31 than five percent of alcohol by weight or six and twenty-five
32 hundredths percent of alcohol by volume but which are not
33 wine as defined in subsection 47 or high alcoholic content
34 beer as defined in subsection 19, and every other liquid or
35 solid, patented or not, containing spirits and every beverage

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1 obtained by the process described in subsection 47 containing
2 more than seventeen percent alcohol by weight or twenty-one
3 and twenty-five hundredths percent of alcohol by volume, and
4 susceptible of being consumed by a human being, for beverage
5 purposes. Alcohol manufactured in this state for use as fuel
6 pursuant to an experimental distilled spirits plant permit or
7 its equivalent issued by the federal bureau of alcohol, tobacco
8 and firearms is not an *"alcoholic liquor"*.
9 Sec. 28. Section 123.30, subsection 1, paragraph b, Code
10 2014, is amended to read as follows:
11 *b.* As a condition for issuance of a liquor control license
12 or wine or beer permit, the applicant must give consent to
13 members of the fire, police, and health departments and the
14 building inspector of cities; the county sheriff~~,~~ or deputy
15 sheriff~~,~~; members of the department of public safety~~,~~;
16 representatives of the division and of the department of
17 inspections and appeals~~,~~; certified police officers~~,~~; and
18 any official county health officer to enter upon areas of
19 the premises where alcoholic beverages are stored, served,
20 or sold, without a warrant during business hours of the
21 licensee or permittee to inspect for violations of this
22 chapter or ordinances and regulations that cities and boards
23 of supervisors may adopt. However, a subpoena issued under
24 section 421.17 or a warrant is required for inspection of
25 private records, a private business office, or attached living
26 quarters. Persons who are not certified peace officers shall
27 limit the scope of their inspections of licensed premises
28 to the regulatory authority under which the inspection is
29 conducted. All persons who enter upon a licensed premises to
30 conduct an inspection shall present appropriate identification
31 to the owner of the establishment or the person who appears
32 to be in charge of the establishment prior to commencing
33 an inspection; however, this provision does not apply to
34 undercover criminal investigations conducted by peace officers.
35 Sec. 29. Section 123.138, subsection 1, Code 2014, is

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amended to read as follows:

1. Each class "A" or special class "A" permittee shall keep proper records showing the amount of beer sold by the permittee, and these records shall be at all times open to inspection by the administrator and to other persons pursuant to section 123.30, subsection 1. Each class "B" permittee, class "C" permittee, ~~and~~ or retail liquor control licensee shall keep proper records showing each purchase of beer made by the permittee ~~and~~ or licensee, and the date and the amount of each purchase and the name of the person from whom each purchase was made, which records shall be open to inspection pursuant to section 123.30, subsection 1, during normal business hours of the permittee or licensee.

Sec. 30. Section 125.10, subsection 16, Code 2014, is amended to read as follows:

16. Encourage all health and disability insurance programs to include ~~substance abuse~~ substance-related disorders as ~~a~~ covered ~~illness~~ illnesses.

Sec. 31. Section 135C.41, Code 2014, is amended to read as follows:

135C.41 Licensee's response to citation.

Within twenty business days after service of a citation under section 135C.40, a facility shall ~~either~~ do one of the following:

1. If ~~it~~ the facility does not desire to contest the citation, take one of the following actions:

a. Remit to the department the amount specified by the department pursuant to section 135C.36 as a penalty for each Class I violation cited, and for each Class II violation unless the citation specifically waives the penalty, which funds shall be paid by the department into the state treasury and credited to the general fund~~; or~~.

b. In the case of a Class II violation for which the penalty has been waived in accordance with the standards prescribed in section 135C.36, subsection 2, or a Class III violation, send

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1 to the department a written response acknowledging that the
2 citation has been received and stating that the violation will
3 be corrected within the specific period of time allowed by the
4 citation~~; or~~.
5 2. ~~Notify~~ If the facility desires to contest the citation,
6 notify the director that the facility desires to contest the
7 citation and request an informal conference with an independent
8 reviewer pursuant to section 135C.42.
9 Sec. 32. Section 144A.2, subsection 8, paragraph b, Code
10 2014, is amended to read as follows:
11 *b. "Life-sustaining procedure"* does not include the
12 provision of nutrition or hydration except when required
13 to be provided parenterally or through intubation, or the
14 administration of medication or performance of any medical
15 procedure deemed necessary to provide comfort care or to
16 alleviate pain.
17 Sec. 33. Section 159.18, subsection 3, Code 2014, is amended
18 to read as follows:
19 3. The department shall cooperate with private institutions
20 and public agencies in order to carry out this section,
21 including the economic development authority, the Iowa finance
22 authority, and the United States department of agriculture.
23 Sec. 34. Section 161A.44, Code 2014, is amended to read as
24 follows:
25 **161A.44 Rules by commissioners — scope.**
26 1. The commissioners of each soil and water conservation
27 district shall, with approval of and within time limits set by
28 administrative order of the state soil conservation committee,
29 adopt reasonable regulations as are deemed necessary to
30 establish a soil loss limit or limits for the district and
31 provide for the implementation of the limit or limits, and
32 may subsequently amend or repeal their regulations as they
33 deem necessary. The committee shall review the soil loss
34 limit regulations adopted by the soil and water conservation
35 districts at least once every five years, and shall recommend

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1 changes in the regulations of a soil and water conservation
2 district which the committee deems necessary to assure that the
3 district's soil loss limits are reasonable and attainable. The
4 commissioners may:
5 ~~1.~~ *a.* Classify land in the district on the basis of
6 topography, soil characteristics, current use, and other
7 factors affecting propensity to soil erosion.
8 ~~2.~~ *b.* Establish different soil loss limits for different
9 classes of land in the district if in their judgment and that
10 of the state soil conservation committee a lower soil loss
11 limit should be applied to some land than can reasonably be
12 applied to other land in the district, it being the intent of
13 the general assembly that no land in the state be assigned a
14 soil loss limit that cannot reasonably be applied to such land.
15 ~~3.~~ *c.* Require the owners of real property in the district
16 to employ either soil and water conservation practices or
17 erosion control practices, and~~:~~
18 ~~*a.* May not specify the particular practices to be employed~~
19 ~~so long as such owners voluntarily comply with the applicable~~
20 ~~soil loss limits established for the district.~~
21 ~~*b.* May~~ may specify two or more approved soil and water
22 conservation practices or erosion control practices, one of
23 which shall be employed by the landowner to bring erosion from
24 land under the landowner's control within the applicable soil
25 loss limit of the district when an administrative order is
26 issued to the landowner.
27 ~~*c.* In no case may the commissioners require:~~
28 ~~(1) The employment of erosion control practices as defined~~
29 ~~in section 161A.42, subsection 4, on land used in good faith~~
30 ~~for agricultural or horticultural purposes only.~~
31 ~~(2) The employment of soil and water conservation practices~~
32 ~~or erosion control practices on that portion of any public~~
33 ~~street, road or highway completed or under construction within~~
34 ~~the corporate limits of any city, which is or will become the~~
35 ~~traveled or surfaced portion of such street, road, or highway.~~

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1 ~~(3) That any owner or operator of agricultural land refrain~~
2 ~~from fall plowing of land on which the owner or operator~~
3 ~~intends to raise a crop during the next succeeding growing~~
4 ~~season, however on those lands which are prone to excessive~~
5 ~~wind erosion the commissioners may require that reasonable~~
6 ~~temporary measures be taken to minimize the likelihood of wind~~
7 ~~erosion so long as such measures do not unduly increase the~~
8 ~~cost of operation of the farm on which the land is located.~~
9 ~~However, fall plowing of soil which is commonly known as gumbo~~
10 ~~shall always be permitted.~~
11 *d.* ~~May require~~ Require that a person under an order to
12 employ soil and water conservation practices or erosion control
13 practices submit up to three bids to the commissioners for the
14 work and provide an explanation to the commissioners if a bid
15 other than the lowest bid has been selected by that person.
16 2. The commissioners shall not:
17 *a.* Specify the particular practices to be employed by
18 owners of real property in the district, so long as such
19 owners voluntarily comply with the applicable soil loss limits
20 established for the district.
21 *b.* Require the employment of erosion control practices as
22 defined in section 161A.42, subsection 4, on land used in good
23 faith for agricultural or horticultural purposes only.
24 *c.* Require the employment of soil and water conservation
25 practices or erosion control practices on that portion of any
26 public street, road, or highway completed or under construction
27 within the corporate limits of any city, which is or will
28 become the traveled or surfaced portion of such street, road,
29 or highway.
30 *d.* Require that any owner or operator of agricultural
31 land refrain from fall plowing of land on which the owner or
32 operator intends to raise a crop during the next succeeding
33 growing season, however on those lands which are prone to
34 excessive wind erosion the commissioners may require that
35 reasonable temporary measures be taken to minimize the

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1 likelihood of wind erosion so long as such measures do not
2 unduly increase the cost of operation of the farm on which
3 the land is located. However, fall plowing of soil which is
4 commonly known as gumbo shall always be permitted.
5 Sec. 35. Section 172A.10, Code 2014, is amended to read as
6 follows:
7 **172A.10 Injunctions — criminal penalties.**
8 1. If any person who is required by this chapter to be
9 licensed fails to obtain the required license, or if any person
10 who is required by this chapter to maintain proof of financial
11 responsibility fails to maintain such proof, or if any licensee
12 fails to discontinue engaging in licensed activities when that
13 person's license has been suspended, such failure shall be
14 deemed a nuisance and the secretary may bring an action on
15 behalf of the state to enjoin such nuisance. Such actions may
16 be heard on not less than five days' notice to the person whose
17 activities are sought to be enjoined. The failure to obtain
18 a license when required, or the failure to maintain proof of
19 financial responsibility shall constitute a violation of this
20 chapter.
21 2. Any person convicted of violating any provision of this
22 chapter shall be guilty of a serious misdemeanor.
23 Sec. 36. Section 175.31, Code 2014, is amended to read as
24 follows:
25 **175.31 Programs in progress.**
26 The authority shall complete the administration of programs
27 in progress on July 1, 1980, to the extent that funds were
28 committed, obligations incurred or rights accrued prior to July
29 1, 1980, under the programs authorized under sections 234.15
30 to 234.20, ~~prior to the repeal of those sections~~ Code 1979.
31 Moneys received under this section shall be deposited to the
32 authority.
33 Sec. 37. Section 175.37, subsection 4, unnumbered paragraph
34 1, Code 2014, is amended to read as follows:
35 The tax credit is allowed only for agricultural assets that

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are subject to an agricultural assets transfer agreement. The agreement shall provide for the lease of agricultural land located in this state, including any improvements, and may provide for the rental of agricultural equipment as defined in section 322F.1.

Sec. 38. Section 203.10, subsection 2, Code 2014, is amended to read as follows:

2. The department may issue an order to suspend or revoke the license of a grain dealer who violates a provision of this chapter, including a rule adopted in accordance with this chapter~~,~~ pursuant to chapter 17A.

Sec. 39. Section 203C.10, subsection 2, Code 2014, is amended to read as follows:

2. The department may issue an order to suspend or revoke the license of a warehouse operator who violates a provision of this chapter, including a rule adopted in accordance with this chapter~~,~~ pursuant to chapter 17A.

Sec. 40. Section 203C.15, subsection 10, paragraph d, Code 2014, is amended to read as follows:

d. Warehouse operators and owners of bulk grain.

Sec. 41. Section 206.2, subsection 1, unnumbered paragraph 1, Code 2014, is amended to read as follows:

~~The term *"active ingredient"*~~ *"Active ingredient"* means:

Sec. 42. Section 206.2, subsections 2, 3, 10, 11, 13, and 14, Code 2014, are amended to read as follows:

2. ~~The term *"adulterated"*~~ *"Adulterated"* shall apply to any pesticide if its strength or purity falls below the professed standard or quality as expressed on labeling or under which it is sold, or if any substance has been substituted wholly or in part for the article, or if any valuable constituent of the article has been wholly or in part abstracted.

3. ~~The term *"antidote"*~~ *"Antidote"* means the most practical immediate treatment in case of poisoning and includes first aid treatment.

10. ~~The term *"device"*~~ *"Device"* means any instrument or

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contrivance intended for trapping, destroying, repelling, or mitigating insects, birds, or rodents or destroying, repelling, or mitigating fungi, nematodes, weeds, or such other pests as may be designated by the secretary, but not including equipment used for the application of pesticides when sold separately therefrom.

11. ~~The term *"distribute"*~~ *"Distribute"* means to offer for sale, hold for sale, sell, barter, or supply pesticides in this state.

13. ~~The term *"hazard"*~~ *"Hazard"* means a probability that a given pesticide will have an adverse effect on man or the environment in a given situation, the relative likelihood of danger or ill effect being dependent on a number of interrelated factors present at any given time.

14. ~~The term *"inert ingredient"*~~ *"Inert ingredient"* means an ingredient which is not an active ingredient.

Sec. 43. Section 206.2, subsection 15, unnumbered paragraph 1, Code 2014, is amended to read as follows:

~~The term *"ingredient statement"*~~ *"Ingredient statement"* means either:

Sec. 44. Section 206.2, subsection 16, Code 2014, is amended to read as follows:

16. ~~The term *"label"*~~ *"Label"* means the written, printed, or graphic matter on, or attached to, the pesticide or device, or the immediate container thereof, and the outside container or wrapper of the retail package, if any there be, of the pesticide or device.

Sec. 45. Section 206.2, subsection 17, unnumbered paragraph 1, Code 2014, is amended to read as follows:

~~The term *"labeling"*~~ *"Labeling"* means all labels and other written, printed, or graphic matter:

Sec. 46. Section 206.2, subsection 18, unnumbered paragraph 1, Code 2014, is amended to read as follows:

~~The term *"misbranded"*~~ *"Misbranded"* shall apply:

Sec. 47. Section 206.2, subsections 19, 20, 21, 22, 23, 26,

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27, 30, and 31, Code 2014, are amended to read as follows:

19. ~~The term *"permit"*~~ *"Permit"* means a written certificate, issued by the secretary or the secretary's agent under rules adopted by the department authorizing the use of certain state restricted use pesticides.

20. ~~The term *"person"*~~ *"Person"* means any individual, partnership, association, corporation, or organized group of persons whether incorporated or not.

21. ~~The term *"pesticide"* shall mean *(a)* any~~ *"Pesticide"* means any of the following:

a. Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating directly or indirectly any insects, rodents, nematodes, fungi, weeds, and other forms of plant or animal life or viruses, except viruses on or in living persons, which the secretary shall declare to be a pest~~, and *(b)* any~~.

b. Any substances intended for use as a plant growth regulator, defoliant, or desiccant.

22. ~~The term *"pesticide dealer"*~~ *"Pesticide dealer"* means any person who distributes restricted use pesticides~~;~~, pesticide for use by commercial or public pesticide applicators~~;~~, or general use pesticides labeled for agricultural or lawn and garden use with the exception of dealers whose gross annual pesticide sales are less than ten thousand dollars for each business location owned or operated by the dealer.

23. ~~The term *"plant growth regulator"*~~ *"Plant growth regulator"* means any substance or mixture of substances intended, through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of ornamental or crop plants or the produce thereof, but shall not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, and soil amendments.

26. ~~The term *"registrant"*~~ *"Registrant"* means the person

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1 registering any pesticide or device or who has obtained a
2 certificate of license from the department pursuant to the
3 provisions of this chapter.
4 27. ~~The term *"restricted use pesticide"*~~ *"Restricted use*
5 *pesticide"* means any pesticide restricted as to use by rule of
6 the secretary as adopted under section 206.20.
7 30. ~~The term *"under the direct supervision of"*~~ *"Under the*
8 *direct supervision of"* means the act or process whereby the
9 application of a pesticide is made by a competent person acting
10 under the instructions and control of a certified applicator
11 or a state licensed commercial applicator who is available
12 if and when needed, even though such certified applicator is
13 not physically present at the time and place the pesticide is
14 applied.
15 31. ~~The term *"unreasonable adverse effects on the*~~
16 ~~*environment"*~~ *"Unreasonable adverse effects on the environment"*
17 means any unreasonable risk to man or the environment, taking
18 into account the economic, social, and environmental costs and
19 benefits of the use of any pesticide.
20 Sec. 48. Section 216A.2, subsection 2, Code 2014, is amended
21 to read as follows:
22 2. The department director is the chief administrative
23 officer of the department and in that capacity administers
24 the programs and services of the department in compliance
25 with applicable federal and state laws and regulations.
26 The duties of the department director include preparing a
27 budget, establishing an internal administrative structure, and
28 employing personnel.
29 Sec. 49. Section 230.2, Code 2014, is amended to read as
30 follows:
31 **230.2 Finding of residence.**
32 If a person's residency status is disputed, the residency
33 shall be determined in accordance with section 331.394.
34 Otherwise, the district court may, when the person is
35 ordered placed in a hospital for psychiatric examination and

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appropriate treatment, or as soon thereafter as the court obtains the proper information, ~~determine~~ make one of the following determinations and enter of record whether the residence of the person is in a county or the person is deemed to be a state case, as follows:

1. ~~In~~ That the person's residence is in the county from which the person was placed in the hospital.

2. ~~In~~ That the person's residence is in another county of the state.

3. ~~In~~ That the person's residence is in a foreign state or country and the person is deemed to be a state case.

4. ~~Unknown~~ That the person's residence is unknown and the person is deemed to be a state case.

Sec. 50. Section 230.11, Code 2014, is amended to read as follows:

230.11 Recovery of costs from state.

Costs and expenses attending the taking into custody, care, and investigation of a person who has been admitted or committed to a state hospital, United States department of veterans affairs hospital, or other agency of the United States government, for persons with mental illness and who has no residence in this state or whose residence is unknown, including cost of commitment, if any, shall be paid as a state case as approved by the administrator. The amount of the costs and expenses approved by the administrator is appropriated to the department from any money in the state treasury not otherwise appropriated~~,~~. Payment shall be made on itemized vouchers executed by the auditor of the county which has paid them, and approved by the administrator.

Sec. 51. Section 230.34, Code 2014, is amended to read as follows:

230.34 Definitions.

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

1. ~~As used in this chapter, *"administrator"*~~ *"Administrator"*

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means the administrator of the department of human services assigned, in accordance with section 218.1, to control the state mental health institutes, or that administrator's designee.

2. ~~As used in this chapter, "*auditor*"~~ "*Auditor*" means the county auditor or the auditor's designee.

3. ~~As used in this chapter, unless the context otherwise requires, "*book*"~~ "*Book*", "*list*", "*record*", or "*schedule*" kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.

4. ~~As used in this chapter, unless the context otherwise requires, "*department*"~~ "*Department*" means the department of human services.

Sec. 52. Section 231.4, subsection 1, paragraph j, Code 2014, is amended to read as follows:

j. "Home and community-based services" means a continua of services available in an individual's home or community which include but are not limited to case management, ~~homemaker, home~~ homemaker-home health aide, personal care, adult day, respite, home delivered meals, nutrition counseling, and other medical and social services which contribute to the health and well-being of individuals and their ability to reside in a home or community-based care setting.

Sec. 53. Section 232.80, Code 2014, is amended to read as follows:

232.80 Homemaker services.

A homemaker-home health aide may be assigned to give care to a child in the child's place of residence. Whenever possible, the services shall be provided in preference to removal of the child from the home. The care may be provided under this ~~Act~~ chapter on an emergency basis for up to twenty-four hours without court order, and may be ordered by the court for a period of time extending until dismissal or disposition of the case.

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1 Sec. 54. Section 232.90, subsection 4, Code 2014, is amended
2 to read as follows:
3 4. The county attorney and the attorney general shall comply
4 with the requirements of chapter 232B and the federal Indian
5 Child Welfare Act, Pub. L. No. 95-608, when either chapter 232B
6 or the federal Indian Child Welfare Act is determined to be
7 applicable in any proceeding under this division.
8 Sec. 55. Section 232.102, subsection 3, Code 2014, is
9 amended to read as follows:
10 3. After a dispositional hearing and upon written
11 findings of fact based upon evidence in the record that an
12 alternative placement set forth in subsection 1, paragraph
13 *"a"*, subparagraph (1), has previously been made and is not
14 appropriate the court may enter an order transferring the
15 guardianship of the child for the purposes of subsection ~~8~~ 9,
16 to the director of human services for the purposes of placement
17 in the Iowa juvenile home at Toledo.
18 Sec. 56. Section 249A.47, subsection 1, paragraph h, Code
19 2014, is amended to read as follows:
20 *h.* A provider who intentionally and purposefully and without
21 good cause fails to grant timely access, upon reasonable
22 request ~~and without good cause~~, to the department for the
23 purpose of audits, investigations, evaluations, or other
24 functions of the department, is subject to a civil penalty of
25 fifteen thousand dollars for each day of the failure.
26 Sec. 57. Section 252.27, unnumbered paragraph 2, Code 2014,
27 is amended to read as follows:
28 The board shall record its proceedings relating to the
29 provision of assistance to specific persons under this chapter.
30 A person who is aggrieved by a decision of the board may appeal
31 the decision as if it were a contested case before an agency
32 and as if the person had exhausted administrative remedies in
33 accordance with the procedures and standards in section 17A.19,
34 subsections 2 ~~to~~ through 12, except section 17A.19, subsection
35 10, paragraphs *"b"* and *"g"*, and section 17A.20.

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1 Sec. 58. Section 252.37, Code 2014, is amended to read as
2 follows:
3 **252.37 Appeal to supervisors.**
4 If a poor person, on application to the general assistance
5 director, is refused the required assistance, the applicant may
6 appeal to the board of supervisors, who, upon examination into
7 the matter, may order the director to provide assistance, or ~~it~~
8 who may direct specific assistance.
9 Sec. 59. Section 256.7, subsection 26, paragraph a,
10 subparagraph (3), Code 2014, is amended to read as follows:
11 (3) The rules establishing a core curriculum shall address
12 the core content standards in subsection 28 and the skills and
13 knowledge students need to be successful in the twenty-first
14 century. The core curriculum shall include social studies and
15 twenty-first century learning skills which include but are
16 not limited to civic literacy, health literacy, technology
17 literacy, financial literacy, and employability skills; and
18 shall address the curricular needs of students in kindergarten
19 through grade twelve in those areas. The ~~department~~ state
20 board shall further define the twenty-first century learning
21 skills components by rule.
22 Sec. 60. Section 256.42, subsection 4, Code 2014, is amended
23 to read as follows:
24 4. Each participating school district and accredited
25 nonpublic school shall submit its online curricula to the
26 department for review. Each participating school district and
27 accredited nonpublic school shall include in its comprehensive
28 school improvement plan submitted pursuant to section 256.7,
29 subsection 21, a list and description of the online coursework
30 offered by the district or school.
31 Sec. 61. Section 258.6, Code 2014, is amended to read as
32 follows:
33 **258.6 Definitions.**
34 As used in this chapter:
35 1. *"Approved practitioner preparation school, department,*

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or class" means a school, department, or class approved by the board as entitled under this chapter to federal moneys for the training of teachers of vocational subjects.

2. *"Approved school, department, or class"* means a school, department, or class approved by the board as entitled under this chapter to federal and state moneys for the salaries and authorized travel of teachers of vocational subjects. ~~*"Approved practitioner preparation school, department, or class"* means a school, department, or class approved by the board as entitled under this chapter to federal moneys for the training of teachers of vocational subjects.~~

Sec. 62. Section 258.12, Code 2014, is amended to read as follows:

258.12 Custodian of funds.

The treasurer of state shall be custodian of the funds paid to the state from the appropriations made under ~~said~~ the federal Carl D. Perkins Vocational and Technical Education Act ~~of Congress~~ of 1998, and shall disburse the same on vouchers audited as provided by law.

Sec. 63. Section 278.3, Code 2014, is amended to read as follows:

278.3 Power given electors not to limit directors' power.

The power vested in the electors by section 278.1 shall not affect or limit the power granted to the board of directors of a school district in section 297.7, subsection 2, and the authority granted in ~~said~~ section 297.7, subsection 2, shall be construed as independent of the power vested in the electors by section 278.1.

Sec. 64. Section 283A.1, unnumbered paragraph 1, Code 2014, is amended to read as follows:

For the purpose of this chapter, unless the context otherwise requires:

Sec. 65. Section 297.30, Code 2014, is amended to read as follows:

297.30 Public sale.

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1 If the owner of the tract from which said site was taken
2 fails to pay the amount of such appraisement to ~~such executive~~
3 ~~council~~ the department within thirty days after the filing of
4 the same with the sheriff, the ~~executive council~~ department may
5 sell said site or building to any other person at the appraised
6 value, or may sell the same at public sale to the highest
7 bidder and the proceeds of such sale are to be added to the
8 permanent school fund of the state.
9 Sec. 66. Section 299.6A, subsection 1, Code 2014, is amended
10 to read as follows:
11 1. In lieu of a criminal proceeding under section 299.6,
12 a county attorney may bring a civil action against a parent,
13 guardian, or legal or actual custodian of a child who is of
14 compulsory attendance age, has not completed educational
15 requirements, and is truant, if the parent, guardian, or legal
16 or actual custodian has failed to cause the child to attend
17 a public school or an accredited nonpublic school, or ~~placed~~
18 to place the child under competent private instruction or
19 independent private instruction in the manner provided in this
20 chapter. If the court finds that the parent, guardian, or
21 legal or actual custodian has failed to cause the child to
22 attend as required in this section, the court shall assess a
23 civil penalty of not less than one hundred but not more than
24 one thousand dollars for each violation established.
25 Sec. 67. Section 306D.1, subsection 2, Code 2014, is amended
26 to read as follows:
27 2. In addition to other goals for the program, it is the
28 intention of the general assembly that the scenic highways
29 program be coordinated with the state's open space program
30 under chapter 465A.
31 Sec. 68. Section 307.23, Code 2014, is amended to read as
32 follows:
33 **307.23 General counsel.**
34 1. The general counsel shall be a special assistant attorney
35 general appointed by the attorney general who shall act as the

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1 attorney for the department ~~and the~~. The general counsel shall
2 have the following duties and responsibilities:
3 *a.* Act as legal advisor to the commission and the director~~,~~
4 ~~and provide~~.
5 *b.* Provide all legal services for the department.
6 2. The attorney general shall appoint additional assistant
7 attorneys general as the director deems necessary to carry out
8 the duties assigned to the office of the general counsel. The
9 salary of the general counsel shall be fixed by the director,
10 subject to the approval of the attorney general. The director
11 shall provide and furnish a suitable office for the general
12 counsel upon request of the attorney general.
13 Sec. 69. Section 309.41, Code 2014, is amended to read as
14 follows:
15 **309.41 Optional advertisement and letting.**
16 1. Contracts not embraced within the provisions of section
17 309.40 or 309.40A shall be either advertised and let at
18 a public letting~~;~~, or, where the cost does not exceed the
19 engineer's estimate, let through informal bid procedure by
20 contacting at least three qualified bidders prior to letting
21 the contract. The informal bids received together with a
22 statement setting forth the reasons for use of the informal
23 procedure and bid acceptance shall be entered in the minutes
24 of the board of supervisors meeting at which such action was
25 taken.
26 2. Nothing contained in this section shall be deemed to
27 prohibit the board of supervisors from purchasing material
28 and using county equipment and regularly employed county road
29 personnel on a project within their capability as determined
30 by the county engineer.
31 Sec. 70. Section 309.43, Code 2014, is amended to read as
32 follows:
33 **309.43 Record of bids.**
34 All bids received shall be publicly opened, at the time and
35 place specified in the advertisement, and shall be recorded

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in detail~~,~~ in the road book~~,~~ by the county auditor~~; and the~~. The county engineer shall in all instances of day labor~~,~~ and private or public contracts~~,~~ file a detailed cost accounting sheet with the county auditor~~; said~~. The road book and cost sheets shall at all times be open to public inspection.

Sec. 71. Section 313.2, Code 2014, is amended to read as follows:

313.2 "Road systems" defined — roadside parks.

1. The roads and streets of the state are, for the purpose of this chapter, those roads and streets established under chapter 306.

2. *a.* Whenever the board of supervisors of a county and the department mutually determine that a portion of a highway under the jurisdiction of either party should be transferred to the jurisdiction of the other party, the board and department may enter into an agreement to effect such transfer. Such agreement may provide that each party may undertake or share responsibility for improving said road with the costs of such improvement to be borne entirely by either the county or the department or equitably divided between the two jurisdictions. All such improvements shall be completed and all actual costs thereof paid or reimbursed prior to the time transfer of the road is made. In carrying out such agreement, the board of supervisors may expend secondary road funds of the county and the department may expend primary road funds.

b. However, prior to entering into the agreement, a notice of intent to execute such agreement shall be published in a newspaper of general circulation within the county and the cost of such notice shall be jointly borne by the department and the board of supervisors. If one hundred or more residents of the county request by petition or in writing that a hearing be held in regard to such agreement within ten days after the publication of the notice, the board of supervisors and the department shall hold such a hearing not more than seven days after receiving the petition or written instrument, and

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1 based upon evidence presented at such hearing shall reexamine
2 the merits of executing such agreement and make a decision in
3 regard to it.
4 3. The department may, for the purpose of affording access
5 to cities or state parks, or for the purpose of shortening
6 the direct line of travel on important routes, or to effect
7 connections with interstate roads at the state line, add such
8 road or roads to the primary system.
9 4. The department, either alone or in cooperation with any
10 county, shall have the authority to utilize any land acquired
11 incidental to the acquisition of land for highway right-of-way
12 and to also accept by gift~~,~~ lands not exceeding two acres in
13 area for roadside parks and parking areas. The department may
14 furnish necessary maintenance. The department shall also have
15 authority to accept by gift~~,~~ equipment or other installations
16 incidental to the use of said parks and parking areas. ~~Said~~
17 The parks and parking areas shall be a part of the primary
18 road system and the department may at its discretion sell or
19 otherwise dispose of ~~said~~ the lands.
20 5. Reasonable maintenance and surveillance of rest area
21 sites and buildings located ~~thereon~~ on the sites shall be
22 provided by employees of the department within the limits of
23 appropriations provided for such purpose.
24 Sec. 72. Section 313.28, subsection 1, Code 2014, is amended
25 to read as follows:
26 1. When the department, for the purpose of establishing,
27 constructing, or maintaining any primary road, determines
28 that any secondary road or portion thereof is necessary for a
29 detour or haul road, the department, after consultation with
30 the county board of supervisors having jurisdiction of the
31 route, shall by order temporarily designate the secondary road
32 or portion thereof as a temporary primary road detour or as
33 a temporary primary road haul road, and the department shall
34 maintain the same as a primary road until it shall revoke the
35 temporary designation order. Prior to use of a secondary road

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as a primary road haul road or detour, the department shall designate a representative to inspect the secondary road with the county engineer to determine and note the condition of the road.

Sec. 73. Section 313.65, Code 2014, is amended to read as follows:

313.65 Approval of taxing bodies.

Before any bridge owned by any individual or private corporation shall be accepted by the department under the provisions of sections 313.59 to 313.64, the ~~said~~ proposal and acceptance shall first be approved by the following tax levying and tax certifying bodies located in the ~~said~~ tax district:

1. The board of supervisors~~, the~~.

2. The city councils ~~and the~~.

3. The school board or boards.

Sec. 74. Section 313.66, subsection 4, Code 2014, is amended to read as follows:

4. Before the purchase of any such bridge shall be completed by the department under the provisions of this section, the purchase thereof shall first be approved by the following tax levying and tax certifying bodies located in ~~said~~ the district:

a. The board of supervisors~~, the~~.

b. The city councils~~, and the~~.

c. The school board or boards.

Sec. 75. Section 317.25, subsection 1, Code 2014, is amended to read as follows:

1. *a.* A person shall not import, sell, offer for sale, or distribute ~~teasel~~ in this state in any form, including the seeds, any of the following plants:

(1) Teasel (Dipsacus) biennial~~, the multiflora~~.

(2) Multiflora rose (Rosa multiflora)~~, purple~~.

(3) Purple loosestrife (Lythrum salicaria)~~, purple~~.

(4) Purple loosestrife (Lythrum virgatum)~~, garlic~~.

(5) Garlic mustard (Alliaria petiolata)~~, oriental~~.

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1 (6) Oriental bittersweet (Celastrus orbiculatus)~~,~~.
2 (7) Japanese knotweed (Fallopia japonica)~~, or~~.
3 (8) Japanese hop (Humulus japonicus)~~, including the seeds~~
4 ~~of those plants, in any form in this state~~.
5 *b.* However, ~~this subsection~~ paragraph *"a"* does not prohibit
6 the sale, offer for sale, or distribution of the multiflora
7 rose (Rosa multiflora) used for understock for either
8 cultivated roses or ornamental shrubs in gardens.
9 Sec. 76. Section 321.24, subsections 7 and 10, Code 2014,
10 are amended to read as follows:
11 7. The certificate shall contain the name of the county
12 treasurer or of the department and, if the certificate of
13 title is printed, the signature of the county treasurer, the
14 deputy county treasurer, or the department director or deputy
15 designee. The certificate of title shall contain upon the
16 reverse side a form for assignment of title or interest and
17 warranty by the owner, for reassignments by a dealer licensed
18 in this state or in another state if the state in which the
19 dealer is licensed permits Iowa licensed dealers to similarly
20 reassign certificates of title. However, titles for mobile
21 homes or manufactured homes shall not be reassigned by licensed
22 dealers. Notwithstanding section 321.1, subsection 17, as
23 used in this ~~paragraph~~ subsection, *"dealer"* means every person
24 engaged in the business of buying, selling, or exchanging
25 vehicles of a type required to be registered under this
26 chapter.
27 10. A vehicle shall be registered for the registration
28 year. A vehicle registered for the first time in this state
29 shall be registered for the remaining unexpired months of the
30 registration year and pay an annual registration fee prorated
31 for the remaining unexpired months of the registration year
32 plus a fee for new registration if applicable pursuant to
33 section 321.105A. Except for a vehicle registered under
34 chapter 326, a vehicle registered for the first time during
35 the eleventh month of the owner's registration year may

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be registered for the remaining unexpired months of the registration year as provided in this ~~paragraph~~ subsection or for the remaining unexpired months of the registration year and for the next registration year, upon payment of the applicable registration fees.

Sec. 77. Section 321.178, subsection 2, paragraph a, subparagraph (2), subparagraph division (b), Code 2014, is amended to read as follows:

(b) ~~For the period beginning July 1, 2010, through June 30, 2011, peace officers shall issue only warning citations for violations of subparagraph division (a).~~ The department, in cooperation with the department of public safety, shall establish educational programs to foster compliance with the requirements of subparagraph division (a).

Sec. 78. Section 321.180A, subsection 1, Code 2014, is amended to read as follows:

1. Notwithstanding other provisions of this chapter, a person with a physical disability, who is not suffering from a convulsive disorder and who can provide a favorable medical report, whose license renewal has been denied under section 321.177, subsection 6 or 7, or whose driver's license has been suspended under section 321.210, subsection 1, paragraph *"a"*, subparagraph (3), upon meeting the requirements of section 321.186, other than a driving demonstration or elimination of the person's limitations which caused the denial under section 321.177, subsection 6 or 7, or suspension under section 321.210, subsection 1, paragraph *"a"*, subparagraph (3), and upon paying the fee required in section 321.191, shall be issued a special instruction permit by the department. Upon issuance of the permit the denial or suspension shall be stayed and the stay shall remain in effect as long as the permit is valid.

Sec. 79. Section 321.180B, subsection 6, paragraph b, Code 2014, is amended to read as follows:

b. ~~For the period beginning July 1, 2010, through June 30,~~

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~~2011, peace officers shall issue only warning citations for violations of paragraph "a".~~ The department, in cooperation with the department of public safety, shall establish educational programs to foster compliance with the requirements of paragraph "a".

Sec. 80. Section 321.194, subsection 1, paragraph d, subparagraph (2), Code 2014, is amended to read as follows:

(2) ~~For the period beginning July 1, 2010, through June 30, 2011, peace officers shall issue only warning citations for violations of subparagraph (1).~~ The department, in cooperation with the department of public safety, shall establish educational programs to foster compliance with the requirements of subparagraph (1).

Sec. 81. Section 321.498, subsection 1, Code 2014, is amended to read as follows:

1. The acceptance by any nonresident of this state of the privileges extended by the laws of this state to nonresident operators or owners of operating a motor vehicle, or having the same operated, within this state shall be deemed to be all of the following:

a. An agreement by the nonresident that the nonresident shall be subject to the jurisdiction of the district court of this state over all civil actions and proceedings against the nonresident for damages to person or property growing or arising out of such use and operation~~, and~~.

b. An appointment by such nonresident of the director of this state as the nonresident's lawful attorney upon whom may be served all original notices of suit pertaining to such actions and proceedings~~, and~~.

c. An agreement by such nonresident that any original notice of suit so served shall be of the same legal force and validity as if personally served on the nonresident in this state.

Sec. 82. Section 321.555, unnumbered paragraph 1, Code 2014, is amended to read as follows:

As used in this ~~division~~ section and sections 321.556

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1 through 321.562, *"habitual offender"* means any person who has
2 accumulated convictions for separate and distinct offenses
3 described in subsection 1, 2, or 3, committed after July 1,
4 1974, for which final convictions have been rendered, as
5 follows:
6 Sec. 83. Section 321.562, Code 2014, is amended to read as
7 follows:
8 **321.562 Rule of construction.**
9 Nothing in sections 321.555 through 321.561 or this
10 ~~division~~ section shall be construed as amending, modifying, or
11 repealing any existing law of this state or any ordinance of
12 any political subdivision relating to the operation of motor
13 vehicles, the licensing of persons to operate motor vehicles,
14 or providing penalties for the violation thereof.
15 Sec. 84. Section 321A.8, Code 2014, is amended to read as
16 follows:
17 **321A.8 Application to unlicensed drivers and unregistered**
18 **motor vehicles.**
19 In case the operator or the owner of a motor vehicle
20 involved in an accident within this state has no license or
21 registration, the operator or owner shall not be allowed
22 a license or registration until the operator or owner has
23 complied with the requirements of sections 321A.4 ~~to~~ through
24 321A.7, this section, and sections 321A.9 through 321A.11 to
25 the same extent that would be necessary if, at the time of
26 the accident, the operator or owner had held a license and
27 registration.
28 Sec. 85. Section 321A.9, subsection 1, Code 2014, is amended
29 to read as follows:
30 1. The security required under sections 321A.4 ~~to~~ through
31 321A.8, this section, and sections 321A.10 and 321A.11 shall be
32 in such form and in such amount as the department may require
33 but in no case in excess of the limits specified in section
34 321A.5 in reference to the acceptable limits of a policy or
35 bond. The person depositing security shall specify in writing

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1 the person or persons on whose behalf the deposit is made
2 and, at any time while such deposit is in the custody of the
3 department or state treasurer, the person depositing it may,
4 in writing, amend the specification of the person or persons
5 on whose behalf the deposit is made to include an additional
6 person or persons; provided, however, that a single deposit of
7 security shall be applicable only on behalf of persons required
8 to furnish security because of the same accident.
9 Sec. 86. Section 321A.10, Code 2014, is amended to read as
10 follows:
11 **321A.10 Custody, disposition, and return of security.**
12 Security deposited in compliance with the requirements of
13 sections 321A.4 ~~to~~ through 321A.9, this section, and section
14 321A.11 shall be placed by the department in the custody
15 of the state treasurer and shall be applicable only to the
16 payment of a judgment or judgments rendered against the person
17 or persons on whose behalf the deposit was made, for damages
18 arising out of the accident in question in an action at law,
19 begun not later than one year after the date of such accident,
20 or within one year after the date of deposit of any security
21 under subsection 3 of section 321A.7, and such deposit or any
22 balance thereof shall be returned to the depositor or the
23 depositor's personal representative when evidence satisfactory
24 to the department has been filed with the department that there
25 has been a release from liability, or a final adjudication of
26 nonliability, or a warrant for confession of judgment, or a
27 duly acknowledged agreement, in accordance with subsection 4 of
28 section 321A.6, or whenever, after the expiration of one year
29 from the date of the accident, or within one year after the
30 date of deposit of any security under subsection 3 of section
31 321A.7, the department shall be given reasonable evidence that
32 there is no such action pending and no judgment rendered in
33 such action left unpaid.
34 Sec. 87. Section 321A.13, subsection 3, Code 2014, is
35 amended to read as follows:

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1 3. Any person whose license, registration, or nonresident's
2 operating privilege has been suspended or is about to be
3 suspended or shall become subject to suspension under the
4 provisions of sections 321A.12 ~~to~~, this section, and sections
5 321A.14 through 321A.29 may be relieved from the effect of such
6 judgment as hereinbefore prescribed in said sections by filing
7 with the department an affidavit stating that at the time of
8 the accident upon which such judgment has been rendered the
9 affiant was insured, that the insurer is liable to pay such
10 judgment, and the reason, if known, why such insurance company
11 has not paid such judgment. Such a person shall also file
12 the original policy of insurance or a certified copy thereof,
13 if available, and such other documents as the department may
14 require to show that the loss, injury, or damage for which such
15 judgment was rendered, was covered by such policy of insurance.
16 If the department is satisfied from such papers that such
17 insurer was authorized to issue such policy of insurance at the
18 time and place of issuing such policy and that such insurer is
19 liable to pay such judgment, at least to the extent and for
20 the amounts required in this chapter, the department shall not
21 suspend such license or registration or nonresident's operating
22 privilege, or if already suspended shall reinstate them.
23 Sec. 88. Section 321J.17, subsection 3, Code 2014, is
24 amended to read as follows:
25 3. The department shall also require certification of
26 installation of an ignition interlock device of a type approved
27 by the commissioner of public safety on all motor vehicles
28 owned or operated by any person seeking reinstatement following
29 a second or subsequent revocation under section 321J.4,
30 321J.9, or 321J.12. The requirement for the installation of
31 an approved ignition interlock device shall be for one year
32 from the date of reinstatement unless a longer time period
33 is required by statute. The one-year period a person is
34 required to maintain an ignition interlock device under this
35 subsection shall be reduced by any period of time the person

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1 held a valid temporary restricted license during the period
2 of the revocation for the occurrence from which the arrest
3 arose. The person shall not operate any motor vehicle which
4 is not equipped with an approved ignition interlock device
5 during the period in which an ignition interlock device must be
6 maintained, and the department shall not grant reinstatement
7 unless the person certifies installation of an ignition
8 interlock device as required in this subsection.
9 Sec. 89. Section 331.301, subsection 6, paragraph b, Code
10 2014, is amended to read as follows:
11 *b.* A county shall not impose any fee or charge on any
12 individual or business licensed by the plumbing and mechanical
13 systems board for the right to perform plumbing, mechanical,
14 HVAC, refrigeration, sheet metal, or hydronic systems work
15 within the scope of the license. This paragraph does not
16 prohibit a county from charging fees for the issuance of
17 permits for, and inspections of, work performed in its
18 jurisdiction.
19 Sec. 90. Section 364.3, subsection 3, paragraph b, Code
20 2014, is amended to read as follows:
21 *b.* A city shall not impose any fee or charge on any
22 individual or business licensed by the plumbing and mechanical
23 systems board for the right to perform plumbing, mechanical,
24 HVAC, refrigeration, sheet metal, or hydronic systems work
25 within the scope of the license. This paragraph does not
26 prohibit a city from charging fees for the issuance of permits
27 for, and inspections of, work performed in its jurisdiction.
28 Sec. 91. Section 384.3A, subsection 3, paragraph j, Code
29 2014, is amended to read as follows:
30 *j.* For franchise fees assessed and collected by a city in
31 excess of five percent of gross revenues generated from sales
32 of the franchisee within the city pursuant to section 364.2,
33 subsection 4, paragraph *"f"*, subparagraph (1), subparagraph
34 division (b), during fiscal years beginning on or after July
35 1, 2013, but before July 1, 2030, the adjustment, renewal,

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1 or extension of any part or all of the legal indebtedness of
2 a city, whether evidenced by bonds, warrants, court-approved
3 settlements, court-approved compromises, or judgments, or the
4 funding or refunding of the same, if such legal indebtedness
5 relates to restitution, a refund, or a return ordered by a
6 court of competent jurisdiction for franchise fees assessed and
7 collected by the city before June ~~30~~ 20, 2013. This paragraph
8 *"j"* is repealed July 1, 2030.
9 Sec. 92. Section 422.32, subsection 1, Code 2014, is amended
10 by adding the following new paragraph:
11 NEW PARAGRAPH. *0g. "Income from sources within this state"*
12 means income from real, tangible, or intangible property
13 located or having a situs in this state.
14 Sec. 93. Section 422.33, subsection 1, unnumbered paragraph
15 2, Code 2014, is amended by striking the unnumbered paragraph.
16 Sec. 94. Section 423A.6, subsection 1, Code 2014, is amended
17 to read as follows:
18 1. The director of revenue shall administer the state and
19 local hotel and motel tax as nearly as possible in conjunction
20 with the administration of the state sales tax law, except
21 that portion of the law which implements the streamlined sales
22 and use tax agreement. The director shall provide appropriate
23 forms, or provide on the regular state tax forms, for reporting
24 state and local hotel and motel tax liability. All moneys
25 received or refunded one hundred eighty days after the date
26 on which a city or county terminates its local hotel and
27 motel tax and all moneys received from the state hotel and
28 motel tax shall be deposited in or withdrawn from the general
29 fund of the state. Beginning the first day of the calendar
30 quarter beginning on the reinvestment district's commencement
31 date, the director of revenue shall, subject to remittance
32 limitations established by the economic development authority
33 board pursuant to section 15J.4, subsection 3, transfer from
34 the general fund of the state to a district account created
35 in the state reinvestment district fund for each reinvestment

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1 district established under chapter 15J, the amount of the new
2 state hotel and motel tax revenue, determined in section 15J.5,
3 subsection 2, paragraph "b", in the district. Such transfers
4 shall cease pursuant to section 15J.8.
5 Sec. 95. Section 433.2, Code 2014, is amended to read as
6 follows:
7 **433.2 Additional statement.**
8 Upon the receipt of ~~said~~ the statements required in section
9 433.1 from the several companies, the director of revenue
10 shall examine ~~said~~ the statements ~~and if~~. If the director
11 ~~shall deem~~ deems the ~~same~~ statements insufficient and that
12 further information is requisite, the director shall require
13 the officer making ~~same~~ the statements to make such other or
14 further statement as the director may desire.
15 Sec. 96. Section 433.4, subsection 1, Code 2014, is amended
16 to read as follows:
17 1. The director of revenue shall on or before October 31
18 each year, ~~proceed to~~ find the actual value of the property
19 of ~~these~~ telegraph and telephone companies in this state that
20 is used by the companies in the transaction of telegraph and
21 telephone business, taking into consideration the information
22 obtained from the statements required, and any further
23 information the director can obtain, using the same as a means
24 for determining the actual value of the property of ~~these~~ the
25 companies within this state. The director shall also take
26 into consideration the valuation of all property of ~~these~~ the
27 companies, including franchises and the use of the property
28 in connection with lines outside the state, and making these
29 deductions as may be necessary on account of extra value of
30 property outside the state as compared with the value of
31 property in the state, in order that the actual value of the
32 property of the company within this state may be ascertained.
33 The assessment shall include all property of every kind
34 and character whatsoever, real, personal, or mixed, used by
35 the companies in the transaction of telegraph and telephone

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1 business. The property so included in the assessment shall not
2 be taxed in any other manner than as provided in this chapter.
3 Sec. 97. Section 437A.3, subsection 18, paragraph a,
4 subparagraph (2), Code 2014, is amended to read as follows:
5 (2) An electric power generating plant where the
6 acquisition cost of all interests acquired exceeds ten million
7 dollars. For purposes of this ~~paragraph~~ subparagraph, *"electric*
8 *power generating plant"* means each nameplate rated electric
9 power generating plant owned solely or jointly by any person
10 or electric power facility financed under the provisions of
11 chapter 28F or 476A in which electrical energy is produced from
12 other forms of energy, including all equipment used in the
13 production of such energy through its step-up transformer.
14 Sec. 98. Section 441.4, Code 2014, is amended to read as
15 follows:
16 **441.4 Removal of member.**
17 A member of this examining board may be removed by the
18 voting unit of the conference board by which the member was
19 appointed but only after specific charges have been filed and a
20 public hearing held, if a public hearing is requested by the
21 discharged member of the board. Subsequent appointments and an
22 appointment to fill a vacancy shall be made in the same way as
23 the original appointment.
24 Sec. 99. Section 452A.6A, subsection 2, Code 2014, is
25 amended to read as follows:
26 2. A refiner, supplier, terminal operator, or terminal
27 owner who in the ordinary course of business sells or
28 transports a conventional blendstock for oxygenate blending,
29 gasoline unblended or blended with a biofuel, or diesel fuel
30 unblended or blended with a biofuel shall not refuse to sell
31 or transport to a distributor or dealer any conventional
32 blendstock for oxygenate blending, unblended gasoline, or
33 unblended diesel fuel that is at the terminal, based on the
34 distributor's or dealer's intent to use the conventional
35 blendstock for oxygenate blending~~,~~ or to blend the gasoline or

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diesel fuel with a biofuel.

Sec. 100. Section 455A.20, subsection 2, Code 2014, is amended to read as follows:

2. The duties of the county resource enhancement committee are to coordinate the resource enhancement program, plans, and proposed projects developed by cities, county conservation board, and soil and water conservation district commissioners for funding under this ~~division~~ subchapter. The county committee shall review and comment upon all projects before they are submitted for funding under section 455A.19. Each county committee shall propose a five-year program plan which includes a one-year proposed expenditure plan and submit it to the department.

Sec. 101. Section 461.1, Code 2014, is amended to read as follows:

461.1 Title.

This ~~Act~~ chapter shall be known and may be cited as the *"Natural Resources and Outdoor Recreation Act"*.

Sec. 102. Section 462A.49, Code 2014, is amended to read as follows:

462A.49 Prohibited use of "applied for" card.

~~No~~ A manufacturer or dealer shall not permit the use of ~~such~~ a "registration applied for" card unless an application for a registration certificate has been made.

Sec. 103. Section 462A.77, subsections 4 and 9, Code 2014, are amended to read as follows:

4. Every owner of a vessel subject to titling under this chapter shall apply to the county recorder for issuance of a certificate of title for the vessel within thirty days after acquisition. The application shall be on forms the department prescribes, and accompanied by the required fee. The application shall be signed and sworn to before a notarial officer as provided in chapter 9B ~~or other person who administers oaths,~~ or shall include a certification signed in writing containing substantially the representation

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that statements made are true and correct to the best of the applicant's knowledge, information, and belief, under penalty of perjury. The application shall contain the date of sale and gross price of the vessel or the fair market value if no sale immediately preceded the transfer, and any additional information the department requires. If the application is made for a vessel last previously registered or titled in another state or foreign country, it shall contain this information and any other information the department requires.

9. A person who owns a vessel which is not required to have a certificate of title may apply for and receive a certificate of title for the vessel and the vessel shall subsequently be subject to the requirements of this ~~division~~ subchapter as though the vessel was required to be titled.

Sec. 104. Section 466.9, subsection 1, Code 2014, is amended to read as follows:

1. An on-site wastewater systems assistance fund is established as a separate fund in the state treasury under the control of the department of natural resources. Moneys in the fund are appropriated to the department of natural resources for the exclusive purpose of supporting and administering the on-site wastewater systems assistance program as established in section 466.8.

Sec. 105. Section 466.9, subsection 3, paragraph a, subparagraph (1), Code 2014, is amended to read as follows:

(1) The financing account which shall be used for the exclusive purpose of providing financing to homeowners ~~with~~ for improving on-site wastewater systems under the on-site wastewater systems assistance program.

Sec. 106. Section 468.69, Code 2014, is amended to read as follows:

468.69 Bonds received for assessments.

Bonds issued for the cost of construction, maintenance, or repair of any drainage or levee district, or for the refunding of any obligation of such district~~,~~ may be acquired by any

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1 taxpayer or group of taxpayers of such district~~,~~ and applied
2 at their face value in the order of their priority, if any
3 priority exists between bonds of the same issue, upon the
4 payment of the delinquent ~~and/or~~ or future assessments levied
5 against the property of such taxpayers to pay off the bonds so
6 acquired~~; the~~. The interest coupons attached to such bonds~~,~~
7 may likewise be applied at their face value to the payment of
8 assessments for interest accounts, delinquent or future.
9 Sec. 107. Section 490.728, subsection 1, Code 2014, is
10 amended to read as follows:
11 1. Unless otherwise provided in the articles of
12 incorporation, directors are elected by a plurality of the
13 votes cast by the shares entitled to ~~vote~~ be voted in the
14 election at a meeting at which a quorum is present.
15 Sec. 108. Section 490.728, subsection 4, unnumbered
16 paragraph 1, Code 2014, is amended to read as follows:
17 Shares otherwise entitled to ~~vote~~ be voted cumulatively
18 shall not be voted cumulatively at a particular meeting unless
19 any of the following applies:
20 Sec. 109. Section 490.860, subsection 6, paragraph b, Code
21 2014, is amended to read as follows:
22 *b.* If the transaction is not brought before the board of
23 directors of the corporation, or its committee, for action
24 under section 490.862, ~~at~~ the time at which the corporation,
25 or an entity controlled by the corporation, becomes legally
26 obligated to consummate the transaction.
27 Sec. 110. Section 499.66, subsection 2, paragraph c, Code
28 2014, is amended to read as follows:
29 *c.* The fair value of a dissenting member's interest in the
30 old association shall be determined as of the day preceding
31 the merger or consolidation by taking the lesser of either
32 the issue price of the dissenting member's membership, common
33 stock, deferred patronage dividends, and preferred stock, or
34 the amount determined by subtracting the old association's
35 debts from the fair market value of the old association's

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assets, dividing the remainder by the total issue price of all memberships, common stock, preferred stock, and revolving funds, and then multiplying the quotient from this ~~division~~ equation by the total issue price of a dissenting member's membership, common stock, preferred stock, and revolving fund interest.

Sec. 111. Section 501.616, subsection 3, Code 2014, is amended to read as follows:

3. The fair value of a dissenting member's interest in the old cooperative shall be determined as of the day preceding the merger or consolidation by taking the lesser of either the issue price of the dissenting member's membership, deferred patronage, and any other interests in the cooperative, or the amount determined by subtracting the old cooperative's debts from the fair market value of the old cooperative's assets, dividing the remainder by the total issue price of all memberships, deferred patronage, and all other interests, and then multiplying the quotient from this ~~division~~ equation by the total issue price of a dissenting member's membership, deferred patronage, and other interests.

Sec. 112. Section 501B.7, subsection 7, Code 2014, is amended to read as follows:

7. A statement of authority filed ~~by~~ in the office of the county recorder as provided in subsection 2 is effective until amended or canceled, unless an earlier cancellation date is specified in the statement.

Sec. 113. Section 502.412, subsection 3, Code 2014, is amended to read as follows:

3. *Disciplinary penalties — registrants.* If the administrator finds that the order is in the public interest and subsection 4, paragraphs *"a"* through *"f"*, *"h"*, *"i"*, *"j"*, *"l"*, or *"m"*, authorizes the action, an order under this chapter may censure, impose a bar, or impose a civil penalty in an amount not to exceed a maximum of ten thousand dollars for a single violation or one million dollars for more than one

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1 violation, or in an amount as agreed to by the parties, on
2 a registrant, and, if the registrant is a broker-dealer or
3 investment adviser, on a partner, officer, director, or person
4 having a similar status or performing similar functions,
5 or on a person directly or indirectly in control, of the
6 broker-dealer or investment adviser.
7 Sec. 114. Section 508C.3, subsection 1, paragraph e, Code
8 2014, is amended by striking the paragraph.
9 Sec. 115. Section 508C.3, subsection 1, paragraph f, Code
10 2014, is amended to read as follows:
11 *f.* ~~Coverage under this chapter shall be provided to a~~ A
12 person who is a resident of this state and, only in special
13 circumstances, to a nonresident. In order to avoid duplicate
14 coverage, if a person who would otherwise receive coverage
15 under this chapter is provided coverage under the laws of
16 any other state, that person shall not be provided coverage
17 under this chapter. In determining the application of the
18 provisions of this paragraph in situations where a person could
19 be provided coverage by the association of more than one state,
20 whether as an owner, payee, beneficiary, or assignee, this
21 chapter shall be construed in conjunction with other state laws
22 to result in coverage by the association of only one state.
23 Sec. 116. Section 508C.3, Code 2014, is amended by adding
24 the following new subsection:
25 NEW SUBSECTION. 2A. Coverage under this chapter shall not
26 be provided to any of the following:
27 *a.* A person who is a payee, or the beneficiary of a payee
28 if the payee is deceased, of a contract owner who is a resident
29 of this state, if the payee or the beneficiary of the payee is
30 provided any coverage by the association of another state.
31 *b.* A person who is covered pursuant to subsection 1,
32 paragraph *"c"* if that person is provided any coverage by the
33 association of another state.
34 Sec. 117. Section 514I.8, subsection 2, paragraph c, Code
35 2014, is amended to read as follows:

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1 *c.* Is a member of a family whose income does not exceed
2 three hundred percent of the federal poverty level, as defined
3 in 42 U.S.C. § 9902(2), including any revision required by
4 such section, and in accordance with the federal Children's
5 Health Insurance Program Reauthorization Act of 2009, Pub. L.
6 No. 111-3. The modified adjusted gross income methodology
7 prescribed in section 2101 of the federal Patient Protection
8 and Affordable Care Act, Pub. L. No. 111-148, shall be used to
9 determine family income under this paragraph.
10 Sec. 118. Section 515.35, subsection 4, paragraphs n and o,
11 Code 2014, are amended to read as follows:
12 *n. Other investments.*
13 (1) A company organized under this chapter may invest up to
14 five percent of its admitted assets in securities or property
15 of any kind, without restrictions or limitations except those
16 imposed on business corporations in general.
17 (2) A company organized under this chapter may invest
18 its assets in any additional forms not specifically included
19 in paragraphs *"a"* through ~~*"o"*~~ *"m"* and this paragraph when
20 authorized by rules adopted by the commissioner.
21 ~~*o. Rules.* The commissioner may adopt rules pursuant to~~
22 ~~chapter 17A to carry out the purposes and provisions of this~~
23 ~~section.~~
24 Sec. 119. Section 515.35, Code 2014, is amended by adding
25 the following new subsection:
26 NEW SUBSECTION. 5. *Rules.* The commissioner may adopt
27 rules pursuant to chapter 17A to carry out the purposes and
28 provisions of this section.
29 Sec. 120. Section 521B.104, subsection 2, paragraph b, Code
30 2014, is amended to read as follows:
31 *b.* Is regulated, supervised, and examined by United States
32 federal or state authorities having regulatory authority over
33 banks and trust companies.
34 Sec. 121. Section 535.2, subsection 1, unnumbered paragraph
35 1, Code 2014, is amended to read as follows:

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1 Except as provided in subsection 2 ~~hereof~~, the rate of
2 interest shall be five cents on the hundred by the year in the
3 following cases, unless the parties shall agree in writing
4 for the payment of interest at a rate not exceeding the rate
5 permitted by subsection 3:
6 Sec. 122. Section 543B.20, Code 2014, is amended to read as
7 follows:
8 **543B.20 Examination.**
9 Examinations for ~~registration~~ a license shall be given as
10 often as deemed necessary by the real estate commission, but
11 no less than one time per year. Each applicant for a license
12 must pass an examination authorized by the commission and
13 administered by the commission or persons designated by the
14 commission. The examination shall be of scope and wording
15 sufficient in the judgment of the commission to establish
16 the competency of the applicant to act as a real estate
17 broker or salesperson in a manner to protect the interests of
18 the public. An examination for a real estate broker shall
19 be of a more exacting nature than that for a real estate
20 salesperson and require higher standards of knowledge of real
21 estate. The identity of the persons taking the examinations
22 shall be concealed until after the examination has been
23 graded. A person who fails to pass either examination once
24 may immediately apply to take the next available examination.
25 Thereafter, the applicant may take the examination at the
26 discretion of the commission. An applicant who has failed
27 either examination may request in writing information from the
28 commission concerning the applicant's examination grade and
29 subject areas or questions which the applicant failed to answer
30 correctly, except that if the commission administers a uniform,
31 standardized examination, the commission is only required to
32 provide the examination grade and other information concerning
33 the applicant's examination results which is available to the
34 commission.
35 Sec. 123. Section 543B.46, subsections 2 and 3, Code 2014,

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1 are amended to read as follows:
2 2. Each broker shall notify the real estate commission of
3 the name of each bank ~~or~~, savings association, or credit union
4 in which a trust account is maintained and also the name of the
5 account on forms provided therefor.
6 3. Each broker shall authorize the real estate commission to
7 examine each trust account and shall obtain the certification
8 of the bank ~~or~~, savings association, or credit union attesting
9 to each trust account and consenting to the examination and
10 audit of each account by a duly authorized representative
11 of the commission. The certification and consent shall
12 be furnished on forms prescribed by the commission. This
13 subsection does not apply to an individual farm account
14 maintained in the name of the owner or owners for the purpose
15 of conducting ongoing farm business whether it is conducted by
16 the farm owner or by an agent or farm manager when the account
17 is part of a farm management agreement between the owner and
18 agent or manager. This subsection also does not apply to an
19 individual property management account maintained in the name
20 of the owner or owners for the purpose of conducting ongoing
21 property management whether it is conducted by the property
22 owner or by an agent or manager when the account is part of a
23 property management agreement between the owner and agent or
24 manager.
25 Sec. 124. Section 554.3312, subsection 2, paragraph a, Code
26 2014, is amended to read as follows:
27 *a.* The claim becomes enforceable at the later of ~~(i)~~ the
28 time the claim is asserted, or ~~(ii)~~ the ninetieth day following
29 the date of the check, in the case of a cashier's check or
30 teller's check, or the ninetieth day following the date of the
31 acceptance, in the case of a certified check.
32 Sec. 125. Section 554.3504, subsection 1, Code 2014, is
33 amended to read as follows:
34 1. Presentment for payment or acceptance of an instrument
35 is excused if the person entitled to present the instrument

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1 cannot with reasonable diligence make presentment~~,~~; the maker
2 or acceptor has repudiated an obligation to pay the instrument
3 or is dead or in insolvency proceedings~~,~~; by the terms of
4 the instrument presentment is not necessary to enforce the
5 obligation of endorsers or the drawer~~,~~; the drawer or endorser
6 whose obligation is being enforced has waived presentment or
7 otherwise has no reason to expect or right to require that the
8 instrument be paid or accepted~~,~~; or the drawer instructed the
9 drawee not to pay or accept the draft or the drawee was not
10 obligated to the drawer to pay the draft.
11 Sec. 126. Section 554.9502, subsection 3, paragraph c, Code
12 2014, is amended to read as follows:
13 *c.* the record satisfies the requirements for a financing
14 statement in this section, but~~:~~
15 (1) the record need not indicate that it is to be filed in
16 the real property records; and
17 (2) the record sufficiently provides the name of a debtor
18 who is an individual if it provides the individual name of the
19 debtor or the surname and first personal name of the debtor,
20 even if the debtor is an individual to whom section 554.9503,
21 subsection 1, paragraph *"d"* applies; and
22 Sec. 127. Section 559.2, unnumbered paragraph 1, Code 2014,
23 is amended to read as follows:
24 The term *"power to appoint"* as used in ~~section 559.1~~ this
25 chapter, shall mean and include all powers which are in
26 substance and effect powers of appointment, regardless of the
27 language used in creating them and whether they are:
28 Sec. 128. Section 572.13A, subsection 3, paragraphs a and c,
29 Code 2014, are amended to read as follows:
30 *a.* At the time a notice of commencement of work is posted
31 on the mechanics' notice and lien registry internet site,
32 the administrator shall assign a mechanics' notice and lien
33 registry number and send a copy of the owner notice described
34 in section 572.13. The owner notice shall contain the
35 following language:

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1 Persons or companies furnishing labor or materials for the
2 improvement of real property may enforce a lien upon the
3 improved property if they are not paid for their contributions,
4 even if the parties have no direct contractual relationship
5 with the owner. The mechanics' notice and lien registry
6 internet site provides a listing of all persons or companies
7 furnishing labor or materials who have posted a lien or who
8 may post a lien upon the improved property. If the person or
9 company has posted its notice or lien to the mechanics' notice
10 and lien registry internet site, you may be required to pay the
11 person or company even if you have paid the general contractor
12 the full amount due. Therefore, check the mechanics' notice
13 and lien registry internet site for information about the
14 property including persons or companies furnishing labor or
15 materials before paying your general contractor. In addition,
16 when making payment to your general contractor, it is important
17 to obtain lien waivers from your general contractor and
18 from persons or companies registered as furnishing labor or
19 materials to your property. The information in the mechanics'
20 notice and lien registry is posted on the internet site of the
21 mechanics' notice and lien registry.
22 *c.* The notice described in subsection 1 shall be sent
23 to the owner's address as posted to the mechanics' notice
24 and lien registry internet site by the general contractor,
25 owner-builder, or subcontractor. If the owner's address is
26 different than the property address, a copy of the notice shall
27 also be sent to the property address, addressed to the owner
28 if a mailing address has been assigned to the property by the
29 United States postal service.
30 Sec. 129. Section 572.13B, subsection 2, Code 2014, is
31 amended to read as follows:
32 2. At the time a preliminary notice is posted to the
33 mechanics' notice and lien registry internet site, the
34 administrator shall send notification to the owner, including
35 the owner notice described in section 572.13, subsection 1,

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1 and shall post the mailing of the notice on the mechanics'
2 notice and lien registry internet site as prescribed by the
3 administrator pursuant to rule. Notices under this section
4 shall not be sent to owner-builders. Upon request, the
5 administrator shall provide proof of service at no cost for the
6 notice required under this section.
7 Sec. 130. Section 572.33A, subsection 1, unnumbered
8 paragraph 1, Code 2014, is amended to read as follows:
9 An owner of a building, land, or improvement upon which
10 a mechanic's lien of a subcontractor may be posted~~,~~ is not
11 required to pay the general contractor ~~for~~ compensation for
12 work done or material furnished for the building, land, or
13 improvement until the expiration of ninety days after the
14 completion of the building or improvement unless the general
15 contractor furnishes to the owner one of the following:
16 Sec. 131. Section 572.34, subsection 6, Code 2014, is
17 amended to read as follows:
18 6. The administrator shall charge and collect fees as
19 established by rule necessary for the administration and
20 maintenance of the registry and the registry's internet
21 site. The administrator shall not charge a posting fee for
22 a preliminary notice required pursuant to this chapter that
23 exceeds the cost of sending such notice by certified mail with
24 restricted delivery and return receipt. The administrator
25 shall not charge a posting fee that exceeds forty dollars for a
26 mechanic's lien ~~that exceeds forty dollars~~.
27 Sec. 132. Section 589.4, Code 2014, is amended to read as
28 follows:
29 **589.4 Acknowledgments by corporation officers.**
30 The acknowledgments of all deeds, mortgages, or other
31 instruments in writing taken or certified more than ten years
32 earlier, which instruments have been recorded in the recorder's
33 office of any county of this state, including acknowledgments
34 of instruments made by a corporation, or to which the
35 corporation was a party, or under which the corporation was

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a beneficiary, and which have been acknowledged before or certified by a notarial officer as provided in chapter 9B who was at the time of the acknowledgment or certifying a stockholder or officer in the corporation, are legal and valid official acts of the ~~notaries public~~ notarial officers, and entitle the instruments to be recorded, anything in the laws of the state of Iowa in regard to acknowledgments to the contrary notwithstanding. This section does not affect pending litigation.

Sec. 133. Section 589.5, Code 2014, is amended to read as follows:

589.5 Acknowledgments by stockholders.

All deeds and conveyances of lands within this state executed more than ten years earlier, but which have been acknowledged or proved according to and in compliance with the laws of this state before a notarial officer as provided in chapter 9B ~~or other official authorized by law to take acknowledgments~~ who was, at the time of the acknowledgment, an officer or stockholder of a corporation interested in the deed or conveyance, or otherwise interested in the deeds or conveyances, are, if otherwise valid, valid in law as though acknowledged or proved before an officer not interested in the deeds or conveyances; and if recorded more than ten years earlier, in the respective counties in which the lands are, the records are valid in law as though the deeds and conveyances, so acknowledged or proved and recorded, had, prior to being recorded, been acknowledged or proved before ~~an~~ a notarial officer having no interest in the deeds or conveyances.

Sec. 134. Section 602.8103A, subsection 3, Code 2014, is amended to read as follows:

3. If a request is made pursuant to subsection 1, ~~within seven days of the filing of the final briefs in the appeal,~~ the clerk of the district court shall transmit any of the remaining record to the clerk of the supreme court within seven days of the filing of the final briefs in the appeal.

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1 Sec. 135. Section 602.11105, subsection 1, unnumbered
2 paragraph 1, Code 2014, is amended to read as follows:
3 Commencing one year prior to each category of employees
4 becoming state employees as a result of ~~this Act~~ 1983 Acts, ch.
5 186, new employees shall not be hired and vacancies shall not
6 be filled, except as provided in subsection 2, with respect to
7 any of the following agencies or positions:
8 Sec. 136. Section 602.11106, Code 2014, is amended to read
9 as follows:
10 **602.11106 Employee reclassification moratorium.**
11 Commencing one year prior to county employees becoming state
12 employees as a result of ~~this Act~~ 1983 Acts, ch. 186, the
13 county employees shall not be promoted or demoted, and shall
14 not be subject to a reduction in salary or a reduction in other
15 employee benefits, except after approval by the chief judge
16 of the judicial district. An employer wishing to take any of
17 these actions shall apply to the chief judge in a writing that
18 discloses the proposed action, the reasons for the action,
19 and the statutory or other authority for the action. The
20 chief judge shall not approve any proposed action that is in
21 violation of an employee's rights or that is extraordinary
22 when compared with customary practices and procedures of the
23 employer. The chief judge shall obtain the advice of the
24 district judges of the judicial district respecting decisions
25 to be made under this section.
26 Sec. 137. Section 602.11107, subsections 1 and 5, Code 2014,
27 are amended to read as follows:
28 1. Commencing on the date when each category of employees
29 becomes state employees as a result of ~~this Act~~ 1983 Acts,
30 ch. 186, public property referred to in subsection 2 that on
31 the day prior to that date is in the custody of a person or
32 agency referred to in subsection 3 shall not become property
33 of the judicial branch but shall be devoted for the use of
34 the judicial branch in its course of business. The judicial
35 branch shall only be responsible for maintenance contracts or

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1 contracts for purchase entered into by the judicial branch.
2 Upon replacement of the property by the judicial branch, the
3 property shall revert to the use of the appropriate county.
4 However, if the property is personal property of a historical
5 nature, the property shall not become property of the judicial
6 branch, and the county shall make the property available to
7 the judicial branch for the judicial branch's use within the
8 county courthouse until the court no longer wishes to use the
9 property, at which time the property shall revert to the use of
10 the appropriate county.
11 5. Personal property of a type that is subject to
12 subsections 1 through 3 shall be subject to the control of the
13 chief judge of the judicial district commencing on the date
14 when each category of employees becomes state employees as a
15 result of ~~this Act~~ 1983 Acts, ch. 186. On and after that date
16 the chief judge of the judicial district may issue necessary
17 orders to preserve the use of the property by the district
18 court. Commencing on that date, the chief judge, subject
19 to the direction of the supreme court, shall establish and
20 maintain an inventory of property used by the district court.
21 Sec. 138. Section 631.8, subsections 4, 5, and 6, Code 2014,
22 are amended to read as follows:
23 4. In small claims actions, a counterclaim, cross claim,
24 or intervention in a greater amount than that of a small claim
25 shall be in the form of a regular pleading. A copy shall be
26 filed for each existing party. New parties, when permitted by
27 order, may be brought in under rule of civil procedure 1.246
28 and shall be given notice under the rules of civil procedure
29 pertaining to commencement of actions. The court shall either
30 order such counterclaim, cross claim, or intervention to be
31 tried by regular procedure and the other claim to be heard
32 under this ~~division~~ chapter, or order the entire action to be
33 tried by regular procedure.
34 5. In regular action, when a party joins a small claim with
35 one which is not a small claim, regular procedure shall apply

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to both unless the court transfers the small claim to the small claims docket for hearing under this ~~division~~ chapter.

6. In regular actions, a counterclaim, cross claim, or intervention in the amount of a small claim shall be pleaded, tried, and determined by regular procedure, unless the court transfers the small claim to the small claims docket for hearing under this ~~division~~ chapter.

Sec. 139. Section 633.304, subsection 2, Code 2014, is amended to read as follows:

2. On admission of a will to probate, the executor, as soon as letters are issued, shall cause notice to be published once each week for two consecutive weeks in a daily or weekly newspaper of general circulation published in the county in which the estate is pending and at any time during the pendency of administration that the executor has knowledge of the name and address of a person believed to own or possess a claim which will not or may not be paid or otherwise satisfied during administration, provide notice by ordinary mail to each such claimant at the claimant's last known address, and as soon as practicable give notice, except to any executor, by ordinary mail to the surviving spouse, each heir of the decedent, and each devisee under the will admitted to probate whose identities are reasonably ascertainable, at such persons' last known addresses, ~~a~~ that gives notice of admission of the will to probate and of the appointment of the executor~~, in which~~. In the notice shall be included a notice that any action to set aside the probate of the will must be brought within the later to occur of four months from the date of the second publication of the notice or one month from the date of mailing of this notice or thereafter be forever barred, ~~and in which shall be included~~ a notice to debtors to make payment, and a notice to creditors having claims against the estate to file them with the clerk within four months from the second publication of the notice, or thereafter be forever barred.

Sec. 140. Section 656.3, subsection 2, Code 2014, is amended

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1 to read as follows:
2 2. The notice provided for in section 656.2 may be served on
3 a judgment creditor of a deceased ~~vendor~~ vendee or on any other
4 person who is, as a matter of record, interested in the estate
5 of a deceased ~~vendor~~ vendee in the manner provided in section
6 654.4A, subsections 4 and 5.
7 Sec. 141. Section 692A.101, subsection 1, paragraph b, Code
8 2014, is amended to read as follows:
9 *b.* Any conviction for an offense specified in the laws
10 of another jurisdiction or ~~any conviction for an offense~~
11 prosecuted in federal, military, or foreign court~~,~~ that is
12 comparable to an offense listed in paragraph *"a"* shall be
13 considered an aggravated offense for purposes of registering
14 under this chapter.
15 Sec. 142. Section 692A.101, subsection 2, paragraph b, Code
16 2014, is amended to read as follows:
17 *b.* Any offense specified in the laws of another jurisdiction
18 or prosecuted in a federal, military, or foreign court~~,~~ that
19 is comparable to an offense listed in paragraph *"a"* shall be
20 considered an aggravated offense against a minor if such an
21 offense was committed against a minor or otherwise involves a
22 minor.
23 Sec. 143. Section 692A.102, subsection 1, paragraph a,
24 subparagraph (18), Code 2014, is amended to read as follows:
25 (18) Any sex offense specified in the laws of another
26 jurisdiction, or any sex offense that may be prosecuted in
27 federal, military, or foreign court, that is comparable to an
28 offense listed in subparagraphs (1) through (17).
29 Sec. 144. Section 692A.102, subsection 1, paragraph b,
30 subparagraph (28), Code 2014, is amended to read as follows:
31 (28) Any sex offense specified in the laws of another
32 jurisdiction, or any sex offense that may be prosecuted in a
33 federal, military, or foreign court, that is comparable to an
34 offense listed in subparagraphs (1) through (27).
35 Sec. 145. Section 692A.102, subsection 1, paragraph c,

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subparagraph (41), Code 2014, is amended to read as follows:

(41) Any sex offense specified in the laws of another jurisdiction, or any sex offense that may be prosecuted in federal, military, or foreign court, that is comparable to an offense listed in subparagraphs (1) through (40).

Sec. 146. Section 702.17, Code 2014, is amended to read as follows:

702.17 Sex act.

The term *"sex act"* or *"sexual activity"* means any sexual contact between two or more persons by any of the following: ~~penetration~~

1. Penetration of the penis into the vagina or anus~~; contact~~.

2. Contact between the mouth and genitalia or by contact between the genitalia of one person and the genitalia or anus of another person~~; contact~~.

3. Contact between the finger or hand of one person and the genitalia or anus of another person, except in the course of examination or treatment by a person licensed pursuant to chapter 148, 148C, 151, or 152~~; ejaculation~~.

4. Ejaculation onto the person of another~~; or by~~.

5. By use of artificial sexual organs or substitutes therefor in contact with the genitalia or anus.

Sec. 147. Section 715A.1, Code 2014, is amended to read as follows:

715A.1 Definitions.

As used in this chapter:

1. *"Credit card"* means a writing purporting to evidence an undertaking to pay for property or services delivered or rendered to or upon the order of a designated person or bearer and includes a debit card or access device used to engage in an electronic transfer of funds through a satellite terminal as defined in section 527.2, subsection 20.

~~1.~~ 2. ~~As used in this chapter the term *"writing"*~~ *"Writing"* includes printing or any other method of recording information,

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1 and includes money, coins, tokens, stamps, seals, credit
2 cards, badges, trademarks, and other symbols of value, right,
3 privilege, or identification.
4 ~~2. As used in this chapter the term *"credit card"* means~~
5 ~~a writing purporting to evidence an undertaking to pay for~~
6 ~~property or services delivered or rendered to or upon the order~~
7 ~~of a designated person or bearer and includes a debit card~~
8 ~~or access device used to engage in an electronic transfer of~~
9 ~~funds through a satellite terminal as defined in section 527.2,~~
10 ~~subsection 20.~~
11 Sec. 148. Section 715A.6, subsection 2, Code 2014, is
12 amended to read as follows:
13 2. *a.* An offense under this section is a class "C" felony
14 if the value of the property or services secured or sought to
15 be secured by means of the credit card is greater than ten
16 thousand dollars.
17 *b.* If the value of the property or services secured or
18 sought to be secured by means of the credit card is greater
19 than one thousand dollars but not more than ten thousand
20 dollars, an offense under this section is a class "D" felony~~,~~
21 ~~otherwise the~~.
22 *c.* If the value of the property or services secured
23 or sought to be secured by means of the credit card is one
24 thousand dollars or less, an offense under this section is an
25 aggravated misdemeanor.
26 Sec. 149. Section 717B.3, subsection 1, Code 2014, is
27 amended to read as follows:
28 1. A person who impounds or confines, in any place, an
29 animal is guilty of animal neglect~~,~~ if the person does any of
30 the following: ~~fails~~
31 *a.* Fails to supply the animal during confinement with a
32 sufficient quantity of food or water~~; fails~~.
33 *b.* Fails to provide a confined dog or cat with adequate
34 shelter~~; or tortures~~.
35 *c.* Tortures, deprives of necessary sustenance, mutilates,

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1 beats, or kills an animal by any means which causes unjustified
2 pain, distress, or suffering.
3 Sec. 150. Section 724.1, Code 2014, is amended to read as
4 follows:
5 **724.1 Offensive weapons.**
6 1. An offensive weapon is any device or instrumentality of
7 the following types:
8 ~~1.~~ *a.* A machine gun. A machine gun is a firearm which
9 shoots or is designed to shoot more than one shot, without
10 manual reloading, by a single function of the trigger.
11 ~~2.~~ *b.* A short-barreled rifle or short-barreled shotgun.
12 A short-barreled rifle or short-barreled shotgun is a rifle
13 with a barrel or barrels less than sixteen inches in length or
14 a shotgun with a barrel or barrels less than eighteen inches
15 in length, as measured from the face of the closed bolt or
16 standing breech to the muzzle, or any rifle or shotgun with an
17 overall length less than twenty-six inches.
18 ~~3.~~ *c.* Any weapon other than a shotgun or muzzle loading
19 rifle, cannon, pistol, revolver or musket, which fires or can
20 be made to fire a projectile by the explosion of a propellant
21 charge, which has a barrel or tube with the bore of more
22 than six-tenths of an inch in diameter, or the ammunition or
23 projectile therefor, but not including antique weapons kept for
24 display or lawful shooting.
25 ~~4.~~ *d.* A bomb, grenade, or mine, whether explosive,
26 incendiary, or poison gas; any rocket having a propellant
27 charge of more than four ounces; any missile having an
28 explosive charge of more than one-quarter ounce; or any device
29 similar to any of these.
30 ~~5.~~ *e.* A ballistic knife. A ballistic knife is a knife
31 with a detachable blade which is propelled by a spring-operated
32 mechanism, elastic material, or compressed gas.
33 ~~6.~~ *f.* Any part or combination of parts either designed
34 or intended to be used to convert any device into an
35 offensive weapon as described in ~~subsections 1 to 5 of this~~

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1 ~~section~~paragraphs "a" through "e", or to assemble into such an
2 offensive weapon, except magazines or other parts, ammunition,
3 or ammunition components used in common with lawful sporting
4 firearms or parts including but not limited to barrels suitable
5 for refitting to sporting firearms.
6 ~~7.~~ *g.* Any bullet or projectile containing any explosive
7 mixture or chemical compound capable of exploding or detonating
8 prior to or upon impact, or any shotshell or cartridge
9 containing exothermic pyrophoric misch metal as a projectile
10 which is designed to throw or project a flame or fireball to
11 simulate a flamethrower.
12 ~~8.~~ *h.* Any mechanical device specifically constructed and
13 designed so that when attached to a firearm silences, muffles,
14 or suppresses the sound when fired. However, this ~~subsection~~
15 paragraph does not apply to a mechanical device possessed and
16 used by a person solely for the purpose of shooting a deer
17 pursuant to an approved city special deer population control
18 plan if the person has a valid federal permit to possess and
19 use the mechanical device.
20 ~~9.~~ 2. An offensive weapon or part or combination of parts
21 therefor shall not include the following:
22 *a.* An antique firearm. An antique firearm is any firearm,
23 ~~(~~including any firearm with a matchlock, flintlock, percussion
24 cap, or similar type of ignition system~~)~~, manufactured in
25 or before 1898 or any firearm which is a replica of such a
26 firearm if such replica is not designed or redesigned for using
27 conventional rimfire or centerfire ammunition or which uses
28 only rimfire or centerfire fixed ammunition which is no longer
29 manufactured in the United States and which is not readily
30 available in the ordinary channels of commercial trade.
31 *b.* A collector's item. A collector's item is any firearm
32 other than a machine gun that by reason of its date of
33 manufacture, value, design, and other characteristics is not
34 likely to be used as a weapon. The commissioner of public
35 safety shall designate by rule firearms which the commissioner

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1 determines to be collector's items and shall revise or update
2 the list of firearms at least annually.
3 *c.* Any device which is not designed or redesigned for use
4 as a weapon; any device which is designed solely for use as
5 a signaling, pyrotechnic, line-throwing, safety, or similar
6 device; or any firearm which is unserviceable by reason of
7 being unable to discharge a shot by means of an explosive and
8 is incapable of being readily restored to a firing condition.
9 Sec. 151. Section 809A.16, subsection 4, Code 2014, is
10 amended to read as follows:
11 4. After final disposition of all claims and answers
12 timely filed in an action in rem, or after final judgment
13 and disposition of all claims timely filed in an action in
14 personam, the court shall enter an order that the state has
15 clear title to the forfeited property interest. Title to the
16 forfeited property interest and its proceeds shall be deemed
17 to have vested in the state on the commission of the conduct
18 giving rise to the forfeiture under this chapter.
19 Sec. 152. Section 904.905, subsection 1, paragraph a, Code
20 2014, is amended to read as follows:
21 *a.* An amount the inmate may be legally obligated to pay for
22 the support of the inmate's dependents, the amount of which
23 shall be paid to the dependents through the department of human
24 services ~~located in~~ office or unit serving the county or city
25 in which the dependents reside.
26 Sec. 153. Section 905.12, subsection 1, paragraph a, Code
27 2014, is amended to read as follows:
28 *a.* An amount the resident may be legally obligated to pay
29 for the support of dependents, which shall be paid to the
30 dependents directly or through the department of human services
31 ~~in~~ office or unit serving the county in which the dependents
32 reside. For the purpose of this paragraph, *"legally obligated"*
33 means under a court order.
34 Sec. 154. REPEAL. Sections 225C.7, 225C.12, 225C.18, and
35 260G.7, Code 2014, are repealed.

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1 Sec. 155. 2013 Iowa Acts, chapter 24, section 13, is amended
2 to read as follows:
3 SEC. 13. NEW SECTION. **249A.49 Internet site — providers**
4 **found in violation of medical assistance program.**
5 1. The director shall maintain on the department's internet
6 site, in a manner readily accessible by the public, all of the
7 following:
8 a. A list of all providers that the department has
9 terminated, suspended, or placed on probation.
10 b. A list of all providers that have failed to return an
11 identified overpayment of medical assistance within the time
12 frame specified in section ~~249A.41~~ 249A.39.
13 c. A list of all providers found liable for a false claims
14 law violation related to the medical assistance program under
15 chapter 685.
16 2. The director shall take all appropriate measures to
17 safeguard the protected health information, social security
18 numbers, and other information of the individuals involved,
19 which may be redacted or omitted as provided in rule of civil
20 procedure 1.422. A provider shall not be included on the
21 internet site until all administrative and judicial remedies
22 relating to the violation have been exhausted.
23 Sec. 156. Section 456A.38, subsection 4, as enacted by
24 2013 Iowa Acts, chapter 64, section 1, is amended to read as
25 follows:
26 4. The department shall execute a lease with a beginning
27 farmer selected to participate in the program after such person
28 has been certified by the ~~agricultural development~~ authority
29 as a beginning farmer who meets the requirements of the
30 authority, which shall be based on section 175.12, subsection
31 3, paragraphs *"a"*, *"c"*, *"f"*, and *"g"*.
32 Sec. 157. 2013 Iowa Acts, chapter 125, section 25,
33 subsection 1, is amended to read as follows:
34 1. The sections of this Act amending ~~sections~~ section 2.48,
35 section 175.8, subsection 2, and sections 175.37, 422.11M,

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1 and 422.33, are repealed. The Code editor shall revise the
2 applicable Code language to that language existing in the 2013
3 Code of Iowa.
4 Sec. 158. 2013 Iowa Acts, chapter 130, section 22, is
5 amended by striking that section and inserting in lieu thereof
6 the following:
7 SEC. 22. Section 222.61, Code 2014, is amended to read as
8 follows:
9 **222.61 Residency determined.**
10 When a county receives an application on behalf of any
11 person for admission to a resource center or a special unit
12 ~~or when a court issues an order committing any person to a~~
13 ~~resource center or a special unit~~, the board of supervisors
14 shall refer the determination of residency to the central point
15 of coordination process to determine and certify that the
16 residence of the person is in one of the following:
17 1. In the county in which the application is received ~~or in~~
18 ~~which the court is located~~.
19 2. In some other county of the state.
20 3. In another state or in a foreign country.
21 4. Unknown.
22 Sec. 159. 2013 Iowa Acts, chapter 130, section 23, is
23 amended to read as follows:
24 SEC. 23. Section 222.64, Code 2013, is amended to read as
25 follows:
26 **222.64 Foreign state or country or unknown legal settlement.**
27 If the legal settlement of the person is determined by the
28 board of supervisors through the central point of coordination
29 process to be in a foreign state or country or is determined
30 to be unknown, the board of supervisors shall certify the
31 determination to the administrator. The certification shall
32 be accompanied by a copy of the evidence supporting the
33 determination. The care of the person shall be as arranged by
34 the board of supervisors ~~or by an order as the court may enter~~.
35 Application for admission may be made pending investigation by

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1 the administrator.
2 DIVISION II
3 CORRESPONDING REFERENCE CORRECTIONS
4 Sec. 160. Section 135.180, subsection 3, Code 2014, is
5 amended to read as follows:
6 3. The program shall provide stipends to support
7 psychiatrist positions with an emphasis on securing and
8 retaining medical directors at community mental health centers,
9 providers of mental health services to county residents
10 pursuant to a waiver approved under section 225C.7, subsection
11 3, Code 2011, and hospital psychiatric units that are located
12 in mental health professional shortage areas.
13 Sec. 161. Section 161A.51, subsection 2, Code 2014, is
14 amended to read as follows:
15 2. In the application the commissioners shall state that
16 entry on the premises is mandated by the laws of this state
17 or that entry is needed to conduct soil sampling necessary
18 to classify soil in the district as specified in section
19 161A.44, subsection 1, paragraph "a", or to determine whether
20 soil erosion is occurring on the property in violation of the
21 district's regulations. The application shall describe the
22 area or premises, give the date of the last known investigation
23 or sampling, give the date and time of the proposed inspection,
24 declare the need for such inspection, recite that notice of
25 desire to make an inspection has been given to affected persons
26 and that admission was refused if that be the fact, and state
27 that the inspection has no purpose other than to carry out the
28 purpose of the statute, ordinance or regulation pursuant to
29 which the inspection is to be made.
30 Sec. 162. Section 422.15, subsection 2, Code 2014, is
31 amended to read as follows:
32 2. Every partnership, including limited partnerships, doing
33 business in this state, or deriving income from sources within
34 this state as defined in section ~~422.33~~ 422.32, subsection
35 1, paragraph "0g", shall make a return, stating specifically

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1 the net income and capital gains ~~(~~or losses~~)~~ reported on the
2 federal partnership return, the names and addresses of the
3 partners, and their respective shares in said amounts.
4 DIVISION III
5 UPDATES TO FEDERAL CITATIONS
6 Sec. 163. Section 11.2, subsection 3, paragraph d, Code
7 2014, is amended to read as follows:
8 *d.* The review of the most recent annual report to
9 shareholders of an open-end management investment company
10 or an unincorporated investment company or investment trust
11 registered with the federal securities and exchange commission
12 under the federal Investment Company Act of 1940, 15 U.S.C. ~~§~~
13 ~~80a~~ §80a-1 et seq., pursuant to 17 C.F.R. § 270.30d-1 or the
14 review, by the person performing the audit, of the most recent
15 annual report to shareholders, call reports, or the findings
16 pursuant to a regular examination under state or federal law,
17 to the extent the findings are not confidential, of a bank,
18 savings and loan association, or credit union shall satisfy the
19 review requirements of this subsection.
20 Sec. 164. Section 11.6, subsection 1, paragraph c,
21 subparagraph (3), Code 2014, is amended to read as follows:
22 (3) The review by the auditor of the most recent annual
23 report to shareholders of an open-end management investment
24 company or an unincorporated investment company or investment
25 trust registered with the federal securities and exchange
26 commission under the federal Investment Company Act of 1940, 15
27 U.S.C. ~~§ 80a~~ §80a-1 et seq., pursuant to 17 C.F.R. § 270.30d-1
28 or the review, by the auditor, of the most recent annual report
29 to shareholders, call reports, or the findings pursuant to a
30 regular examination under state or federal law, to the extent
31 the findings are not confidential, of a bank, savings and
32 loan association, or credit union shall satisfy the review
33 requirements of this paragraph.
34 Sec. 165. Section 12B.10, subsection 4, paragraph a,
35 subparagraph (7), Code 2014, is amended to read as follows:

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(7) An open-end management investment company organized in trust form registered with the federal securities and exchange commission under the federal Investment Company Act of 1940, 15 U.S.C. ~~§ 80a~~ §80a-1 et seq., and operated in accordance with 17 C.F.R. § 270.2a-7.

Sec. 166. Section 12C.16, subsection 1, paragraph b, subparagraph (1), subparagraph division (f), Code 2014, is amended to read as follows:

(f) Investments in an open-end management investment company registered with the federal securities and exchange commission under the federal Investment Company Act of 1940, 15 U.S.C. ~~§ 80a~~ §80a-1 et seq., which is operated in accordance with 17 C.F.R. § 270.2a-7.

Sec. 167. Section 12C.16, subsection 1, paragraph b, subparagraph (2), Code 2014, is amended to read as follows:

(2) Direct obligations of, or obligations that are insured or fully guaranteed as to principal and interest by, the United States of America, which may be used to secure the deposit of public funds under subparagraph (1), subparagraph division (a), include investments in an investment company or investment trust registered under the federal Investment Company Act of 1940, 15 U.S.C. ~~§ 80a~~ §80a-1 et seq., the portfolio of which is limited to the United States government obligations described in subparagraph (1), subparagraph division (a), and to repurchase agreements fully collateralized by the United States government obligations described in subparagraph (1), subparagraph division (a), if the investment company or investment trust takes delivery of the collateral either directly or through an authorized custodian.

Sec. 168. Section 29A.23, Code 2014, is amended to read as follows:

29A.23 Roll of retired officers and enlisted personnel.

An officer or enlisted person who is a member of the Iowa national guard who has completed twenty years of military service under 10 U.S.C. ~~§ 1331(d)~~ §12731, as evidenced by a

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letter of notification of retired pay at age sixty, shall upon retirement from the Iowa national guard and written request to the adjutant general be placed by order of the commander in chief on a roll in the office of the adjutant general to be known as the "roll of retired national guard military personnel". A member registered on the roll is entitled to wear the uniform of the rank last held on state or other occasions of ceremony, when the wearing of such uniform is not in conflict with federal law.

Sec. 169. Section 125.10, subsection 1, Code 2014, is amended to read as follows:

1. Prepare and submit a state plan subject to approval by the board and in accordance with ~~the provisions of~~ 42 U.S.C. ~~§ 4573~~ §300x-21 et seq. The state plan shall designate the department as the sole agency for supervising the administration of the plan.

Sec. 170. Section 125.93, Code 2014, is amended to read as follows:

125.93 Commitment records — confidentiality.

Records of the identity, diagnosis, prognosis, or treatment of a person which are maintained in connection with the provision of substance abuse treatment services are confidential, consistent with the requirements of section 125.37, and with the federal confidentiality regulations authorized by the federal Drug Abuse Office and Treatment Act, ~~21 U.S.C. § 1175 (1976)~~ 42 U.S.C. §290ee and the federal Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act, 42 U.S.C. ~~§ 4582 (1976)~~ §290dd-2.

Sec. 171. Section 198.7, subsection 1, paragraph f, Code 2014, is amended to read as follows:

f. If it is, or it bears or contains a new animal drug which is unsafe within the meaning of the federal Food, Drug, and Cosmetic Act, 21 U.S.C. ~~§ 512~~ §801 et seq.

Sec. 172. Section 225C.3, subsection 2, Code 2014, is

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1 amended to read as follows:
2 2. The division is designated the state developmental
3 disabilities agency for the purpose of directing the benefits
4 of the federal Developmental Disabilities ~~Services and~~
5 ~~Facilities Construction~~ Assistance and Bill of Rights Act, 42
6 U.S.C. ~~§ 6001~~ §15001 et seq.
7 Sec. 173. Section 225C.35, subsection 3, Code 2014, is
8 amended to read as follows:
9 3. *"Family member"* means a person less than eighteen years
10 of age who by educational determination has a moderate, severe,
11 or profound educational disability or special health care
12 needs or who otherwise meets the definition of developmental
13 disability in the federal Developmental Disabilities Assistance
14 and Bill of Rights Act, ~~section 102(5),~~ as codified in 42
15 U.S.C. ~~§ 6001(5)~~ §15002. The department shall adopt rules
16 establishing procedures for determining whether a child has a
17 developmental disability.
18 Sec. 174. Section 225C.47, subsection 1, paragraph b, Code
19 2014, is amended to read as follows:
20 *b. "Individual with a disability"* means an individual who is
21 less than twenty-two years of age and meets the definition of
22 developmental disability in 42 U.S.C. ~~§ 6001~~ §15002.
23 Sec. 175. Section 229.22, subsection 5, Code 2014, is
24 amended to read as follows:
25 5. The department of public safety shall prescribe the form
26 to be used when a law enforcement agency desires notification
27 under this section from a facility or hospital prior to
28 discharge of a person admitted to the facility or hospital and
29 for whom an arrest warrant has been issued or against whom
30 charges are pending. The form shall be consistent with all
31 laws, regulations, and rules relating to the confidentiality or
32 privacy of personal information or medical records, including
33 but not limited to the federal Health Insurance Portability
34 and Accountability Act of 1996, Pub. L. No. 104-191, and
35 regulations promulgated in accordance with that Act and

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1 published in 45 C.F.R. pts. ~~160-64~~ 160-164.
2 Sec. 176. Section 249A.3, subsection 12, Code 2014, is
3 amended to read as follows:
4 12. In determining the eligibility of an individual for
5 medical assistance, the department shall consider income or
6 assets relating to trusts or similar legal instruments or
7 devices established on or before August 10, 1993, as available
8 to the individual, in accordance with the federal Comprehensive
9 Omnibus Budget Reconciliation Act of ~~1986~~ 1985, Pub. L. No.
10 99-272, § 9506(a), as amended by the federal Omnibus Budget
11 Reconciliation Act of 1986, Pub. L. No. 99-509, § 9435(c).
12 Sec. 177. Section 249F.1, subsection 2, paragraph b,
13 subparagraphs (7) and (8), Code 2014, are amended to read as
14 follows:
15 (7) Transfers to a trust established solely for the benefit
16 of the transferor's child who is blind or permanently and
17 totally disabled as defined in the federal Social Security Act,
18 section 1614, as codified in 42 U.S.C. ~~§ 1382b~~ §1382c.
19 (8) Transfers to a trust established solely for the benefit
20 of an individual under sixty-five years of age who is disabled,
21 as defined in the federal Social Security Act, section 1614, as
22 codified in 42 U.S.C. ~~§ 1382b~~ §1382c.
23 Sec. 178. Section 321.12, subsection 4, Code 2014, is
24 amended to read as follows:
25 4. The director shall not destroy any operating records
26 pertaining to arrests or convictions for operating while
27 intoxicated, in violation of section 321J.2 or operating
28 records pertaining to revocations for violations of section
29 321J.2A, except that a conviction or revocation under section
30 321J.2 or 321J.2A that is not subject to 49 C.F.R. ~~§~~ pt. 383
31 shall be deleted from the operating records twelve years after
32 the date of conviction or the effective date of revocation.
33 Convictions or revocations that are retained in the operating
34 records for more than twelve years under this subsection shall
35 be considered only for purposes of disqualification actions

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1 under 49 C.F.R. ~~§~~ pt. 383.
2 Sec. 179. Section 321.450, subsection 1, Code 2014, is
3 amended to read as follows:
4 1. A person shall not transport or have transported or
5 shipped within this state any hazardous material except in
6 compliance with rules adopted by the department under chapter
7 17A. The rules shall be consistent with the federal hazardous
8 materials regulations adopted under United States Code, Tit.
9 49, and found in 49 C.F.R. ~~§~~ pts. 107, 171 to 173, 177, 178, and
10 180.
11 Sec. 180. Section 325A.6, Code 2014, is amended to read as
12 follows:
13 **325A.6 Insurance.**
14 All motor carriers subject to this chapter shall have
15 minimum insurance coverage which meets the limits established
16 in the federal motor carrier safety regulations in 49 C.F.R.
17 ~~ch.~~ pt. 387.
18 Sec. 181. Section 327J.1, subsection 1, Code 2014, is
19 amended to read as follows:
20 1. *"AMTRAK"* means the national railroad passenger
21 corporation created under 45 U.S.C. ~~§ 541~~ §24101.
22 Sec. 182. Section 459A.102, subsections 19 and 28, Code
23 2014, are amended to read as follows:
24 19. *"Operating permit"* means a permit which regulates
25 the operation of an open feedlot operation as issued by the
26 department or the United States environmental protection
27 agency, including as provided in state law or pursuant to the
28 federal Water Pollution Control Act, ~~Tit.~~ 33~~,~~ U.S.C. ch. 26, as
29 amended, and 40 C.F.R. pt. 122.
30 28. *"Waters of the United States"* means the same as defined
31 in 40 C.F.R. ~~pt. 122, § 2~~ §122.2, as that section exists on
32 July 1, 2005.
33 Sec. 183. Section 502.304A, subsection 3, paragraph c, Code
34 2014, is amended to read as follows:
35 *c.* The issuer or a broker-dealer offering or selling the

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1 securities is not or would not be disqualified under rule 505,
2 17 C.F.R. ~~§ 230.505(2)(iii)~~ §230.505(b)(2)(iii), adopted under
3 the federal Securities Act of 1933.
4 Sec. 184. Section 513B.13, subsection 8, paragraph f, Code
5 2014, is amended to read as follows:
6 *f.* Premium rates charged for reinsurance by the program to
7 a health maintenance organization that is federally qualified
8 under 42 U.S.C. ~~§ 300e(c)(2)(A)~~ §300e(c)(2)(A), and is thereby
9 subject to requirements that limit the amount of risk that may
10 be ceded to the program that are more restrictive than those
11 specified in paragraph *"d"*, shall be reduced to reflect that
12 portion of the risk above the amount set forth in paragraph *"d"*
13 that may not be ceded to the program, if any.
14 Sec. 185. Section 513B.13, subsection 11, paragraph b,
15 subparagraph (4), Code 2014, is amended to read as follows:
16 (4) Subject to the approval of the commissioner, the
17 board shall make an adjustment to the assessment formula for
18 reinsuring carriers that are approved health maintenance
19 organizations which are federally qualified under 42 U.S.C.
20 ~~§ 300~~ §300e et seq., to the extent, if any, that restrictions
21 are placed on them that are not imposed on other small employer
22 carriers.
23 Sec. 186. Section 514I.2, subsection 9, Code 2014, is
24 amended to read as follows:
25 9. *"Health insurance coverage"* means health insurance
26 coverage as defined in 42 U.S.C. ~~§ 300gg(91)~~ §300gg-91.
27 Sec. 187. Section 515.35, subsection 4, paragraph a, Code
28 2014, is amended to read as follows:
29 *a. United States government obligations.* Obligations
30 issued or guaranteed by the United States or an agency or
31 instrumentality of the United States. Bonds or other evidences
32 of indebtedness issued, assumed, or guaranteed by the United
33 States of America, or by any agency or instrumentality of the
34 United States of America include investments in an open-end
35 management investment company registered with the federal

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1 securities and exchange commission under the federal Investment
2 Company Act of 1940, 15 U.S.C. ~~§ 80a~~ §80a-1 et seq., and
3 operated in accordance with 17 C.F.R. § 270.2a-7, the portfolio
4 of which is limited to the United States government obligations
5 described in this paragraph *"a"*, and which are included in the
6 national association of insurance commissioners' securities
7 valuation office's United States direct obligation — full faith
8 and credit list.
9 Sec. 188. Section 518.14, subsection 4, paragraph a, Code
10 2014, is amended to read as follows:
11 *a. United States government obligations.* Bonds or other
12 evidences of indebtedness issued, assumed, or guaranteed by the
13 United States of America, or by any agency or instrumentality
14 of the United States of America, including investments in an
15 open-end management investment company registered with the
16 federal securities and exchange commission under the federal
17 Investment Company Act of 1940, 15 U.S.C. ~~§ 80a~~ §80a-1 et seq.,
18 and operated in accordance with 17 C.F.R. § 270.2a-7, the
19 portfolio of which is limited to the United States obligations
20 described in this paragraph, and which are included in the
21 national association of insurance commissioners' securities
22 valuation office's United States direct obligation — full faith
23 and credit list.
24 Sec. 189. Section 518A.12, subsection 4, paragraph a, Code
25 2014, is amended to read as follows:
26 *a. United States government obligations.* Bonds or other
27 evidences of indebtedness issued, assumed, or guaranteed by the
28 United States of America, or by any agency or instrumentality
29 of the United States of America, including investments in an
30 open-end management investment company registered with the
31 federal securities and exchange commission under the federal
32 Investment Company Act of 1940, 15 U.S.C. ~~§ 80a~~ §80a-1 et seq.,
33 and operated in accordance with 17 C.F.R. § 270.2a-7, the
34 portfolio of which is limited to the United States obligations
35 described in this paragraph, and which are included in the

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1 national association of insurance commissioners' securities
2 valuation office's United States direct obligation — full faith
3 and credit list.
4 Sec. 190. Section 524.901, subsection 4, Code 2014, is
5 amended to read as follows:
6 4. A state bank may invest without limit in the shares or
7 units of investment companies or investment trusts registered
8 under the federal Investment Company Act of 1940, 15 U.S.C.
9 ~~§ 80a~~ §80a-1 et seq., the portfolio of which is limited to
10 United States investment securities described in subsection
11 3 or repurchase agreements fully collateralized by United
12 States investment securities described in subsection 3, if
13 delivery of the collateral is taken either directly or through
14 an authorized custodian and the dollar-weighted average
15 maturity of the portfolio is not more than five years. All
16 other investments by a state bank in the shares or units of
17 investment companies or investment trusts registered under
18 the federal Investment Company Act of 1940, 15 U.S.C. ~~§ 80a~~
19 §80a-1 et seq., whose portfolios exclusively contain investment
20 securities permissible pursuant to subsections 2 and 3, shall
21 not exceed fifteen percent of the state bank's aggregate
22 capital.
23 Sec. 191. Section 535.2, subsection 2, paragraph a,
24 subparagraph (4), Code 2014, is amended to read as follows:
25 (4) A domestic or foreign corporation, and a real estate
26 investment trust as defined in section 856 of the Internal
27 Revenue Code, and a person purchasing securities as defined
28 in chapter 502 on credit from a broker or dealer registered
29 or licensed under chapter 502 or under the federal Securities
30 Exchange Act of 1934, 15 U.S.C., ~~ch. 78A~~ §78a et seq., as
31 amended.
32 Sec. 192. Section 535.12, subsection 4, Code 2014, is
33 amended to read as follows:
34 4. As used in this section, *"agricultural credit*
35 *corporation"* means a corporation which has been designated by

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1 the farm credit bank of Omaha, Nebraska, as an agricultural
2 credit corporation eligible to sell or discount loans to that
3 bank pursuant to 12 U.S.C. ~~§ 2074~~ §2075.
4 Sec. 193. Section 551A.3, subsection 3, paragraph b, Code
5 2014, is amended to read as follows:
6 *b.* A disclosure document prepared pursuant to the federal
7 trade commission rule relating to disclosure requirements and
8 prohibitions concerning franchising and business opportunity
9 ventures in accordance with 16 C.F.R. ~~§~~ pt. 436 or any
10 successor regulation.
11 Sec. 194. Section 551A.4, subsection 1, paragraph b,
12 subparagraph (1), subparagraph division (b), Code 2014, is
13 amended to read as follows:
14 (b) A disclosure document prepared pursuant to the federal
15 trade commission rule entitled "Disclosure requirements and
16 prohibitions concerning franchising and business opportunity
17 ventures", 16 C.F.R. ~~§~~ pt. 436 or any successor regulation.
18 Sec. 195. Section 602.8103, subsection 5, paragraph b, Code
19 2014, is amended to read as follows:
20 *b.* An open-end management investment company organized in
21 trust form registered with the federal securities and exchange
22 commission under the federal Investment Company Act of 1940,
23 15 U.S.C. ~~§ 80a~~ §80a-1 et seq., and operated in accordance
24 with 17 C.F.R. § 270.2a-7, the portfolio of which is limited
25 to obligations of the United States of America or agencies
26 or instrumentalities of the United States of America and to
27 repurchase agreements fully collateralized by obligations of
28 the United States of America or an agency or instrumentality
29 of the United States of America if the investment company
30 takes delivery of the collateral either directly or through an
31 authorized custodian.
32 Sec. 196. Section 636.23, subsections 2 and 16, Code 2014,
33 are amended to read as follows:
34 2. *Federal bank bonds.* Bonds, notes or other obligations
35 issued by any federal land bank, federal intermediate credit

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1 bank, bank for cooperatives, or any or all of the federal farm
2 credit banks, and in bonds issued by any federal home loan
3 bank under the Act of Congress known and cited as the federal
4 Home Loan Bank Act, ~~[~~12 U.S.C. § 1421 — 1449~~]~~ and the Acts
5 amendatory thereof.
6 16. *Investments included — government obligations.* Federal
7 bonds, federal bank bonds, and bonds and debentures guaranteed
8 by the federal government which are authorized investments
9 under subsections 1, 2, and 11 include investments in an
10 investment company or investment trust registered under the
11 federal Investment Company Act of 1940, 15 U.S.C. ~~§ 80a~~ §80a-1
12 et seq., the portfolio of which is limited to the United States
13 government obligations described in subsections 1, 2, and 11
14 and to repurchase agreements fully collateralized by such
15 United States government obligations, if the investment company
16 or investment trust takes delivery of the collateral either
17 directly or through an authorized custodian.
18 Sec. 197. Section 714B.10, subsection 2, Code 2014, is
19 amended to read as follows:
20 2. Advertising in connection with the sale or purchase of
21 books, recordings, videocassettes, periodicals, and similar
22 goods through a membership group or club which is regulated by
23 the federal trade commission pursuant to 16 ~~C.F.R. pt.~~ §425.1,
24 concerning use of negative option plans by sellers in commerce.
25 Sec. 198. Section 907B.2, subsection 6, paragraph f,
26 unnumbered paragraph 1, Code 2014, is amended to read as
27 follows:
28 Public notice shall be given of all meetings and all
29 meetings shall be open to the public, except as set forth
30 in the rules or as otherwise provided in the compact. The
31 interstate commission shall promulgate rules consistent with
32 the principles contained in the federal Government in the
33 Sunshine Act, 5 U.S.C. ~~§ 552(6)~~ §552(a)(6), as may be amended.
34 The interstate commission and any of its committees may close a
35 meeting to the public where it determines by two-thirds vote

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1 that an open meeting would be likely to:
2 DIVISION IV
3 EFFECTIVE DATE AND APPLICABILITY PROVISIONS
4 Sec. 199. EFFECTIVE UPON ENACTMENT. The following
5 provisions of division I of this Act, being deemed of immediate
6 importance, take effect upon enactment:
7 1. The section of this Act amending section 384.3A.
8 2. The section of this Act amending 2013 Iowa Acts, ch. 24,
9 section 13.
10 3. The section of this Act amending section 456A.38,
11 subsection 4, as enacted by 2013 Iowa Acts, ch. 64, section 1.
12 4. The section of this Act amending 2013 Iowa Acts, ch. 125,
13 section 25.
14 Sec. 200. RETROACTIVE APPLICABILITY. The section in
15 division I of this Act amending section 384.3A applies
16 retroactively to June 20, 2013.
17 Sec. 201. RETROACTIVE APPLICABILITY. The section in
18 division I of this Act amending 2013 Iowa Acts, ch. 24, section
19 13, applies retroactively to July 1, 2013.
20 Sec. 202. RETROACTIVE APPLICABILITY. The section in
21 division I of this Act amending section 456A.38, subsection
22 4, as enacted by 2013 Iowa Acts, ch. 64, section 1, applies
23 retroactively to July 1, 2013.
24 Sec. 203. RETROACTIVE APPLICABILITY. The section in
25 division I of this Act amending 2013 Iowa Acts, ch. 125,
26 section 25, applies retroactively to January 1, 2013, for tax
27 years beginning on or after that date.
28 EXPLANATION
29 The inclusion of this explanation does not constitute agreement with
30 the explanation's substance by the members of the general assembly.
31 This bill contains statutory corrections that adjust
32 language to reflect current practices, insert earlier
33 omissions, delete redundancies and inaccuracies, delete
34 temporary language, resolve inconsistencies and conflicts,
35 update ongoing provisions, or remove ambiguities. The Code

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1 sections amended include the following:
2 DIVISION I.
3 Code section 2C.16: Clarifies language that requires the
4 office of ombudsman to notify the general assembly when a
5 law results in an administrative action which is unfair or
6 otherwise objectionable.
7 Code section 6B.4: Reorganizes language to clarify the
8 commission member and chairperson selection process, and
9 numbers unnumbered paragraphs to facilitate citation, in
10 language relating to the appointment of a compensation
11 commission under eminent domain procedures.
12 Code sections 6B.37 and 6B.40: Replaces the word "above"
13 with a specific Code section reference to eliminate ambiguity
14 in two provisions relating to the documents that must be filed
15 and recorded in appeals taken in condemnation proceedings.
16 Code section 7C.12: Changes a reference to the private
17 activity bond allocation Act by name to refer to the Code
18 chapter which encompasses and is named after that Act.
19 Code section 9I.3: Strikes reserved subparagraph (5)
20 in subsection 3, paragraph "d", renumbers, and corrects an
21 internal reference in this Code provision prohibiting the
22 ownership of certain agricultural land by nonresidents to
23 correct the internal reference issue created by the 2013 strike
24 of former subparagraph (5) by 1989 Iowa Acts, ch. 311, §33.
25 Code sections 12C.16 and 12C.17: Strikes references, in
26 two Code provisions governing the deposit of public funds, to
27 the United States central credit union which was shut down on
28 October 29, 2012, by the national credit union administration.
29 Code section 16.2: Changes the word "board" to "authority"
30 to conform the language of subsection 1 to the language in the
31 balance of this Code section relating to the appointment of the
32 Iowa finance authority board of directors.
33 Code section 16.197: Reinstates language which refers
34 to members or other persons acting within the scope of their
35 employment or agency to clarify which persons are not subject

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1 to personal liability as a result of carrying out the powers
2 and duties of the Iowa finance authority.
3 Code section 16.221: Strikes a reference to Code section
4 175.35, which was repealed by 2013 Iowa Acts, ch. 125, §22, in
5 language describing the duties of the agricultural development
6 division of the Iowa finance authority.
7 Code section 17A.4: Strikes in subsection 3, paragraph
8 "c", language relating to the showing that must be made by
9 an agency if a category of rules is challenged to conform to
10 the strike of the same language by 2013 Iowa Acts, ch. 114,
11 §1, elsewhere in this subsection. In subsection 5, obsolete
12 language and the word "above" are stricken, the expression of a
13 negative is updated to current style, and the requirements of
14 the first sentence relating to the requirements for validity of
15 adopted administrative rules are conformed to the language of
16 the second sentence which creates a conclusive presumption of
17 validity if a rule is not challenged within two years after its
18 effective date. In subsection 9, replaces the word "of" with
19 the word "that" and strikes a later instance of the word "that"
20 to improve the readability of provisions describing the timing
21 of a notice regarding suspension of a notice of intended action
22 to adopt an administrative rule.
23 Code section 23.6: Changes the initial language of
24 subsection 6 relating to the authority of the Iowa public
25 information board to examine records of a government body
26 so that it begins with a verb to conform the style of the
27 provision to the style of the other subsections in the Code
28 section.
29 Code section 23.9: Replaces the words "on its own staff"
30 with "of the board" to clarify that the employees referred to
31 in this provision relating to complaint resolution by the Iowa
32 public information board are employees of the board.
33 Code section 24.13: Strikes the word "hereinbefore" and
34 inserts "under this chapter" to clarify that the procedures to
35 be followed by a board which has the power to levy a tax are the

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1 same as required for certifying boards under Code chapter 24.
2 Code section 28D.6: Supplies a missing definite article
3 in this language relating to eligibility of an employee who
4 suffers a disability or death, as a result of an assignment
5 in connection with a federal, state, or local interchange
6 of employees, for compensation under the receiving agency's
7 employee compensation program.
8 Code section 29A.50: Strikes an incorrect comma within a
9 series describing the immunity of the commanding officer and
10 members of the military forces when carrying out duties in
11 support of local or state authorities.
12 Code section 35D.2: Adds the word "who" in two places to
13 improve the readability of a series establishing the criteria
14 for admission to the Iowa veterans home.
15 Code section 80D.12: Changes "police" to "peace" in
16 language describing the status of reserve law enforcement
17 officers of a tribal government to conform with changes made
18 elsewhere in Code chapter 80D by 2013 Iowa Acts, ch. 48.
19 Code section 89.3: Changes the word "over" to "within" in
20 one instance, and to "per" in another, in language describing
21 the inspections of boilers to clarify that it is the frequency,
22 not the duration, of the inspections that is described.
23 Code section 101.21: Changes the words "complies with"
24 to "meets" and adds the word "criteria" to clarify that the
25 list of items which follow are existing characteristics of
26 aboveground storage tanks that are excluded from the definition
27 of aboveground storage tanks that are regulated and subject to
28 registration under Code sections 101.21 through 101.27.
29 Code section 101A.2: Changes "to" to "through" to clarify
30 that the circumstances specified in Code section 101A.11 are
31 also one of the lawful means for a person to manufacture,
32 import, store, detonate, sell, or otherwise transfer explosive
33 materials.
34 Code section 105.10: Adds the word "plumbing", to a series
35 in subsection 2 of this Code section that describes the kinds

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1 of plumbing, mechanical, and other work that must be performed
2 by a licensed master to conform the language to other language
3 within this same subsection.
4 Code section 123.3: Adds language describing a volume
5 measurement for alcoholic beverages to the definition of
6 "alcoholic liquor" or "intoxicating liquor" in language
7 referencing the definition of "beer" to conform to changes made
8 to the definition of "beer" by 2013 Iowa Acts, ch. 35, §24.
9 Code section 123.30: Corrects the punctuation and adds the
10 word "or" to correct a series that describes the persons who
11 may, as a result of a person being issued a liquor control
12 license or wine or beer permit, enter the premises where
13 alcoholic beverages are stored, served, or sold, without a
14 warrant during business hours to inspect for violations of
15 state or local regulations.
16 Code section 123.138: Changes the word "and" to "or" to
17 clarify that each of the different types of beer permittees or
18 liquor control licensees are required to keep proper records of
19 each purchase of beer.
20 Code section 125.10: Changes the term "substance abuse"
21 to "substance-related disorders" to conform the language of
22 this provision relating to the duties of the director of public
23 health to terminology changes made throughout the Code by 2011
24 Acts, ch. 121.
25 Code section 135C.41: Updates the style of this provision
26 relating to the alternative procedures available to a health
27 care facility which has been served with a citation by the
28 department of inspections and appeals after an inspection or
29 investigation of the facility.
30 Code section 144A.2: Adds a comma to a definition to
31 clarify that both the provision of nutrition or hydration and
32 the administration of medication or performance of a medical
33 procedure to provide comfort care or alleviate pain are not
34 considered to be a "life-sustaining procedure".
35 Code section 159.18: Adds a reference to the Iowa finance

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1 authority to language relating to the entities with which the
2 department of agriculture and land stewardship is to cooperate
3 to promote certain farm programs, including the beginning
4 farmer loan program. The beginning farmer loan program was
5 placed under the jurisdiction of the Iowa finance authority by
6 2013 Iowa Acts, ch. 100.
7 Code section 161A.44: Renumbers, reorganizes, and changes
8 the word "may" to "shall" in this provision relating to powers
9 and duties of commissioners of soil and water conservation
10 districts to separate the provisions articulating the powers
11 and duties that the commissioners may exercise from the
12 prohibitions restricting the authority of the commissioners.
13 An internal reference to this provision as renumbered is
14 corrected in division II of the bill.
15 Code section 172A.10: Numbers this provision to facilitate
16 citation and supplies missing language to clarify that a
17 slaughterhouse broker or dealer who is required to maintain
18 proof of financial responsibility but fails to do so may be
19 subject to liability for nuisance and is guilty of a serious
20 misdemeanor.
21 Code section 175.31: Replaces language referring to
22 the content of former Code sections 234.15 to 234.20 with a
23 reference to the last edition of the Iowa Code in which that
24 content appeared to facilitate future hypertext linkage to
25 the former language of those Code sections in this provision
26 describing the subsequent administration of the agricultural
27 development programs that had been authorized under those
28 former Code sections.
29 Code section 175.37: Adds a comma to clarify that the
30 tax credit for agricultural assets that are subject to
31 an agricultural assets transfer agreement is allowed for
32 agricultural land and improvements to that land that are
33 located in this state.
34 Code section 203.10 and 203C.10: Strikes a comma in each
35 provision to clarify that rules relating to suspension or

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1 revocation of grain dealers' and agricultural product warehouse
2 licenses are adopted under Code chapter 17A and to conform to
3 similar changes made to these Code sections by 2013 Iowa Acts,
4 ch. 90, §33, 34.
5 Code section 203C.15: Adds the word "and" between the words
6 "operators" and "owners" to clarify that warehouse operators
7 and owners of bulk grain are last in the order of precedence of
8 claimants against an insurance policy on products stored in a
9 licensed agricultural products warehouse.
10 Code section 206.2: Rewrites to update the style of this
11 definitions Code section for the Code chapter regulating
12 pesticides.
13 Code section 216A.2: Inserts the word "department" before
14 two instances of the term "director" to conform a subsection
15 describing the position and duties of the person appointed to
16 serve as the chief administrative officer of the department
17 of human rights to conform to references to that position
18 elsewhere in this Code section and to the definition of
19 "department director" in Code section 216A.4.
20 Code sections 225C.7 and 225C.12: Repeals these two
21 provisions relating to mental health and developmental
22 disabilities community services funding and reimbursement to
23 counties for local inpatient mental health care and treatment
24 which were superseded by the enactment of Code section 225C.7A
25 by 2012 Iowa Acts, ch. 1120. An internal reference to Code
26 section 225C.7 is corrected in division II of the bill.
27 Code section 225C.18: Repeals this provision relating to
28 mental health and developmental disabilities regional planning
29 councils which were superseded by the enactment of Code
30 sections 331.388 through 331.398 by 2012 Iowa Acts, ch. 1120.
31 Code section 230.2: Rewrites this provision to clarify what
32 determinations must be made by the court in the event that a
33 person's residency is disputed to account for the changes made
34 by 2012 Iowa Acts, ch. 1120, §107, to this Code section.
35 Code section 230.11: Splits a sentence and adds language

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1 relating to payments to provide an antecedent which was
2 inadvertently lost as the result of an amendment by 2012
3 Iowa Acts, ch. 1120, to language regarding method of payment
4 for costs and expenses for the taking into custody, care,
5 and investigation of persons with mental illness who are
6 nonresidents or whose residence is unknown.
7 Code section 230.34: Rewrites this definitions provision
8 for the Code chapter pertaining to support of persons with
9 mental illness to eliminate redundant language and conform the
10 provision to current style.
11 Code section 231.4: Changes a reference to "homemaker, home
12 health aide services" to refer to "homemaker-home health aide
13 services" to conform this provision defining what constitutes
14 home and community-based services for purposes of department on
15 aging programs with other references to homemaker-home health
16 aide services elsewhere in the Code.
17 Code section 232.80: Replaces the word "Act" with the
18 word "chapter" in this section relating to the provision of
19 homemaker-home health aide services to children under Code
20 chapter 232. The enabling legislation for this Code section,
21 1978 Iowa Acts, ch. 1088, which used the word "Act" when this
22 provision was enacted, was a rewrite of juvenile justice laws
23 that established Code chapter 232. While there were other
24 provisions that were amended by that Act, those amendments
25 corresponded to the enactment of the new Code chapter.
26 Code section 232.90: Adds the words "and the attorney
27 general" to language requiring the county attorney in charge
28 of child in need of assistance proceedings to comply with the
29 requirements of the state and federal Indian child welfare Acts
30 to conform to changes made to this Code section by 2013 Iowa
31 Acts, ch. 113, which permits the department of human services
32 to request that the attorney general represent the department's
33 interests instead of the county attorney.
34 Code section 232.102: Corrects an internal reference that
35 was inadvertently not corrected when a new subsection 7A was

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1 added by 1998 Iowa Acts, ch. 1190, and this provision was
2 renumbered during codification.
3 Code section 249A.47: Move the words "without good cause"
4 so that they modify the language describing the failure of a
5 person to comply with a request by the department for timely
6 access for the purpose of audits, investigation, evaluation,
7 or other functions of the department, instead of modifying the
8 language relating to a reasonable request by the department for
9 access.
10 Code section 252.27: Replaces the word "to" with "through"
11 to update the style and make clear that the procedures and
12 standards contained in subsection 12 also apply to appeals from
13 decisions of the county board of supervisors regarding support
14 of the poor.
15 Code section 252.37: Changes the word "it" to the word "who"
16 to conform to a previous clause and to clarify that the board
17 of supervisors is the entity responsible for directing specific
18 assistance in appeals by a poor person from a rejection by the
19 general assistance director of a request for assistance.
20 Code section 256.7: Changes the word "department" to
21 "state board" in language relating to the adoption of rules
22 prescribing a core curriculum for students in kindergarten
23 through grade twelve in this Code section which describes the
24 duties of the state board, to correct a drafting error in 2011
25 Iowa Acts, ch. 71, §1.
26 Code section 256.42: Adds the words "or school" after the
27 word "district" in this provision describing the submission
28 of online curricula by nonpublic schools and school districts
29 which participate in the online learning initiative to conform
30 to earlier language which indicates that both nonpublic schools
31 and school districts may participate in the program.
32 Code section 258.6: Redrafts the definitions Code section
33 for the Code chapter pertaining to vocational education
34 to conform to current Code style and to alphabetize the
35 definitions.

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1 Code section 258.12: Substitutes for the words "said Act"
2 a specific reference to the Carl D. Perkins Vocational and
3 Technical Education Act, the funds from which are accepted
4 under Code section 258.1, to clarify that the treasurer of
5 state is the custodian of those federal funds.
6 Code section 260G.7: Repeals this provision which requires
7 the general assembly to act on or before March 1, 2006, to
8 discontinue program job credits from withholding under the
9 accelerated career education program. The general assembly did
10 not act to discontinue program job credits under the program on
11 that date and has continued to fund those job credits.
12 Code section 278.3: Substitutes for a reference to "said
13 subsection" a reference to Code section 297.7, subsection 2,
14 to facilitate hypertext linkage and clarify that the authority
15 that is granted to the board of directors of a school district
16 in that subsection is the authority that is to be construed as
17 independent of the power vested in the electors.
18 Code section 283A.1: Adds the words "unless the context
19 otherwise requires" to prefatory language in this definitions
20 section for Code chapter 283A, because although the Code
21 chapter generally relates to the operation of school meal
22 programs in public schools, Code section 283A.10 permits the
23 operation of a school breakfast or lunch program in nonpublic
24 schools.
25 Code section 297.30: Replaces the words "executive
26 council" with the word "department" to conform to changes
27 made to provisions elsewhere in what is now Code chapter 297
28 by 1986 Iowa Acts, ch. 1245, which moved the responsibility
29 for the sale of certain school buildings and sites, which
30 had previously been part of a mining camp but were no longer
31 needed for school purposes, from the executive council to the
32 department of education.
33 Code section 299.6A: Changes the word "placed" to "to
34 place" to correct the grammar of language specifying the
35 responsibility of a parent, guardian, or legal or actual

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1 custodian to place a child under competent private or
2 independent private instruction.
3 Code section 306D.1: Adds a citation to the Code chapter
4 which contains the enabling legislation for the state's open
5 space program after a reference to that program by name in this
6 provision that establishes the goals for the scenic highways
7 program.
8 Code section 307.23: Rewrites to modernize the style and
9 improve the readability of this Code section relating to the
10 general counsel for the state department of transportation.
11 Code section 309.41: Numbers unnumbered paragraphs and
12 corrects incorrect punctuation in this provision establishing
13 an optional advertisement and letting procedure for contracts
14 for certain county road construction projects.
15 Code section 309.43: Rewrites this provision relating to
16 the opening and recording of road construction bids to update
17 the style and improve the readability of the language.
18 Code section 313.2: Numbers unnumbered paragraphs and
19 replaces the word "thereon" with language clarifying that
20 buildings on rest area sites are the buildings that are to
21 be maintained and secured by employees of the department of
22 transportation, in this provision allocating jurisdiction over
23 and responsibility for the roads and streets of this state.
24 Code section 313.28: Adds the word "road" to language
25 relating to the designation of secondary roads as haul roads
26 for or detours from a primary road to conform to earlier
27 language within this same provision.
28 Code sections 313.65 and 313.66: Rewrites these two
29 provisions to enumerate a series and improve the readability
30 of language specifying the entities of which the tax levying
31 and tax certifying bodies must first approve an agreement to
32 operate and maintain, take over, or purchase a bridge before
33 action may be taken on the agreement by the department of
34 transportation.
35 Code section 317.25: Rewrites and reorganizes language to

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1 improve readability and to enumerate the list of plants which
2 are considered to be invasive and for which importing, sale,
3 offering for sale, or distribution is prohibited.
4 Code section 321.24: Changes two incorrect references from
5 "paragraph" to "subsection" to reflect that the paragraphs
6 in this Code section relating to vehicle registration and
7 certificates of title have been designated as subsections.
8 Code sections 321.178, 321.180B, and 321.194: Strikes
9 obsolete language relating to a period of time in which only
10 warning citations were issued for persons who improperly
11 used electronic communication or entertainment devices while
12 operating a motor vehicle.
13 Code section 321.180A: Adds the missing words "elimination
14 of" to clarify the meaning of language relating to situations
15 in which persons with physical disabilities may be issued
16 a special instruction permit that authorizes the person to
17 operate a motor vehicle.
18 Code section 321.498: Updates the format of a provision that
19 describes the legal presumptions that apply to a nonresident
20 who accepts the privilege to operate a motor vehicle in this
21 state, by adding the words "to be all of the following", and
22 striking the word "and" and adding a period in two places.
23 Code sections 321.555 and 321.562: Replaces a reference to
24 "division" with a series of Code section citations in these
25 two provisions, relating to the adjudication of a person as an
26 "habitual offender" of laws relating to operation of a motor
27 vehicle and licensing of persons to operate motor vehicles,
28 because Code chapter 321 does not contain numbered divisions
29 within the Code chapter.
30 Code sections 321A.8, 321A.9, 321A.10, and 321A.13:
31 Substitutes a series of Code section citations for a string
32 citation in provisions relating to motor vehicle financial
33 responsibility to eliminate an internal self-reference issue.
34 Code section 321J.17: Adds the words "period of the" in
35 language describing duration of a revocation of a person's

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1 driving privileges in this provision containing the conditions
2 for reinstatement of a person's driver's license or nonresident
3 operating privilege after a revocation of that license or
4 privilege for operating a motor vehicle while intoxicated.
5 Code sections 331.301 and 364.3: Adds the words "plumbing
6 and mechanical systems" before the word "board" in these two
7 provisions prohibiting the imposition of fees or charges by
8 a county or city on persons licensed by the plumbing and
9 mechanical systems board for the right to perform work within
10 the scope of that license to clarify that the state licensing
11 board is the entity being referenced. The term "board" is
12 defined under Code chapter 331 as meaning the county board of
13 supervisors and Code chapter 364 contains references to various
14 municipal boards.
15 Code section 384.3A: Corrects the date by which a city must
16 have collected certain excess franchise fee revenue in order
17 for the revenue to be available for purposes of inspecting,
18 supervising, and otherwise regulating each franchise approved
19 by a city. When the date on which the enabling legislation
20 took effect, June 20, 2013, was being substituted for the words
21 "on the effective date of this Act" as part of the codification
22 process, the date was incorrectly entered as June 30, 2013,
23 into the database. The correction of this error is made
24 effective upon enactment and retroactively applicable to June
25 20, 2013, in division IV of the bill.
26 Code sections 422.32 and 422.33: Strikes a definition of the
27 term "income from sources within this state" from Code section
28 422.33 and places the definition in alphabetical order with
29 the other definitions in Code section 422.32 that pertain to
30 business tax on corporations.
31 Code section 423A.6: Adds the words "amount of the" to
32 conform language used to describe the transfer of revenue
33 generated by the state hotel and motel tax to other similar
34 language elsewhere in the Code describing similar transfers.
35 Code section 433.2: Updates language and adds language

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1 clarifying that the statements required by telegraph and
2 telephone companies under Code section 433.1 are the statements
3 which are being received and examined by the director of
4 revenue under this Code section.
5 Code section 433.4: Replaces the word "these" with
6 "telegraph and telephone" to clarify the kinds of companies
7 for which the director of revenue is to make determinations
8 regarding the actual value of company property.
9 Code section 437A.3: Changes the word "paragraph" to
10 "subparagraph" in a definition of the term "electric power
11 generating plant" to conform the language of this provision
12 to the changes made to very similar language in Code section
13 437B.2 by 2013 Iowa Acts, ch. 140, §67.
14 Code section 441.4: Adds the word "public" before the
15 word "hearing", to reflect and conform to antecedent language
16 referring to the holding of a public hearing, in this provision
17 regarding the process for removal of a member of a city or
18 county property assessor or deputy assessor examining board
19 from that board.
20 Code section 452A.6A: Strikes a comma and adds the word "to"
21 to correct the grammar and improve the readability of language
22 describing when a refiner, supplier, terminal operator, or
23 terminal owner may not refuse to sell or transport conventional
24 motor fuel blendstock to a distributor or dealer.
25 Code section 455A.20: Changes the word "division" to
26 "subchapter" in a reference to a subunit of Code chapter
27 455A governing resources enhancement and protection to avoid
28 a conflict with other uses of the term "division" within
29 Code chapter 455A which are intended to refer to the soil
30 conservation division of the department of agriculture and land
31 stewardship.
32 Code section 461.1: Replaces the word "Act" with the word
33 "chapter" to acknowledge that the Act which created Code
34 chapter 461 is now codified in that Code chapter and to conform
35 this language to Code sections in other Code chapters which

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1 contain the short title for the Code chapter.
2 Code section 462A.49: Updates the style of the provision
3 and replaces the term "such card" with "a `registration applied
4 for´ card" to clarify what card a manufacturer or dealer is
5 prohibited from allowing the use of unless an application for a
6 registration certificate has been made.
7 Code section 462A.77: Strikes the words "or other person
8 who administers oaths" to conform this language describing the
9 requirements for an application for a certificate of title for
10 a vessel to the definition of "notarial officer" contained in
11 Code chapter 9B. The word "division" is also replaced with the
12 word "subchapter" to avoid conflicts with other uses of the
13 term "division" within Code chapter 462A.
14 Code section 466.9: Adds, in two places in subsection
15 1, the words "of natural resources" to clarify that it is
16 that department which has control over the on-site wastewater
17 systems assistance fund, because the department of agriculture
18 and land stewardship also has responsibilities under Code
19 chapter 466. In addition, in subsection 3, paragraph a,
20 subparagraph (1), the word "for" is substituted for the word
21 "with" to conform the language relating to the purposes of the
22 financing account of the on-site wastewater systems assistance
23 fund to match language describing the purposes of the fund
24 which is found in subsection 1 of this Code section.
25 Code section 468.69: Replaces the words "and/or" with the
26 word "or" to eliminate an obsolete drafting style in language
27 relating to when drainage or levee district bonds may be
28 acquired by any taxpayer or group of taxpayers of the district.
29 Code section 490.728: Changes the word "vote" to "be voted"
30 to reflect that it is the individuals who own the shares
31 referred to in this provision who are entitled to vote based on
32 share ownership in corporate elections.
33 Code section 490.860: Changes the words "at the time" to
34 "the time at which" to conform the language of this paragraph
35 to the style of the preceding paragraph in this definition of

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1 "relevant time" under the business corporations Code chapter.
2 Code sections 499.66 and 501.616: Substitutes the word
3 "equation" for the word "division" in similar language in the
4 cooperative associations Code chapter and the Code chapter
5 containing the revised uniform unincorporated nonprofit
6 association Act to avoid accidental hypertext linkage. The
7 term division is used in some chapters in the Code to refer to
8 Code chapter subunits, but in these instances, reference to a
9 mathematical equation is intended.
10 Code section 501B.7: Changes the word "by" to "in the office
11 of the" in language relating to the filing of statements of
12 authority under the revised uniform unincorporated nonprofit
13 association Act to conform the language of subsection 7 to the
14 language of subsection 2 of this Code section and other similar
15 language throughout this Code chapter.
16 Code section 502.412: Adds, in two places, the word "on"
17 to a series to relate the parts of the series to the language
18 of this provision which describes the process and reasons for
19 imposition of penalties on persons for violations of securities
20 broker-dealers or investment advisors.
21 Code section 508C.3: Restructures a subsection by moving a
22 paragraph, which covers situations in which coverage against
23 the failure in the performance of contractual obligations under
24 life and health insurance policies and annuity contracts due to
25 impairment or insolvency of the insurer is not to be provided,
26 from subsection 1, which covers the situations in which
27 coverage should be provided, into a new subsection. Language
28 in a succeeding paragraph in subsection 1 which repeats
29 language contained in the prefatory clause to subsection 1 is
30 stricken to conform the style of the paragraph to the remaining
31 paragraphs of subsection 1.
32 Code section 514I.8: Supplies the missing language, "shall
33 be used", in language describing what methodology is to be used
34 to determine family income under the hawk-i program.
35 Code section 515.35: Converts a paragraph, which by its

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1 own terms relates to the adoption of rules to carry out the
2 purposes of this Code section relating to investments of
3 insurance companies, into a subsection to remove it from the
4 subsection which pertains to the types of investments in which
5 insurance companies may invest.
6 Code section 521B.104: Adds the words "United States"
7 before the words "federal or state authorities" to conform this
8 language in subsection 2 describing when a qualified United
9 States financial institution is eligible to act as a fiduciary
10 of a trust to otherwise identical language in subsection 1 that
11 describes when an institution is a qualified United States
12 financial institution.
13 Code section 535.2: Strikes the unnecessary word "hereof"
14 to conform the citation style of an internal reference to
15 subsection 2 in this prefatory language describing rates of
16 interest on money in certain transactions to a later internal
17 reference to subsection 3.
18 Code section 543B.20: Changes the word "registration" to
19 "a license" to reflect the fact that real estate brokers and
20 salespersons are licensed, not registered.
21 Code section 543B.46: Adds the words "credit union" in
22 two provisions which describe the real estate commission's
23 authority to examine trust accounts of real estate brokers to
24 correct the omission of credit unions from that language and to
25 reflect the language of subsection 1 which permits brokers to
26 maintain trust accounts in credit unions, in addition to banks
27 and savings associations.
28 Code section 554.3312: Strikes nonconforming Code
29 subparagraph subdivision references from within Code section
30 text in this provision to conform to changes made elsewhere in
31 the uniform commercial code and this Code section by 2013 Iowa
32 Acts, ch. 30.
33 Code section 554.3504: Corrects punctuation in a series
34 from which nonconforming Code subparagraph subdivision
35 references were stricken by 2013 Iowa Acts, ch. 30.

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1 Code section 554.9502: Strikes a colon to conform the
2 punctuation of this provision to the language of this same
3 provision in the model uniform commercial code and to reflect
4 that the word "but" applies only to subparagraph (1), which
5 expresses a negative, and not subparagraph (2) of this
6 paragraph.
7 Code section 559.2: Replaces the word and numerals "section
8 559.1" with "this chapter" because the term "power to appoint"
9 is currently used throughout Code chapter 559, which relates
10 to powers of appointment. When this provision was originally
11 enacted by 1947 Iowa Acts, ch. 275, Code section 559.1 was the
12 only provision in Code chapter 559.
13 Code sections 572.13A and 572.13B: Adds the words "internet
14 site" to language to conform these two provisions within the
15 mechanics' notice and lien Code chapter to changes made by
16 2012 Iowa Acts, ch. 1105, ch. 1138, and 2013 Iowa Acts, ch.
17 99, which included the words "internet site" after references
18 to the mechanics' notice and lien registry which reflect the
19 location of the registry on an internet site.
20 Code section 572.33A: Strikes an incorrect comma and the
21 word "for" in language describing the circumstances under
22 which an owner of a building, land, or improvement upon which
23 a mechanic's lien may be posted is required to pay a general
24 contractor compensation for work done or material furnished.
25 Code section 572.34: Moves language describing a dollar
26 amount to clarify that it is the posting fee, not the
27 mechanic's lien, that may not exceed forty dollars.
28 Code section 589.4: Replaces a reference to "notaries
29 public" with "notarial officers" to conform this provision
30 relating to acknowledgments by corporation officers to a change
31 made to this Code section by 2013 Iowa Acts, ch. 140, §100.
32 Code section 589.5: Strikes the words "or other official
33 authorized by law to take acknowledgments", which appears after
34 a reference to "notarial officer" in this provision relating to
35 acknowledgments by stockholders of corporations to reflect that

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1 the definition of "notarial officer" includes persons who are
2 authorized by law to take acknowledgments.
3 Code section 602.8103A: Moves language establishing a
4 seven-day timeline to clarify that the timeline applies to
5 the transmission, upon request, of the remaining record of an
6 appeal by the clerk, and not to the appeal.
7 Code sections 602.11105, 602.11106, 602.11107: Replaces the
8 words "this Act" with "1983 Iowa Acts, ch. 186" to clarify that
9 the Act referred to in these provisions is that 1983 Act which
10 transitioned court personnel from county to state employment.
11 Code section 631.8: Replaces the word "division" with
12 "chapter" in this provision within the Code chapter governing
13 small claims because Code chapter 631 contains no chapter
14 divisions.
15 Code section 633.304: Rewrites and splits the language
16 relating to the provision of notice of probate of a will with
17 administration to clarify the timeline and contents of the
18 notices that must be made.
19 Code section 656.3: Changes the word "vendor" to "vendee"
20 to correct an error made by 2013 Iowa Acts, ch. 83, §3.
21 The provisions to which this section refers pertain to
22 the forfeiture of property of a vendee under a real estate
23 contract.
24 Code sections 692A.101 and 692A.102: Conforms the language
25 of these provisions to each other and to other similar language
26 in other provisions in these two Code sections that relate
27 to convictions for offenses in other jurisdictions or under
28 military or foreign law which require registration of an
29 offender on the Iowa sex offender registry.
30 Code section 702.17: Restructures to improve citation to
31 this definition of the term "sex act" or "sexual activity" in
32 the Code chapter establishing general definitions for Iowa's
33 criminal code chapters.
34 Code section 715A.1: Reorganizes language to alphabetize
35 the definitions that apply to this Code chapter pertaining to

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1 forgery and fraudulent acts.
2 Code section 715A.6: Rewrites language describing when
3 the fraudulent use of a credit card constitutes an aggravated
4 misdemeanor to reflect the addition of a class "C" penalty to
5 this provision, which previously was punishable only as a class
6 "D" felony or an aggravated misdemeanor, by 2003 Iowa Acts, ch.
7 12, §1.
8 Code section 717B.3: Restructures this provision relating
9 to the offense of animal neglect to improve the enumeration of
10 the elements of the offense.
11 Code section 724.1: Renumbers this provision describing
12 what constitutes an offensive weapon to separate provisions
13 which enumerate the types of weapons that are included within
14 the meaning of the term from provisions which enumerate the
15 weapons that are excluded from the term.
16 Code section 809A.16: Adds the words "and answers" to the
17 provision relating to final disposition in an in rem judicial
18 forfeiture proceeding to reflect the addition of owners or
19 interest holders in property who file answers as possible
20 parties to the proceeding to Code section 809A.13 by 2013 Iowa
21 Acts, ch. 41, §1.
22 Code sections 904.905 and 905.12: Replaces language that
23 currently refers to payment of dependent support obligations to
24 offices of the department of human services located in a county
25 in which the dependents reside to language referring to the
26 office or unit serving that county to reflect the fact that the
27 department does not maintain offices in every county in this
28 state.
29 2013 Iowa Acts, ch. 24, section 13: Replaces an incorrect
30 internal Code section reference in this provision relating to a
31 listing of providers that have failed to return overpayments of
32 medical assistance within a specific timeframe with a correct
33 reference to the Code section which establishes the timeframe
34 within which the overpayments must be returned. This change is
35 made retroactive to July 1, 2013, in division IV of the bill.

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1 2013 Iowa Acts, ch. 64, section 1: Changes a reference
2 to the agricultural development authority to a reference to
3 "authority" to reflect the transfer, by 2013 Iowa Acts, ch.
4 100, of jurisdiction over chapter 175 from the agricultural
5 development authority to the Iowa finance authority and
6 the replacement of all other references to the agricultural
7 development authority with references to the "authority". This
8 change is made retroactive to July 1, 2013, in division IV of
9 the bill.
10 2013 Iowa Acts, ch. 125, section 25: Changes language
11 requiring the future repeal of all changes made to Code section
12 175.8 in 2013 Iowa Acts, ch. 125, section 25, to reflect the
13 harmonization of changes to subsection 1, unnumbered paragraph
14 1, in which the changes made by 2013 Iowa Acts, ch. 100, §13
15 prevailed over the changes made by 2013 Iowa Acts, ch. 125, §4
16 to that same paragraph, to require the future repeal of changes
17 to subsection 2 of Code section 175.8 only. This change is
18 made retroactive to January 1, 2013, for tax years beginning on
19 or after that date, in division IV of the bill.
20 2013 Iowa Acts, ch. 130: Replaces 2013 Code language which
21 is amended to eliminate references to involuntary commitment
22 proceedings for persons with intellectual disabilities with
23 2014 Code language, which includes changes made to Code section
24 222.61 by 2012 Iowa Acts, ch. 1120, and then applies equivalent
25 amendments to the updated language to permit the codification
26 of the changes made by this 2013 Act in this Code section on
27 July 1, 2014.
28 DIVISION II. The Code sections in this division are
29 amended to correct internal references to provisions which
30 are renumbered, reorganized, or repealed in division I of the
31 bill. The internal reference correction in Code section 135.80
32 corresponds to a similar internal reference in Code section
33 230A.107. In addition, in Code section 422.15, an unnecessary
34 set of parentheses is deleted within Code section text.
35 DIVISION III. The Code sections in this division are amended

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1 by updating or correcting federal citations which appear within
2 Code section text.
3 Code sections 11.2, 11.6, 12B.10, 12C.16, 515.35, 518.14,
4 518A.12, 524.901, 602.8103, and 636.23: Updates these
5 references to the federal Investment Company Act of 1940 to
6 reflect the current United States citation for that Act and
7 to conform to similar updates made to similar language in
8 Code sections 511.8 and 633.123A. In Code section 636.23, the
9 brackets around a federal citation are also replaced with
10 commas to reflect the citation style used elsewhere in the
11 Code.
12 Code section 29A.23: Updates these references to the
13 federal Act which relates to documentation of military service
14 to reflect the current United States Code citation for that
15 Act.
16 Code section 125.10: Updates references to the federal Act
17 which relates to the development of a state plan for persons
18 with substance-related disorders to reflect the current United
19 States Code citations for that Act.
20 Code section 125.93: Updates these references to the
21 federal Drug Abuse Office and Treatment Act and the federal
22 Comprehensive Alcohol Abuse and Alcoholism Prevention,
23 Treatment, and Rehabilitation Act to reflect the current United
24 States Code citations for those Acts.
25 Code section 198.7: Updates this reference to the federal
26 Food, Drug, and Cosmetic Act to reflect the current United
27 States Code citation for that Act.
28 Code sections 225C.3, 225C.35, and 225C.47: Updates the
29 name of and citation to the current federal Act which provides
30 assistance for persons with developmental disabilities and
31 which supersedes the prior, repealed federal Act dealing with
32 the same subject.
33 Code section 229.22: Corrects the citation form to the
34 parts of the Code of Federal Regulations in which regulations
35 promulgated in accordance with the federal Health Insurance

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1 Portability and Accountability Act of 1996 are contained.
2 Code section 249A.3: Corrects the year of enactment for the
3 federal Omnibus Budget Reconciliation Act, Pub. L. No. 99-272.
4 Code section 249F.1: Corrects the reference to the United
5 States Code provision in which federal Social Security Act
6 section 1614 is codified.
7 Code sections 321.12 and 321.450: Corrects two Code of
8 Federal Regulations citations to reflect that those provisions
9 are parts, not sections, of the Code of Federal Regulations.
10 Code section 325A.6: Corrects this Code of Federal
11 Regulations citation to reflect that this provision is a part,
12 not a chapter, within the Code of Federal Regulations.
13 Code section 327J.1: Updates this reference to the federal
14 Act which creates the national railroad passenger corporation
15 to reflect the current United States Code citation for that
16 Act.
17 Code section 459A.102: Updates the form of a United States
18 Code citation and a Code of Federal Regulations citation to
19 conform to other similar types of citations elsewhere in the
20 Iowa Code.
21 Code section 502.304A: Completes this Code of Federal
22 Regulations citation to rule 505 of the Securities Act of 1933.
23 Code section 513B.2: Updates this reference to the federal
24 law which defines which health care insurance entities are
25 federally qualified health maintenance organizations to reflect
26 the current United States Code citation for that law.
27 Code section 514I.2: Corrects the form of citation for the
28 United States Code provision which defines "health insurance
29 coverage" under federal law.
30 Code section 535.2: Corrects the form of citation for the
31 United States Code provisions in which the federal Securities
32 Exchange Act of 1934 is currently codified.
33 Code section 535.12: Corrects the reference to the United
34 States Code provision which describes which agricultural credit
35 corporations may make, guarantee, or participate in the selling

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1 or discounting of loans to the farm credit bank of Omaha,
2 Nebraska.
3 Code sections 551A.3 and 551A.4: Corrects these Code of
4 Federal Regulations citations to reflect that these provisions
5 are parts, not sections.
6 Code section 714B.10: Corrects this Code of Federal
7 Regulations citation to reflect that this provision is a
8 section, not a part.
9 Code section 907B.2: Completes the United States Code
10 citation to this provision from the federal Government in the
11 Sunshine Act relating to the process used to determine whether
12 certain records should be disclosed.
13 DIVISION IV. This division contains the effective date and
14 applicability provisions that apply to provisions which are
15 amended in division I of the bill.

Senate Study Bill 3191 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CHAIRPERSON BOWMAN)

A BILL FOR

1 An Act establishing texting while driving as a primary traffic
2 offense for purposes of law enforcement.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6157SC (2) 85
dea/nh

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1 Section 1. Section 321.276, subsection 5, Code 2014, is
2 amended by striking the subsection.
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 Current law prohibits a person from using a hand-held
7 electronic communication device to write, read, or send a
8 text message while driving a motor vehicle. A violation is
9 punishable by a scheduled fine of $30, but it is not considered
10 a moving violation. In addition, the prohibition against
11 texting while driving is only enforceable as a secondary
12 action when the motor vehicle has been stopped for a suspected
13 violation of another law. Under this bill, a peace officer is
14 authorized to stop a person suspected of texting while driving,
15 regardless of whether a violation of another law has occurred.

Senate Study Bill 3192 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON TRANSPORTATION BILL BY CHAIRPERSON BOWMAN)

A BILL FOR

1 An Act relating to the operation of all-terrain vehicles on
2 highways, and making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6152SC (3) 85
dea/nh

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1 Section 1. Section 321.1, subsection 32, Code 2014, is
2 amended to read as follows:
3 32. *"Implement of husbandry"* means a vehicle or special
4 mobile equipment manufactured, designed, or reconstructed
5 for agricultural purposes and, except for incidental uses,
6 exclusively used in the conduct of agricultural operations.
7 *"Implements of husbandry"* includes all-terrain vehicles operated
8 in compliance with section 321.234A, subsection 1, paragraph
9 *"a"*, subparagraph (1), fence-line feeders, and vehicles used
10 exclusively for the application of organic or inorganic plant
11 food materials, organic agricultural limestone, or agricultural
12 chemicals. To be considered an implement of husbandry, a
13 self-propelled implement of husbandry must be operated at
14 speeds of thirty-five miles per hour or less.
15 *a.* *"Reconstructed"* as used in this subsection means
16 materially altered from the original construction by the
17 removal, addition, or substitution of essential parts, new or
18 used.
19 *b.* A vehicle covered under this subsection, if it otherwise
20 qualifies, may be operated as special mobile equipment
21 and under such circumstances this subsection shall not be
22 applicable to such vehicle, and such vehicle shall not be
23 required to comply with sections 321.384 through 321.423, when
24 such vehicle is moved during daylight hours; however, the
25 provisions of section 321.383 shall remain applicable to such
26 vehicle.
27 Sec. 2. Section 321.1, subsection 47A, Code 2014, is amended
28 by striking the subsection and inserting in lieu thereof the
29 following:
30 47A. *"Off-road utility vehicle"* means as defined in section
31 321I.1, but does not include vehicles with rubberized tracks.
32 *"Off-road utility vehicle"* does not include dune buggies, golf
33 carts, go-carts, or minitrucks.
34 Sec. 3. Section 321.234A, Code 2014, is amended to read as
35 follows:

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321.234A All-terrain vehicles — highway use.

An all-terrain vehicle shall not be operated on a highway except as provided in this section.

1. *a.* ~~All-terrain vehicles shall not~~ An all-terrain vehicle may be operated on a highway ~~unless~~ if one or more of the following conditions apply:

~~*a.*~~ (1) The operation is between sunrise and sunset and is incidental to the vehicle's use for agricultural purposes. For purposes of this ~~paragraph~~ subparagraph, *"incidental to the vehicle's use for agricultural purposes"* includes stopping in the course of agricultural use to obtain fuel for the all-terrain vehicle or to obtain food or a nonalcoholic beverage for the operator.

~~*b.*~~ (2) The operation is incidental to the vehicle's use for the purpose of surveying by a licensed engineer or land surveyor.

~~*c.*~~ (3) The all-terrain vehicle is operated by an employee or agent of a political subdivision or public utility for the purpose of construction or maintenance on or adjacent to the highway.

~~*d.*~~ (4) The all-terrain vehicle is operated by an employee or agent of a public agency as defined in section 34.1 for the purpose of providing emergency services or rescue.

~~*e.*~~ (5) The all-terrain vehicle is operated for the purpose of mowing, installing approved trail signs, or providing maintenance on a snowmobile or all-terrain vehicle trail designated by the department of natural resources.

~~*f.* The all-terrain vehicle is operated on a county roadway in accordance with section 321I.10, subsection 2, or a city street in accordance with section 321I.10, subsection 3.~~

~~2.~~ *b.* A person operating an all-terrain vehicle on a highway under this subsection shall have a valid driver's license ~~and the vehicle shall be operated at speeds of thirty-five miles per hour or less~~.

2. *a.* An all-terrain vehicle that is designed to travel on

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1 four or more wheels and is registered under chapter 321I may be
2 operated on a highway as follows:
3 (1) An all-terrain vehicle may be operated on secondary
4 roads unless the county has adopted an ordinance prohibiting
5 such operation pursuant to section 321.236, subsection 14B.
6 (2) A person shall not operate an all-terrain vehicle on a
7 primary highway except to cross a primary highway; however, the
8 provisions of section 321I.10 govern the crossing of a primary
9 highway when the all-terrain vehicle is being operated on a
10 designated all-terrain vehicle trail.
11 (3) A person shall not operate an all-terrain vehicle on
12 a highway within the corporate limits of a city except on
13 a nonprimary highway where such operation is authorized by
14 ordinance pursuant to section 321.236, subsection 14A.
15 *b.* The motor vehicle laws, including but not limited to
16 the provisions of sections 321.20B, 321.285, 321.317, 321.385,
17 and 321.387, apply to the operation of all-terrain vehicles on
18 highways under this subsection, except for those provisions
19 relating to required equipment which by their nature can have
20 no practical application.
21 *c.* A person shall not operate an all-terrain vehicle on
22 a highway under this subsection unless the person is sixteen
23 years of age or older and possesses a valid driver's license
24 other than a license valid only for the operation of a
25 motorized bicycle.
26 3. An all-terrain vehicle shall not be operated on a highway
27 at a speed exceeding thirty-five miles per hour.
28 ~~3.~~ 4. An all-terrain vehicle that is owned by the owner
29 of land adjacent to a highway, other than an interstate road,
30 may be operated by the owner of the all-terrain vehicle, or by
31 a member of the owner's family, on the portion of the highway
32 right-of-way that is between the shoulder of the roadway, or at
33 least five feet from the edge of the roadway, and the owner's
34 property line. A person operating an all-terrain vehicle
35 within the highway right-of-way under this subsection shall

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1 comply with the registration, safety, and age requirements
2 under chapter 321I.
3 ~~4.~~ 5. A person convicted of a violation of this section
4 is guilty of a simple misdemeanor punishable as a scheduled
5 violation under section 805.8A, subsection 3.
6 Sec. 4. Section 321.236, Code 2014, is amended by adding the
7 following new subsections:
8 NEW SUBSECTION. 14A. Authorizing the operation of
9 all-terrain vehicles on highways under the jurisdiction of a
10 city, other than municipal extensions of primary highways, in
11 accordance with section 321.234A, subsection 2.
12 NEW SUBSECTION. 14B. Prohibiting the operation of
13 all-terrain vehicles on secondary roads under the jurisdiction
14 of a county, in accordance with section 321.234A, subsection 2.
15 Sec. 5. Section 321I.9, unnumbered paragraph 1, Code 2014,
16 is amended to read as follows:
17 Registration under this chapter shall not be required for
18 the following described all-terrain vehicles:
19 Sec. 6. Section 321I.9, subsection 2, Code 2014, is amended
20 to read as follows:
21 2. All-terrain vehicles used in accordance with section
22 321.234A, subsection 1, paragraph *"a"*, subparagraph (1).
23 Sec. 7. Section 321I.10, subsections 2 and 3, Code 2014, are
24 amended by striking the subsections.
25 Sec. 8. Section 321I.31, subsection 1, Code 2014, is amended
26 to read as follows:
27 1. The owner of an all-terrain vehicle acquired on or
28 after January 1, 2000, other than an all-terrain vehicle used
29 exclusively as a farm implement or a motorcycle previously
30 issued a title pursuant to chapter 321, shall apply to the
31 county recorder of the county in which the owner resides for a
32 certificate of title for the all-terrain vehicle. The owner
33 of an all-terrain vehicle used exclusively as a farm implement
34 may obtain a certificate of title. A person who owns an
35 all-terrain vehicle that is not required to have a certificate

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of title may apply for and receive a certificate of title for the all-terrain vehicle and, subsequently, the all-terrain vehicle shall be subject to the requirements of this chapter as if the all-terrain vehicle were required to be titled. All all-terrain vehicles that are titled shall be registered under this chapter.

Sec. 9. Section 331.362, subsection 9, Code 2014, is amended to read as follows:

9. A county may regulate traffic on and use of the secondary roads, in accordance with sections 321.236 to 321.250, 321.254, 321.255, 321.285, subsection 4, sections 321.352, 321.471 to 321.473, and other applicable provisions of chapter 321, chapter 321E, and sections 321G.9~~, 321I.10,~~ and 327G.15.

EXPLANATION

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

This bill provides for expanded highway use of all-terrain vehicles.

Currently, the operation of all-terrain vehicles on highways is permitted if the operation is between sunrise and sunset and is incidental to the vehicle's use for agricultural purposes; if the operation is incidental to land surveying; if the operation is by an employee or agent of a political subdivision or public utility for the purpose of construction or maintenance on or adjacent to the highway; or if the operation is for the purpose of mowing, installing approved trail signs, or providing maintenance on a designated snowmobile or all-terrain vehicle trail. The operator is required to have a valid driver's license, and a 35-mile-per-hour speed restriction applies. These provisions for the operation of all-terrain vehicles on a highway for limited purposes are not changed under the bill.

The bill provides that an all-terrain vehicle designed to travel on four or more wheels may be operated on secondary roads, but not on primary highways, except to cross over a

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1 primary highway, and not on highways within the corporate
2 limits of a city except where all-terrain vehicles are
3 permitted by ordinance. A county may, by ordinance, prohibit
4 the use of all-terrain vehicles on county roads, and a city may
5 authorize the operation of all-terrain vehicles on highways
6 under the city's jurisdiction other than municipal extensions
7 of primary highways. The bill strikes current provisions in
8 Code chapter 321I that allow cities and counties to designate
9 roads under their jurisdiction for the operation of all-terrain
10 vehicles.
11 The bill states that a person who operates an all-terrain
12 vehicle on a highway under the new provisions must be at
13 least 16 years of age and have a valid driver's license other
14 than a license valid only for the operation of a motorized
15 bicycle. The all-terrain vehicle must be registered with the
16 department of natural resources. Iowa motor vehicle laws apply
17 to the operation of all-terrain vehicles on highways except
18 those equipment provisions which by their nature can have no
19 practical application. The bill specifies that the operator
20 of an all-terrain vehicle must carry proof of motor vehicle
21 financial liability coverage, and the all-terrain vehicle must
22 meet requirements for headlamps, rear lamps, and turn signals.
23 Current speed limits apply to all-terrain vehicles operated
24 on a highway, except that an all-terrain vehicle may not be
25 operated at a speed exceeding 35 miles per hour.
26 Pursuant to current law, a violation of restrictions on the
27 operation of all-terrain vehicles on a highway is a simple
28 misdemeanor punishable by a scheduled fine of $50.
29 The definition of "all-terrain vehicle", for purposes of
30 Code chapter 321, includes off-road utility vehicles. The
31 bill revises the definition of "off-road utility vehicle",
32 for purposes of Code chapter 321, to match the definition
33 under Code chapter 321I, which encompasses larger vehicles.
34 However, the bill specifies that for purposes of Code chapter
35 321, "off-road utility vehicle" does not include vehicles with

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1 rubberized tracks, dune buggies, golf carts, go-carts, or
2 minitrucks.

Senate Study Bill 3193 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON TRANSPORTATION BILL BY CHAIRPERSON BOWMAN)

A BILL FOR

1 An Act relating to the period of revocation of a special
2 minor´s driver´s license following conviction for two or
3 more motor vehicle violations.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6155SC (2) 85
dea/nh

S.F. _____

Section 1. Section 321.194, subsection 2, Code 2014, is amended to read as follows:

2. *Suspension and revocation.* A driver's license issued under this section is subject to suspension or revocation for the same reasons and in the same manner as suspension or revocation of any other driver's license. The department may also suspend a driver's license issued under this section upon receiving satisfactory evidence that the licensee has violated the restrictions of the license or has been involved in one or more accidents chargeable to the licensee. The department may suspend a driver's license issued under this section upon receiving a record of the licensee's conviction for one violation. The department shall revoke the license upon receiving a record of conviction for two or more violations of a law of this state or a city ordinance regulating the operation of motor vehicles on highways other than parking violations as defined in section 321.210. After a person licensed under this section receives two or more convictions which require revocation of the person's license under this section, the department shall not grant an application for a new driver's license until the expiration of ~~one year~~ thirty days.

EXPLANATION

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

Under current law, when a person with a special minor's license is convicted of two or more motor vehicle violations other than parking violations, the department of transportation is required to revoke the person's license, and the person is not eligible to apply for another driver's license for one year. This bill shortens the waiting period before the person is eligible to apply for a driver's license to 30 days.

Senate Study Bill 3194 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON LABOR AND BUSINESS
RELATIONS BILL BY
CHAIRPERSON HORN)

A BILL FOR

1 An Act increasing the state minimum hourly wage.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6162XC (2) 85
je/rj

S.F. _____

Section 1. Section 91D.1, subsection 1, paragraphs a and d, Code 2014, are amended to read as follows:

a. The state hourly wage shall be at least ~~$6.20 as of April 1, 2007, and~~ $7.25 as of January 1, 2008, $8.00 as of July 1, 2014, $8.70 as of January 1, 2015, $9.40 as of July 1, 2015, and $10.10 as of January 1, 2016.

d. An employer is not required to pay an employee the applicable state hourly wage provided in paragraph *"a"* until the employee has completed ninety calendar days of employment with the employer. An employee who has completed ninety calendar days of employment with the employer ~~prior to April 1, 2007, or January 1, 2008,~~ shall earn the applicable state hourly minimum wage as of ~~that~~ the date of completion. An employer shall pay an employee who has not completed ninety calendar days of employment with the employer an hourly wage of at least ~~$5.30 as of April 1, 2007, and~~ $6.35 as of January 1, 2008, $7.10 as of July 1, 2014, $7.80 as of January 1, 2015, $8.50 as of July 1, 2015, and $9.20 as of January 1, 2016.

EXPLANATION

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

This bill increases the state minimum hourly wage to $8.00 as of July 1, 2014, $8.70 as of January 1, 2015, $9.40 as of July 1, 2015, and $10.10 as of January 1, 2016. The bill increases the state minimum hourly wage for employees employed for less than 90 days to $7.10 as of July 1, 2014, $7.80 as of January 1, 2015, $8.50 as of July 1, 2015, and $9.20 as of January 1, 2016.

Senate Study Bill 3195 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON COMMERCE BILL BY
CHAIRPERSON McCOY)

A BILL FOR

1 An Act providing a procedure for the escheatment of United
2 States savings bonds presumed abandoned.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6133XC (5) 85
rn/sc

S.F. _____

1 Section 1. NEW SECTION. **556.9B United States savings bonds**
2 **— escheatment procedures.**
3 1. Notwithstanding any provision of this chapter to the
4 contrary, the escheat of United States savings bonds and
5 proceeds from such bonds to the state shall be governed by this
6 section.
7 2. United States savings bonds held or owing in this state
8 by any person, or issued or owed in the course of a holder's
9 business, or issued or owed by a state or other government,
10 governmental subdivision, agency, or instrumentality, and all
11 proceeds from such bonds, shall escheat to the state three
12 years after such bonds are presumed abandoned property under
13 section 556.9, subsection 1. All property rights and legal
14 title to and ownership of such United States savings bonds
15 or proceeds from such bonds, including all rights, powers,
16 and privileges of survivorship of any owner, co-owner, or
17 beneficiary, shall vest solely in the state.
18 3. Within one hundred eighty days after the three-year
19 period referred to in subsection 2, if a claim has not been
20 filed in accordance with the provisions of section 556.19 for
21 the United States savings bonds, the treasurer of state shall
22 commence a civil action in the district court of Polk county
23 for a determination that the savings bonds shall escheat to
24 the state. The treasurer of state may postpone the bringing
25 of such an action until sufficient United States savings bonds
26 have accumulated in the treasurer of state's custody to justify
27 the expense of the civil action.
28 4. *a.* In lieu of the notice and publication provisions
29 specified in section 556.12, the treasurer of state or the
30 treasurer of state's attorney must file an affidavit or a
31 declaration stating all of the following that apply:
32 (1) That personal service of notice or notification by
33 certified mail has been attempted at the last known address of
34 all named defendants unless the treasurer or the treasurer's
35 attorney has reason to believe that the address submitted

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1 by the holder is unknown or not otherwise sufficient to
2 ensure that personal service or delivery of such notice will
3 likely occur. The notice shall notify the defendant of the
4 information in paragraph *"b"*, subparagraphs (1), (2), and (3).
5 (2) That a reasonable effort has been made to ascertain the
6 names and addresses of any defendants sought to be served as
7 unknown parties.
8 (3) That service of summons pursuant to subparagraph (1) or
9 (2) has been unsuccessful.
10 *b.* Following the filing of the affidavit or declaration
11 pursuant to paragraph *"a"*, the treasurer of state shall serve
12 notice by publication. Publication of the notice shall be made
13 once each week for three consecutive weeks in a newspaper of
14 general circulation published in the county where the petition
15 is filed. Such notice shall name any defendant to be served
16 and shall notify the defendant of the following:
17 (1) The defendant has been sued in a named court.
18 (2) The defendant must answer the petition or other pleading
19 or otherwise defend, on or before a specified date that is
20 less than forty-one days after the date the notice is first
21 published.
22 (3) If the defendant does not answer or otherwise defend,
23 the petition or other pleading will be taken as true and
24 judgment, the nature of which must be stated, will be rendered
25 accordingly.
26 5. If a person does not file a claim or appear at the
27 hearing to substantiate a claim, or if the court determines
28 that a claimant is not entitled to the property claimed by
29 the claimant, the court, if satisfied by evidence that the
30 treasurer of state has substantially complied with the laws
31 of this state, shall enter a judgment that the United States
32 savings bonds have escheated to the state, and all property
33 rights and legal title to and ownership of such savings bonds
34 or proceeds from such bonds, including all rights, powers,
35 and privileges of survivorship of any owner, co-owner, or

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1 beneficiary, have vested solely in the state.
2 6. The treasurer of state shall redeem United States
3 savings bonds escheated to the state and the proceeds from the
4 redemption shall be deposited into the general fund of the
5 state in accordance with section 556.18.
6 7. Any person making a claim for the United States savings
7 bonds escheated to the state under this section, or for the
8 proceeds from such bonds, may file a claim in accordance
9 with section 556.19. Upon providing sufficient proof of the
10 validity of the person's claim, the treasurer of state may pay
11 such claim in accordance with the provisions of section 556.20.
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 provides a procedure for the escheatment to the
16 state of United States savings bonds presumed to be abandoned.
17 The bill provides that if a claim has not been filed for the
18 United States savings bonds within three years and 180 days
19 after the savings bonds were presumed abandoned under current
20 law, the treasurer of state shall commence a civil action in
21 the district court of Polk county for a determination that
22 the savings bonds shall escheat to the state. The treasurer
23 of state may postpone the bringing of such an action until
24 sufficient United States savings bonds have accumulated in the
25 treasurer of state's custody to justify the expense of the
26 civil action.
27 The bill provides that, in lieu of existing notice
28 provisions, and after either personal service or service by
29 mail has been attempted or there is reason to believe that
30 such service or delivery will be unsuccessful, the treasurer
31 of state shall serve notice of the civil action by publication
32 in a newspaper of general circulation published in the county
33 where the petition is filed, naming any defendant remaining to
34 be served. The notice shall notify each defendant that the
35 defendant has been sued in a named court, that the defendant

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1 must answer the petition or other pleading or otherwise
2 defend, on or before a specified date not less than 41 days
3 after the date the notice is first published and that if the
4 defendant does not answer or otherwise defend, the petition
5 or other pleading will be taken as true and judgment rendered
6 accordingly. The bill additionally requires that prior to
7 service by publication, the treasurer of state or the treasurer
8 of state's attorney must file an affidavit or a declaration
9 relating to efforts undertaken to identify and serve notice
10 upon known and unknown defendants.
11 The bill provides that if a claim for the United States
12 savings bonds is not filed or no one appears at the hearing
13 to substantiate a claim, or if the court determines that
14 a claimant is not entitled to the property claimed by the
15 claimant, the court, if satisfied that the treasurer of state
16 has substantially complied with the required process, shall
17 enter a judgment that the savings bonds have escheated to
18 the state. The treasurer of state shall redeem the savings
19 bonds escheated and the proceeds from the redemption shall be
20 deposited into the general fund of the state.
21 The bill provides that any person making a claim for the
22 United States savings bonds escheated to the state or for the
23 proceeds from such bonds may file a claim for the bonds and
24 proceeds and, if sufficient proof of the validity of the claim
25 is determined to exist, the treasurer of state may pay the
26 claim in accordance with current law.

Senate Study Bill 3196 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON HOGG)

A BILL FOR

1 An Act relating to the criminal transmission of a contagious
2 or infectious disease, providing penalties, and including
3 effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5088XC (15) 85
pf/nh

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1 Section 1. NEW SECTION. **709D.1 Title.**
2 This chapter shall be known and may be cited as the
3 *"Contagious or Infectious Disease Transmission Act"*.
4 Sec. 2. NEW SECTION. **709D.2 Definitions.**
5 As used in this chapter, unless the context otherwise
6 requires:
7 1. *"Contagious or infectious disease"* means hepatitis in any
8 form, meningococcal disease, AIDS or HIV as defined in section
9 141A.1, or tuberculosis.
10 2. *"Exposes"* means engaging in conduct that poses a
11 substantial risk of transmission.
12 3. *"Practical means to prevent transmission"* means
13 substantial good faith compliance with a treatment regimen
14 prescribed by the person's health care provider, if applicable,
15 and with behavioral recommendations of the person's health care
16 provider or public health officials, which may include but are
17 not limited to the use of a medically indicated respiratory
18 mask or a prophylactic device, to measurably limit the risk of
19 transmission of the contagious or infectious disease.
20 Sec. 3. NEW SECTION. **709D.3 Criminal transmission of a**
21 **contagious or infectious disease.**
22 1. A person commits a class "B" felony when the person
23 knows the person is infected with a contagious or infectious
24 disease and exposes an uninfected person to the contagious or
25 infectious disease with the intent that the uninfected person
26 contract the contagious or infectious disease, and the conduct
27 results in the uninfected person becoming infected with the
28 contagious or infectious disease.
29 2. A person commits a class "D" felony when the person
30 knows the person is infected with a contagious or infectious
31 disease and exposes an uninfected person to the contagious or
32 infectious disease with the intent that the uninfected person
33 contract the contagious or infectious disease, but the conduct
34 does not result in the uninfected person becoming infected with
35 the contagious or infectious disease.

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1 3. A person commits a class "D" felony when the person
2 knows the person is infected with a contagious or infectious
3 disease and exposes an uninfected person to the contagious
4 or infectious disease acting with a reckless disregard as to
5 whether the uninfected person contracts the contagious or
6 infectious disease, and the conduct results in the uninfected
7 person becoming infected with the contagious or infectious
8 disease.
9 4. A person commits a serious misdemeanor when the person
10 knows the person is infected with a contagious or infectious
11 disease and exposes an uninfected person to the contagious
12 or infectious disease acting with a reckless disregard as to
13 whether the uninfected person contracts the contagious or
14 infectious disease, but the conduct does not result in the
15 uninfected person becoming infected with the contagious or
16 infectious disease.
17 5. The act of becoming pregnant while infected with a
18 contagious or infectious disease, continuing a pregnancy while
19 infected with a contagious or infectious disease, or declining
20 treatment for a contagious or infectious disease during
21 pregnancy shall not constitute a crime under this chapter.
22 6. Evidence that a person knows the person is infected with
23 a contagious or infectious disease and has engaged in conduct
24 that exposes others to the contagious or infectious disease,
25 regardless of the frequency of the conduct, is insufficient
26 on its own to prove the intent to transmit the contagious or
27 infectious disease.
28 7. A person does not act with the intent required pursuant
29 to subsection 1 or 2, or with the reckless disregard required
30 pursuant to subsection 3 or 4, if the person takes practical
31 means to prevent transmission, or if the person informs
32 the uninfected person that the person has a contagious
33 or infectious disease and offers to take practical means
34 to prevent transmission but that offer is rejected by the
35 uninfected person subsequently exposed to the infectious or

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contagious disease.

8. It is an affirmative defense to a charge under this section if the person exposed to the contagious or infectious disease knew that the infected person was infected with the contagious or infectious disease at the time of the exposure and consented to exposure with that knowledge.

Sec. 4. NEW SECTION. **709D.4 Additional remedies.**

This chapter shall not be construed to preclude the use of any other civil or criminal remedy available relating to the transmission of a contagious or infectious disease.

Sec. 5. Section 141A.9, subsection 2, paragraph i, Code 2014, is amended to read as follows:

i. Pursuant to sections 915.42 and 915.43, to a convicted or alleged sexual assault offender; the physician or other health care provider who orders the test of a convicted or alleged offender; the victim; the parent, guardian, or custodian of the victim if the victim is a minor; the physician of the victim if requested by the victim; the victim counselor or person requested by the victim to provide counseling regarding the HIV-related test and results; the victim's spouse; persons with whom the victim has engaged in vaginal, anal, or oral intercourse subsequent to the sexual assault; members of the victim's family within the third degree of consanguinity; and the county attorney who ~~may use the results as evidence in the prosecution of sexual assault under chapter 915, subchapter V, or prosecution of the offense of criminal transmission of HIV under chapter 709C~~ filed the petition for HIV-related testing under section 915.42. For the purposes of this paragraph, "*victim*" means victim as defined in section 915.40.

Sec. 6. Section 692A.101, subsection 1, paragraph a, subparagraph (9), Code 2014, is amended by striking the subparagraph.

Sec. 7. Section 692A.102, subsection 1, paragraph c, subparagraph (23), Code 2014, is amended by striking the subparagraph.

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1 Sec. 8. Section 915.43, subsections 4 and 5, Code 2014, are
2 amended to read as follows:
3 4. Results of a test performed under this subchapter,
4 except as provided in subsection 13, shall be disclosed only
5 to the physician or other practitioner who orders the test of
6 the convicted or alleged offender; the convicted or alleged
7 offender; the victim; the victim counselor or person requested
8 by the victim to provide counseling regarding the HIV-related
9 test and results; the physician of the victim if requested by
10 the victim; the parent, guardian, or custodian of the victim,
11 if the victim is a minor; and the county attorney who filed
12 the petition for HIV-related testing under this chapter~~, who~~
13 ~~may use the results to file charges of criminal transmission~~
14 ~~of HIV under chapter 709C~~. Results of a test performed under
15 this subchapter shall not be disclosed to any other person
16 without the written informed consent of the convicted or
17 alleged offender. A person to whom the results of a test
18 have been disclosed under this subchapter is subject to the
19 confidentiality provisions of section 141A.9, and shall not
20 disclose the results to another person except as authorized by
21 section 141A.9, subsection 2, paragraph *"i"*.
22 5. If testing is ordered under this subchapter, the court
23 shall also order periodic testing of the convicted offender
24 during the period of incarceration, probation, or parole or of
25 the alleged offender during a period of six months following
26 the initial test if the physician or other practitioner who
27 ordered the initial test of the convicted or alleged offender
28 certifies that, based upon prevailing scientific opinion
29 regarding the maximum period during which the results of an
30 HIV-related test may be negative for a person after being
31 HIV-infected, additional testing is necessary to determine
32 whether the convicted or alleged offender was HIV-infected
33 at the time the sexual assault or alleged sexual assault was
34 perpetrated. The results of the test conducted pursuant to
35 this subsection shall be released only to the physician or

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1 other practitioner who orders the test of the convicted or
2 alleged offender, the convicted or alleged offender, the victim
3 counselor or person requested by the victim to provide the
4 counseling regarding the HIV-related test and results who shall
5 disclose the results to the petitioner, the physician of the
6 victim, if requested by the victim, and the county attorney
7 who ~~may use the results as evidence in the prosecution of the~~
8 ~~sexual assault or in the prosecution of the offense of criminal~~
9 ~~transmission of HIV under chapter 709C~~ filed the petition for
10 HIV-related testing under section 915.42.
11 Sec. 9. REPEAL. Chapter 709C, Code 2014, is repealed.
12 Sec. 10. SEX OFFENDER REGISTRY — EXPUNGEMENT OF RECORD.
13 1. The division of criminal investigation in the department
14 of public safety shall expunge the registration of a registrant
15 who was required to register on the state's sex offender
16 registry pursuant to chapter 692A, Code 2014, on the basis of
17 having been convicted of the aggravated offense of criminal
18 transmission of human immunodeficiency virus in violation
19 of section 709C.1, subsection 1, paragraph "a", Code 2014,
20 provided the registrant has been convicted of no other offense
21 requiring registration.
22 2. The department of public safety shall also remove the
23 relevant information of such a person specified in subsection
24 1 from the sex offender registry internet site provided
25 the person has been convicted of no other offense requiring
26 registration. Upon removal of the relevant information
27 from the sex offender registry internet site, the relevant
28 information of the person shall no longer be displayed on
29 the sex offender registry internet site unless the person is
30 convicted of another offense that requires registration.
31 Sec. 11. EFFECTIVE DATE. This Act, being deemed of
32 immediate importance, takes effect upon enactment.
33 EXPLANATION

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

S.F. _____

1 This bill creates the "Contagious or Infectious Disease
2 Transmission Act" and establishes crimes relating to the
3 transmission of a contagious or infectious disease.
4 The bill provides that a person commits a class "B" felony
5 when the person knows the person is infected with a contagious
6 or infectious disease and exposes an uninfected person to
7 the contagious or infectious disease with the intent that
8 the uninfected person contract the contagious or infectious
9 disease, and the conduct results in the uninfected person
10 becoming infected with the contagious or infectious disease. A
11 class "B" felony is punishable by confinement for no more than
12 25 years.
13 A person commits a class "D" felony when the person knows
14 that the person has a contagious or infectious disease and
15 exposes an uninfected person to the contagious or infectious
16 disease with the intent that the uninfected person contract
17 the contagious or infectious disease, but the conduct does
18 not result in the uninfected person becoming infected with
19 the contagious or infectious disease. A class "D" felony is
20 punishable by confinement for no more than five years and a
21 fine of at least $750 but no more than $7,500.
22 A person commits a class "D" felony when the person knows the
23 person is infected with a contagious or infectious disease and
24 exposes an uninfected person to the contagious or infectious
25 disease acting with a reckless disregard as to whether the
26 uninfected person contracts the contagious or infectious
27 disease, and the conduct results in the uninfected person
28 becoming infected with the contagious or infectious disease. A
29 class "D" felony is punishable by confinement for no more than
30 five years and a fine of at least $750 but no more than $7,500.
31 A person commits a serious misdemeanor when the person
32 knows the person is infected with a contagious or infectious
33 disease and exposes an uninfected person to the contagious
34 or infectious disease acting with a reckless disregard as
35 to whether the uninfected person contracts the contagious

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1 or infectious disease, but the contact does not result in
2 the uninfected person being infected with the contagious or
3 infectious disease.
4 The bill provides that becoming pregnant while infected with
5 a contagious or infectious disease, continuing a pregnancy
6 while infected with a contagious or infectious disease, or
7 declining treatment for a contagious or infectious disease
8 during pregnancy does not constitute a crime under the bill.
9 The bill also specifies that evidence that a person knows the
10 person is infected with a contagious or infectious disease and
11 has engaged in conduct that exposes others to the contagious or
12 infectious disease, regardless of the frequency of the conduct,
13 is insufficient on its own to prove the intent to transmit
14 the contagious or infectious disease. Additionally, the bill
15 specifies that a person does not act with the intent or the
16 reckless disregard required to commit the crimes specified
17 under the bill if the person takes practical means to prevent
18 transmission, or if the person informs the uninfected person of
19 the person´s contagious or infectious disease status and offers
20 to take practical means to prevent transmission but that offer
21 is rejected by the uninfected person subsequently exposed to
22 the infectious or contagious disease. Under the bill, it is an
23 affirmative defense to a charge under the bill if the person
24 exposed to the contagious or infectious disease knew that the
25 infected person was infected with the contagious or infectious
26 disease at the time of the exposure and consented to exposure
27 with that knowledge.
28 The bill provides that the new Code chapter is not to
29 be construed to preclude other civil or criminal remedies
30 available relating to the transmission of a contagious or
31 infectious disease.
32 The bill also repeals the provision establishing the knowing
33 transmission of the human immunodeficiency virus (HIV) as
34 a crime under Code section 709C.1. Under current Code, a
35 person commits criminal transmission of HIV if the person,

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1 knowing that the person's human immunodeficiency virus status
2 is positive, engages in intimate contact with another person;
3 transfers, donates, or provides the person's blood, tissue,
4 semen, organs, or other potentially infectious bodily fluids
5 for transfusion, transplantation, insemination, or other
6 administration to another person; or dispenses, delivers,
7 exchanges, sells, or in any other way transfers to another
8 person any nonsterile intravenous or intramuscular drug
9 paraphernalia previously used by the person infected with the
10 human immunodeficiency virus. Under current law, criminal
11 transmission of the human immunodeficiency virus is a class "B"
12 felony, which is punishable by confinement for no more than 25
13 years. The bill also makes conforming amendments throughout
14 the Code to eliminate references to the repealed Code section.
15 The bill directs the division of criminal investigation to
16 expunge the registration of a registrant who was required to
17 register on the state's sex offender registry on the basis of
18 having been convicted of the aggravated offense of criminal
19 transmission of human immunodeficiency virus, and directs the
20 department of public safety to remove the relevant information
21 of such person from the sex offender registry internet site,
22 provided the registrant has been convicted of no other offense
23 requiring registration.
24 The bill takes effect upon enactment.