Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 24, 2014

H8017 5
H8018 6
H8019 7
H8020 8
H8021 9
H8022 10
H8023 11
H8024 12
H8025 13
H8026 14
HF2364 16
HF2365 20
HF2366 40
HF2367 44
HF2368 47
HF2369 52
HF2370 57
HF2371 59
HF2372 65
HF2373 67
HF2374 70
HF2375 77
HF2376 80
HF2377 85
HF2378 88
HF2379 91
HF2380 94
HF2381 97
HF2382 99
HF2383 102
HF2384 105
HF2385 117
HF2386 125
HF2387 127
HF2388 131
HF2389 136

HF2390 138
HJR2007 141
S5007 143
S5008 144
S5009 145
S5010 147
S5011 148
S5012 149
S5013 150
SF2260 151
SF2261 153
SF2262 159
SF2263 165
SF2264 168
SF2265 172
SF2266 179
SF2267 185
SF2268 188
SF2269 196
SF2270 202
SF2271 206
SF2272 214
SF2273 234
SF2274 239
SF2275 243
SF2276 245
SF2277 252
SF2278 254
SF2279 260
SF2280 264
SF2281 268
SF2282 286
SF2283 289
SF2284 294
SF2285 298
SF2286 301

SF2287 304
SF2288 312
SF2289 314
SF2290 316
SF2291 318
SF2292 322
SF2293 326
SF2294 329
SF2295 337
SF2296 344
SF2297 347
SF2298 356
SF2299 360
SF2300 376
SF2301 382
SF2302 394
SF2303 396
SF2304 399
SF2305 402
SF2306 405
SF2307 410
SF2308 420
SF2309 423
SF2310 430
SF2311 435
SF2312 442
SF2313 446
SF2314 448
SF2315 452
SF2316 455
SF2317 463
SF2318 482
SF2319 496
SF2320 499
SF2321 503
SF2322 509

SF2323 532

House File 2361

H-8017

1 Amend House File 2361 as follows:
2 1. Page 26, after line 22 by inserting:
3 <Sec. ___. SCHOOL BUS SAFETY VIOLATIONS —
4 DRIVER IMPROVEMENT PROGRAM OPTION FOR FIRST
5 OFFENSE. Notwithstanding 2012 Iowa Acts, chapter
6 1015, section 5, subsection 2, by July 1, 2014, the
7 department of transportation shall initiate rulemaking
8 by amending 761 IAC 615.43 to include a person who is
9 convicted for a first violation of section 321.372,
10 subsection 3, among the persons who may be required,
11 in lieu of driver's license suspension, to attend and
12 successfully complete, at the person's own expense, a
13 driver improvement program approved by the department,
14 subject to all other provisions of 761 IAC 615.43.
15 Sec. ___. EFFECTIVE UPON ENACTMENT. The following
16 provision of this division of this Act, being deemed of
17 immediate importance, takes effect upon enactment:
18 1. The section of this Act relating to school bus
19 safety violations — driver improvement program option
20 for first offense.>
21 2. Title page, line 2, after <transportation> by
22 inserting <, and including effective date provisions>
23 3. By renumbering as necessary.

_____
WOLFE of Clinton

House File 2275

H-8018

1 Amend House File 2275 as follows:
2 1. Page 4, after line 1 by inserting:
3 <Sec. ___. CHILD SUPPORT OBLIGORS — VERIFICATION
4 OF ACCOUNTS. The child support recovery unit shall
5 explore the application of the verification system
6 implemented under this Act to verification of accounts
7 of child support obligors pursuant to chapter 252I.
8 The child support recovery unit shall report its
9 findings to the governor and the general assembly no
10 later than December 1, 2014, including any barriers
11 to implementation, any changes in law necessary for
12 implementation, and any additional funding necessary to
13 implement a new verification process.>
14 2. Title page, line 1, by striking <establishing
15 asset, income, and identity> and inserting <relating
16 to>
17 3. Title page, line 3, after <recipients> by
18 inserting <and for child support obligors>
19 4. By renumbering as necessary.

_____
WINDSCHITL of Harrison

_____
HESS of Clay

_____
HEATON of Henry

House File 2254

H-8019

Amend House File 2254 as follows:

1. Page 1, by striking lines 8 through 20 and inserting:

<725.1 Prostitution.

1. *a.* ~~A~~ Except as provided in paragraph "*b*", a person who sells or offers for sale the person's services as a partner in a sex act commits an aggravated misdemeanor. ~~, or~~

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

2. *a.* Except as provided in paragraph "*b*", a person who purchases or offers to purchase ~~such~~ another person's services~~,~~ as a partner in a sex act commits an aggravated misdemeanor.

b. A person who purchases or offers to purchase services as a partner in a sex act from a person fifteen years of age or younger commits a class "D" felony.>

2. By renumbering as necessary.

HEARTSILL of Marion

House File 2326

H-8020

Amend House File 2326 as follows:

1. By striking page 1, line 1, through page 3, line 1, and inserting:

<Section 1. Section 13B.4B, subsection 2, paragraph c, Code 2014, is amended to read as follows:>

2. Page 3, by striking lines 11 through 13.

3. Page 5, after line 20 by inserting:

<Sec. ___. EFFECTIVE UPON ENACTMENT. The following provision or provisions of this Act, being deemed of immediate importance, take effect upon enactment:

1. The section of this Act amending section 600A.6A, subsection 2.>

4. Title page, line 2, after <defender,> by inserting <including effective date provisions,>

_____
GUSTAFSON of Madison

House File 2174

H-8021

Amend House File 2174 as follows:

1. Page 1, by striking lines 15 and 16 and inserting <shall be subjected to a strip search if there is a reasonable suspicion that the person is concealing a weapon or contraband. The conditions specified in subsection 1 apply to a search pursuant to this subsection.

Sec. ___. Section 804.30, subsection 2, Code 2014, is amended to read as follows:

2. Subsequent to a strip search pursuant to this section, a written report shall be prepared which includes the written authorization required by ~~subsection 1, paragraph "a"~~ this section, the name of the person subjected to the search, the names of the persons conducting the search, the time, date, and place of the search and, if required by ~~subsection 1, paragraph "b"~~ this section, a copy of the search warrant authorizing the search. A copy of the report shall be provided to the person searched.>

_____
GUSTAFSON of Madison

House File 2367

H-8022

1 Amend House File 2367 as follows:
2 1. Page 1, by striking lines 6 through 9 and
3 inserting <an educational program which shall consist
4 of ~~an~~ either of the following:
5 (1) An examination required to be passed by the
6 person ~~or three~~.
7 (2) A specified number of hours of continuing
8 instructional courses which the person must attend
9 each year in lieu of passing the examination. To be
10 initially certified, the commercial manure service
11 representative must attend three hours of continuing
12 instructional courses each year and to be recertified
13 the commercial manure service representative must
14 attend two hours of continuing instructional courses
15 each year.>
16 2. By renumbering as necessary.

HANSON of Jefferson

House File 2217

H-8023

1 Amend House File 2217 as follows:
2 1. Page 7, line 27, after <contracts,> by inserting
3 <tax allocation agreements, guarantees,>

PETTENGILL of Benton

House File 2289

H-8024

1 Amend House File 2289 as follows:
2 1. Page 2, line 22, after <with the> by inserting
3 <district>
4 2. Page 3, line 4, after <of a> by inserting
5 <district>

_____
KLEIN of Washington

House File 2344

H-8025

1 Amend House File 2344 as follows:
2 1. Page 1, by striking line 5 and inserting
3 <districts, governed by a board of supervisors,
4 joint boards of supervisors, or board of trustees,
5 as provided in section 468.3, when such districts
6 participate in a merger.>
7 2. By renumbering as necessary.

MAXWELL of Poweshiek

House File 2253

H-8026

Amend House File 2253 as follows:

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

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

710.3 Kidnapping in the second degree.

1. Kidnapping ~~where the~~ in the second degree is any of the following:

a. Where the purpose of the kidnapping is to hold the victim for ransom ~~or where the~~.

b. Where the kidnapper is armed with a dangerous weapon ~~is kidnapping in the second degree. Kidnapping in the second degree is a class "B" felony~~.

c. Where the victim of the kidnapping is under sixteen years of age other than a kidnapping by a parent or grandparent whose sole purpose of the kidnapping is to assume custody of the victim.

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

3. Kidnapping in the second degree is a class "B" felony.

Sec. 2. Section 710.4, Code 2014, is amended to read as follows:

710.4 Kidnapping in the third degree.

1. All other kidnappings are kidnappings in the third degree. Kidnapping in the third degree is a class "C" felony except as provided in subsection 2.

2. *a.* If a person is convicted of kidnapping in the third degree and the person has a previous conviction for kidnapping, the person is guilty of a class "B" felony.

b. In determining if a violation charged is a previous conviction for purposes of criminal sentencing under this subsection, a conviction in this state or under statutes substantially corresponding to this section in another state, or in a federal, military, tribal, or foreign court, shall be counted as a previous conviction. A previous conviction also includes a juvenile who has been adjudicated delinquent but whose juvenile court records have been sealed under section 232.150, a juvenile prosecuted as an adult, and a person who has received a deferred sentence or deferred judgment.

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

Sec. 3. PUBLIC SAFETY ADVISORY BOARD. The public

1 safety advisory board shall study the accumulation of
2 earned time by inmates committed to the custody of the
3 director of the department of corrections. The study
4 shall include the effect of earned time on the length
5 of sentences and the costs and effectiveness of the
6 use of earned time in the correctional system. The
7 board shall file a report detailing the findings and
8 recommendations of the study with the general assembly
9 by January 15, 2015.>
10 2. Title page, by striking lines 1 through 3
11 and inserting <An Act relating to kidnapping, the
12 accumulation of earned time, and providing penalties.>

_____
WOLFE of Clinton

House File 2364 - Introduced

HOUSE FILE 2364
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HF 2015)

A BILL FOR

1 An Act relating to the establishment of a committee to study
2 professional licenses administered or supervised by the
3 department of public health's professional licensure
4 division.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5518HV (2) 85
ad/nh

H.F. 2364

1 Section 1. PROFESSIONAL LICENSING LEGISLATIVE INTERIM
2 COMMITTEE.
3 1. The legislative council is requested to establish a
4 legislative interim committee composed of five members of the
5 house of representatives and five members of the senate to meet
6 during the 2014 legislative interim, to study professional
7 licenses administered or supervised by the department of public
8 health's professional licensure division.
9 2. The committee shall work in conjunction with the
10 department of public health to conduct a study of professional
11 licenses and evaluate the effects of such licensing on the
12 economy and on public health and safety. The scope of the
13 evaluation pursuant to this section is limited to licenses
14 regulated by a board receiving administrative and clerical
15 support from the department of public health's professional
16 licensure division pursuant to section 135.11A. The study
17 shall include all of the following:
18 a. Identification of all professional licenses,
19 registrations, and certifications administered or supported
20 by the department of public health's professional licensure
21 division.
22 b. A review of all regulations and continuing education
23 requirements for each license, registration, or certification
24 and a comparison of those regulations and requirements to other
25 states' regulations and requirements for similar professions.
26 c. An evaluation of whether the requirements and
27 regulations for each profession are important in protecting
28 public health and safety or whether the requirements and
29 regulations are intended to address other issues.
30 d. A determination of whether the requirements and
31 regulations pertain to all licensees within the profession
32 or whether any licensees are exempt from the requirements or
33 regulations, as well as an evaluation of the possible reasons
34 for any exemptions or exceptions.
35 e. A determination of whether any regulation or requirement

H.F. 2364

is onerous to a particular professional.

f. A determination of whether specific professional licenses, registrations, or certifications, or regulations, requirements, or training for such licenses, registrations, or certifications are necessary for public health and safety, recommendations on the elimination of certain professional licenses, registrations, or certifications, or regulations, requirements, or training for such licenses, registrations, or certifications, other recommendations, and cost projections for any recommendations.

g. Other information the committee deems relevant.

3. The committee shall submit its findings and recommendations to the general assembly by January 15, 2015.

EXPLANATION

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

This bill requests the legislative council to establish a legislative interim committee to study professional licenses administered or supervised by the department of public health's professional licensure division and the regulations and requirements for those licenses.

The bill directs the committee to work with the Iowa department of public health (IDPH) to conduct a study of professional licenses to evaluate the effects of licensing on the economy and on public health and safety. The evaluation is limited to licenses regulated by a board receiving administrative and clerical support from IDPH's professional licensure division. The bill states that the study must include all of the following: the identification of all professional licenses, registrations, and certifications administered or supervised by IDPH's professional licensure division; a review of regulations and training requirements for each license, registration, or certification and a comparison to other states; an evaluation of the rationale for the requirements and regulations for each professional

H.F. 2364

license; a review of exceptions or exemptions from regulations and requirements for professional licensure; a determination of the hardship of regulations or requirements for the professional licensure; and recommendations for elimination of regulations or requirements for professional licensure, or the elimination of certain professional licenses, registrations, or certifications.

The bill directs the committee to submit its findings to the general assembly by January 15, 2015.

House File 2365 - Introduced

HOUSE FILE 2365
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HSB 533)

A BILL FOR

1 An Act relating to employment, disciplinary, and other
2 procedures for entities regulated by the department of
3 inspections and appeals, and including applicability
4 provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5304HV (3) 85
ad/nh

H.F. 2365

1 Section 1. Section 135B.34, subsection 2, paragraph b,
2 subparagraph (2), Code 2014, is amended to read as follows:
3 (2) Subparagraph (1) applies to a crime that is a simple
4 misdemeanor offense under section 123.47 ~~or chapter 321~~, and
5 to a crime that is a first offense of operating a motor vehicle
6 while intoxicated under section 321J.2, subsection 1.
7 Sec. 2. Section 135B.34, subsection 5, paragraphs a and b,
8 Code 2014, are amended to read as follows:
9 *a.* If a person employed by a hospital that is subject
10 to this section is convicted of a crime or has a record of
11 founded child or dependent adult abuse entered in the abuse
12 registry after the person's employment application date, the
13 person shall inform the hospital of such information within
14 forty-eight hours of the criminal conviction or entry of the
15 record of founded child or dependent adult abuse. The hospital
16 shall act to verify the information within ~~forty-eight hours~~
17 seven calendar days of notification. If the information
18 is verified, the requirements of subsections 2, 3, and 4
19 regarding employability and evaluations shall be applied by the
20 hospital to determine whether or not the person's employment
21 is continued. The hospital may continue to employ the person
22 pending the performance of an evaluation by the department of
23 human services to determine whether prohibition of the person's
24 employment is warranted. A person who is required by this
25 subsection to inform the person's employer of a conviction or
26 entry of an abuse record and fails to do so within the required
27 period commits a serious misdemeanor.
28 *b.* If a hospital receives credible information, as
29 determined by the hospital, that a person employed by the
30 hospital has been convicted of a crime or a record of founded
31 child or dependent adult abuse has been entered in the
32 abuse registry after employment from a person other than the
33 employee and the employee has not informed the hospital of
34 such information within the period required under paragraph
35 "*a*", the hospital shall act to verify the credible information

H.F. 2365

1 within ~~forty-eight hours~~ seven calendar days of receipt of the
2 credible information. If the information is verified, the
3 requirements of subsections 2, 3, and 4 regarding employability
4 and evaluations shall be applied by the hospital to determine
5 whether or not the person's employment is continued.
6 Sec. 3. Section 135C.10, subsection 9, Code 2014, is amended
7 to read as follows:
8 9. In the case of an application by an existing licensee
9 for a new or newly acquired facility, continuing or repeated
10 failure of the licensee to operate any previously licensed
11 facility or facilities in compliance with the provisions of
12 this chapter ~~or of~~, the rules adopted pursuant to ~~it~~ this
13 chapter, or equivalent provisions that the facility is subject
14 to in this state or any other state.
15 Sec. 4. Section 135C.10, Code 2014, is amended by adding the
16 following new subsection:
17 NEW SUBSECTION. 11. Intentionally preventing or
18 interfering with or attempting to prevent or interfere in any
19 way with the performance by any duly authorized representative
20 of the department of the lawful enforcement of this chapter or
21 of the rules adopted pursuant to this chapter. As used in this
22 subsection, *"lawful enforcement"* includes but is not limited to
23 the following:
24 *a.* Contacting or interviewing any resident of a health care
25 facility in private at any reasonable hour and without advance
26 notice.
27 *b.* Examining any relevant books or records of a health
28 care facility unless otherwise protected from disclosure by
29 operation of law.
30 *c.* Preserving evidence of any violation of this chapter or
31 of the rules adopted pursuant to this chapter.
32 Sec. 5. Section 135C.11, subsection 2, Code 2014, is amended
33 to read as follows:
34 2. The procedure governing hearings authorized by this
35 section shall be in accordance with the rules promulgated by

H.F. 2365

the department. A full and complete record shall be kept of all proceedings, and all testimony shall be reported but need not be transcribed unless judicial review is sought pursuant to section 135C.13. Copies of the transcript may be obtained by an interested party upon payment of the cost of preparing the copies. Witnesses may be subpoenaed by either party and shall be allowed fees at a rate prescribed by the department's rules. The director may, after advising ~~the certified volunteer long-term care ombudsman~~ a representative of the office of long-term care ombudsman, either proceed in accordance with section 135C.30, or remove all residents and suspend the license or licenses of any health care facility, prior to a hearing, when the director finds that the health or safety of residents of the health care facility requires such action on an emergency basis. ~~The fact that a certified volunteer long-term care ombudsman has not been appointed for a particular facility shall not bar the director from exercising the emergency powers granted by this subsection with respect to that facility.~~

Sec. 6. Section 135C.13, Code 2014, is amended to read as follows:

135C.13 Judicial review.

Judicial review of any action of the director may be sought in accordance with the terms of the Iowa administrative procedure Act, chapter 17A. Notwithstanding the terms of chapter 17A, petitions for judicial review may be filed in the district court of the county where the facility or proposed facility is located, and pending final disposition of the matter the status quo of the applicant or licensee shall be preserved except when the director, ~~with the advice and consent~~ after advising a representative of the ~~certified volunteer~~ office of long-term care ombudsman, determines that the health, safety, or welfare of the residents of the facility is in immediate danger, in which case the director may order the immediate removal of such residents. ~~The fact that a certified~~

H.F. 2365

1 ~~volunteer long-term care ombudsman has not been appointed for a~~
2 ~~particular facility shall not bar the director from exercising~~
3 ~~the emergency powers granted by this section with respect to~~
4 ~~that facility.~~
5 Sec. 7. Section 135C.14, subsection 8, paragraph d, Code
6 2014, is amended to read as follows:
7 *d.* The notification of ~~certified volunteer~~ the office
8 of long-term care ~~ombudsmen~~ ombudsman by the department of
9 all complaints relating to health care facilities and the
10 involvement of the ~~certified volunteer~~ office of long-term care
11 ~~ombudsmen~~ ombudsman in resolution of the complaints.
12 Sec. 8. Section 135C.16, subsection 3, Code 2014, is amended
13 to read as follows:
14 3. An ~~inspector~~ authorized representative of the department
15 may enter any licensed health care facility without a
16 warrant, and may examine all records pertaining to the care
17 provided residents of the facility. An ~~inspector~~ authorized
18 representative of the department may contact or interview
19 any resident, employee, or any other person who might have
20 knowledge about the operation of a health care facility.
21 An ~~inspector~~ authorized representative of the department
22 of human services shall have the same right with respect
23 to any facility where one or more residents are cared for
24 entirely or partially at public expense, and an ~~investigator~~
25 authorized representative of the designated protection and
26 advocacy agency shall have the same right with respect to
27 any facility where one or more residents have developmental
28 disabilities or mental illnesses, and the state fire marshal
29 or a deputy appointed pursuant to section 135C.9, subsection
30 1, paragraph *"b"*, shall have the same right of entry into any
31 facility and the right to inspect any records pertinent to
32 fire safety practices and conditions within that facility, and
33 an authorized representative of the office of long-term care
34 ombudsman shall have the same right with respect to any nursing
35 facility or residential care facility. If any such ~~inspector~~

H.F. 2365

1 authorized representative has probable cause to believe that
2 any institution, building, or agency not licensed as a health
3 care facility is in fact a health care facility as defined
4 by this chapter, and upon producing identification that the
5 individual is an ~~inspector~~ authorized representative is denied
6 entry thereto for the purpose of making an inspection, the
7 ~~inspector~~ authorized representative may, with the assistance
8 of the county attorney of the county in which the purported
9 health care facility is located, apply to the district court
10 for an order requiring the owner or occupant to permit entry
11 and inspection of the premises to determine whether there have
12 been any violations of this chapter.
13 Sec. 9. Section 135C.17, Code 2014, is amended to read as
14 follows:
15 **135C.17 Duties of other departments.**
16 It shall be the duty of the department of human services,
17 state fire marshal, office of long-term care ombudsman, and
18 the officers and agents of other state and local governmental
19 units, and the designated protection and advocacy agency to
20 assist the department in carrying out the provisions of this
21 chapter, insofar as the functions of these respective offices
22 and departments are concerned with the health, welfare, and
23 safety of any resident of any health care facility. It shall
24 be the duty of the department to cooperate with the protection
25 and advocacy agency and the office of long-term care ombudsman
26 by responding to all reasonable requests for assistance and
27 information as required by federal law and this chapter.
28 Sec. 10. Section 135C.19, subsection 2, paragraph b, Code
29 2014, is amended to read as follows:
30 *b.* A copy of each citation required to be posted by this
31 subsection shall be sent by the department to the department
32 of human services ~~and~~, to the designated protection and
33 advocacy agency if the facility has one or more residents
34 with developmental disabilities or mental illness, and to the
35 office of long-term care ombudsman if the facility is a nursing

H.F. 2365

1 facility or residential care facility.
2 Sec. 11. Section 135C.33, subsection 2, paragraph b,
3 subparagraph (2), Code 2014, is amended to read as follows:
4 (2) Subparagraph (1) applies to a crime that is a simple
5 misdemeanor offense under section 123.47 ~~or chapter 321~~, and
6 to a crime that is a first offense of operating a motor vehicle
7 while intoxicated under section 321J.2, subsection 1.
8 Sec. 12. Section 135C.33, subsection 7, paragraphs a and b,
9 Code 2014, are amended to read as follows:
10 *a.* If a person employed by a facility, service, or program
11 employer that is subject to this section is convicted of a
12 crime or has a record of founded child or dependent adult abuse
13 entered in the abuse registry after the person's employment
14 application date, the person shall inform the employer of such
15 information within forty-eight hours of the criminal conviction
16 or entry of the record of founded child or dependent adult
17 abuse. The employer shall act to verify the information within
18 ~~forty-eight hours~~ seven calendar days of notification. If the
19 information is verified, the requirements of subsections 2, 3,
20 and 4 regarding employability and evaluations shall be applied
21 by the employer to determine whether or not the person's
22 employment is continued. The employer may continue to employ
23 the person pending the performance of an evaluation by the
24 department of human services to determine whether prohibition
25 of the person's employment is warranted. A person who is
26 required by this subsection to inform the person's employer of
27 a conviction or entry of an abuse record and fails to do so
28 within the required period commits a serious misdemeanor.
29 *b.* If a facility, service, or program employer receives
30 credible information, as determined by the employer, that a
31 person employed by the employer has been convicted of a crime
32 or a record of founded child or dependent adult abuse has been
33 entered in the abuse registry after employment from a person
34 other than the employee and the employee has not informed the
35 employer of such information within the period required under

H.F. 2365

paragraph "a", the employer shall act to verify the credible information within ~~forty-eight hours~~ seven calendar days of receipt of the credible information. If the information is verified, the requirements of subsections 2, 3, and 4 regarding employability and evaluations shall be applied to determine whether or not the person's employment is continued.

Sec. 13. Section 135C.33, subsection 8, paragraph d, subparagraph (2), Code 2014, is amended to read as follows:

(2) Subparagraph (1) applies to a crime that is a simple misdemeanor offense under section 123.47 ~~or chapter 321~~, and to a crime that is a first offense of operating a motor vehicle while intoxicated under section 321J.2, subsection 1.

Sec. 14. Section 135C.33, subsection 8, paragraph e, subparagraphs (1) and (2), Code 2014, are amended to read as follows:

(1) If a student is convicted of a crime or has a record of founded child or dependent adult abuse entered in the abuse registry after the record checks and any evaluation have been performed, the student shall inform the certified nurse aide training program of such information within forty-eight hours of the criminal conviction or entry of the record of founded child or dependent adult abuse. The program shall act to verify the information within ~~forty-eight hours~~ seven calendar days of notification. If the information is verified, the requirements of paragraph "c" shall be applied by the program to determine whether or not the student's involvement in a clinical education component may continue. The program may allow the student involvement to continue pending the performance of an evaluation by the department of human services. A student who is required by this subparagraph to inform the program of a conviction or entry of an abuse record and fails to do so within the required period commits a serious misdemeanor.

(2) If a program receives credible information, as determined by the program, that a student has been convicted

H.F. 2365

of a crime or a record of founded child or dependent adult abuse has been entered in the abuse registry after the record checks and any evaluation have been performed, from a person other than the student and the student has not informed the program of such information within the period required under subparagraph (1), the program shall act to verify the credible information within ~~forty-eight hours~~ seven calendar days of receipt of the credible information. If the information is verified, the requirements of paragraph *"c"* shall be applied to determine whether or not the student's involvement in a clinical education component may continue.

Sec. 15. Section 135C.38, subsection 1, paragraphs a and c, Code 2014, are amended to read as follows:

a. Upon receipt of a complaint made in accordance with section 135C.37, the department ~~or certified volunteer long-term care ombudsman~~ shall make a preliminary review of the complaint. Unless the department ~~or certified volunteer long-term care ombudsman~~ concludes that the complaint is intended to harass a facility or a licensee or is without reasonable basis, the department ~~or certified volunteer long-term care ombudsman~~ shall make or cause to be made an on-site inspection of the health care facility which is the subject of the complaint within the time period determined pursuant to the following guidelines, which period shall commence on the date of receipt of the complaint:

(1) For nursing facilities, an on-site inspection shall be initiated as follows:

(a) Within two working days for a complaint determined by the department ~~or certified volunteer long-term care ombudsman~~ to be an alleged immediate jeopardy situation.

(b) Within ten working days for a complaint determined by the department ~~or certified volunteer long-term care ombudsman~~ to be an alleged high-level, nonimmediate jeopardy situation.

(c) Within forty-five calendar days for a complaint determined by the department ~~or certified volunteer long-term~~

H.F. 2365

~~care ombudsman~~ to be an alleged nonimmediate jeopardy situation, other than a high-level situation.

(2) For all other types of health care facilities, an on-site inspection shall be initiated as follows:

(a) Within two working days for a complaint determined by the department ~~or certified volunteer long-term care ombudsman~~ to be an alleged immediate jeopardy situation.

(b) Within twenty working days for a complaint determined by the department ~~or certified volunteer long-term care ombudsman~~ to be an alleged high-level, nonimmediate jeopardy situation.

(c) Within forty-five calendar days for a complaint determined by the department ~~or certified volunteer long-term care ombudsman~~ to be an alleged nonimmediate jeopardy situation, other than a high-level situation.

c. The department may refer to ~~the certified volunteer~~ a representative of the office of long-term care ombudsman ~~of a facility~~ any complaint received by the department regarding ~~that~~ a facility, for initial evaluation and appropriate action by the ~~certified volunteer~~ office of long-term care ombudsman.

Sec. 16. Section 135C.38, subsection 2, paragraph a, Code 2014, is amended to read as follows:

a. The complainant shall be promptly informed of the result of any action taken by the department or ~~certified volunteer~~ the office of long-term care ombudsman in the matter. The complainant shall also be notified of the name, address, and telephone number of the designated protection and advocacy agency if the alleged violation involves a facility with one or more residents with developmental disabilities or mental illness.

Sec. 17. Section 135C.38, subsection 3, Code 2014, is amended to read as follows:

3. An inspection made pursuant to a complaint filed under section 135C.37 need not be limited to the matter or matters included in the complaint. However, the inspection shall not be a general inspection unless the complaint inspection

H.F. 2365

1 coincides with a scheduled general inspection or unless in the
2 course of the complaint investigation a violation is evident to
3 the inspector. Upon arrival at the facility to be inspected,
4 the inspector shall show identification to the person in
5 charge of the facility and state that an inspection is to be
6 made, before beginning the inspection. Upon request of either
7 the complainant or the department or ~~certified volunteer~~ a
8 representative of the office of long-term care ombudsman, the
9 complainant or the complainant's representative or both may
10 be allowed the privilege of accompanying the inspector during
11 any on-site inspection made pursuant to this section. The
12 inspector may cancel the privilege at any time if the inspector
13 determines that the privacy of any resident of the facility to
14 be inspected would otherwise be violated. The protection and
15 dignity of the resident shall be given first priority by the
16 inspector and others.
17 Sec. 18. Section 135C.38, subsection 4, Code 2014, is
18 amended by striking the subsection.
19 Sec. 19. Section 231B.8, Code 2014, is amended by striking
20 the section and inserting in lieu thereof the following:
21 **231B.8 Exit interview — issuance of findings.**
22 1. The department shall provide an elder group home an
23 exit interview at the conclusion of a monitoring evaluation
24 or complaint investigation, and the department shall inform
25 the home's representative of all issues and areas of concern
26 related to the insufficient practices. The department may
27 conduct the exit interview in person or by telephone, and
28 the department shall provide a second exit interview if any
29 additional issues or areas of concern are identified. The home
30 shall have two working days from the date of the exit interview
31 to submit additional or rebuttal information to the department.
32 2. The department shall issue the final findings of a
33 monitoring evaluation or complaint investigation within
34 ten working days after completion of the on-site monitoring
35 evaluation or complaint investigation. The final findings

H.F. 2365

1 shall be served upon the home personally, by electronic mail,
2 or by certified mail.
3 Sec. 20. Section 231B.9, Code 2014, is amended to read as
4 follows:
5 **231B.9 Public disclosure of findings.**
6 Upon completion of a monitoring evaluation or complaint
7 investigation of an elder group home by the department pursuant
8 to this chapter, ~~including the conclusion of informal review,~~
9 the department's final findings with respect to compliance by
10 the elder group home with requirements for certification shall
11 be made available to the public in a readily available form
12 and place. Other information relating to an elder group home
13 that is obtained by the department which does not constitute
14 the department's final findings from a monitoring evaluation or
15 complaint investigation of the elder group home shall not be
16 made available to the public except in proceedings involving
17 the denial, suspension, or revocation of a certificate under
18 this chapter.
19 Sec. 21. NEW SECTION. **231B.9A Informal conference — formal**
20 **contest — judicial review.**
21 1. Within twenty business days after issuance of the final
22 findings, the elder group home shall notify the director if the
23 home desires to contest the findings and request an informal
24 conference.
25 2. The department shall provide an independent reviewer to
26 hold an informal conference with an elder group home within
27 ten working days after receiving a request from the home
28 pursuant to subsection 1. At the conclusion of the informal
29 conference, the independent reviewer may affirm, modify, or
30 dismiss a contested regulatory insufficiency. The independent
31 reviewer shall state in writing the specific reasons for
32 the affirmation, modification, or dismissal and immediately
33 transmit copies of the statement to the department and to the
34 home.
35 3. An independent reviewer shall be licensed as an attorney

H.F. 2365

in the state of Iowa and shall not be employed or have been employed by the department in the past eight years or have appeared in front of the department on behalf of an elder group home in the past eight years. Preference shall be given to an attorney with background knowledge, experience, or training in long-term care. The department may issue a request for proposals to enter into a contract for the purpose of providing one or more independent reviewers for informal conferences.

4. An elder group home that desires to further contest an affirmed or modified regulatory insufficiency may do so in the manner provided by chapter 17A for contested cases. The home shall give notice of intent to formally contest a regulatory insufficiency, in writing, to the department within five days after receipt of the written decision of the independent reviewer. The formal hearing shall be conducted in accordance with chapter 17A and rules adopted by the department.

5. An elder group home that has exhausted all adequate administrative remedies and is aggrieved by the final action of the department may petition for judicial review in the manner provided by chapter 17A.

Sec. 22. Section 231B.10, subsection 1, Code 2014, is amended by adding the following new paragraphs:

NEW PARAGRAPH. *0i.* In the case of an application by an existing certificate holder for a new or newly acquired elder group home, continuing or repeated failure of the certificate holder to operate any previously certified elder group home or homes in compliance with the provisions of this chapter, the rules adopted pursuant to this chapter, or equivalent provisions that the elder group home is subject to in this state or any other state.

NEW PARAGRAPH. *00i.* Intentionally preventing or interfering with or attempting to prevent or interfere in any way with the performance by any duly authorized representative of the department of the lawful enforcement of this chapter or of the rules adopted pursuant to this chapter. As used in this

H.F. 2365

1 paragraph, *"lawful enforcement"* includes but is not limited to
2 the following:
3 (1) Contacting or interviewing any tenant of an elder group
4 home in private at any reasonable hour and without advance
5 notice.
6 (2) Examining any relevant books or records of an elder
7 group home unless otherwise protected from disclosure by
8 operation of law.
9 (3) Preserving evidence of any violation of this chapter or
10 of the rules adopted pursuant to this chapter.
11 Sec. 23. Section 231C.10, subsection 1, Code 2014, is
12 amended by adding the following new paragraphs:
13 NEW PARAGRAPH. *0i.* In the case of an application by
14 an existing certificate holder for a new or newly acquired
15 assisted living program, continuing or repeated failure of the
16 certificate holder to operate any previously certified assisted
17 living program or programs in compliance with the provisions
18 of this chapter, the rules adopted pursuant to this chapter,
19 or equivalent provisions that the assisted living program is
20 subject to in this state or any other state.
21 NEW PARAGRAPH. *00i.* Intentionally preventing or interfering
22 with or attempting to prevent or interfere in any way with
23 the performance by any duly authorized representative of the
24 department of the lawful enforcement of this chapter or of
25 the rules adopted pursuant to this chapter. As used in this
26 paragraph, *"lawful enforcement"* includes but is not limited to
27 the following:
28 (1) Contacting or interviewing any tenant of an assisted
29 living program in private at any reasonable hour and without
30 advance notice.
31 (2) Examining any relevant books or records of an assisted
32 living program unless otherwise protected from disclosure by
33 operation of law.
34 (3) Preserving evidence of any violation of this chapter or
35 of the rules adopted pursuant to this chapter.

H.F. 2365

1 Sec. 24. Section 231D.5, subsection 1, Code 2014, is amended
2 by adding the following new paragraphs:
3 NEW PARAGRAPH. *0k.* In the case of an application by
4 an existing certificate holder for a new or newly acquired
5 adult day services program, continuing or repeated failure of
6 the certificate holder to operate any previously certified
7 adult day services program or programs in compliance with the
8 provisions of this chapter, the rules adopted pursuant to this
9 chapter, or equivalent provisions that the adult day services
10 program is subject to in this state or any other state.
11 NEW PARAGRAPH. *00k.* Intentionally preventing or interfering
12 with or attempting to prevent or interfere in any way with
13 the performance by any duly authorized representative of the
14 department of the lawful enforcement of this chapter or of
15 the rules adopted pursuant to this chapter. As used in this
16 paragraph, *"lawful enforcement"* includes but is not limited to
17 the following:
18 (1) Contacting or interviewing any participant of an adult
19 day services program in private at any reasonable hour and
20 without advance notice.
21 (2) Examining any relevant books or records of an adult day
22 services program unless otherwise protected from disclosure by
23 operation of law.
24 (3) Preserving evidence of any violation of this chapter or
25 of the rules adopted pursuant to this chapter.
26 Sec. 25. Section 231D.9A, Code 2014, is amended by striking
27 the section and inserting in lieu thereof the following:
28 **231D.9A Exit interview — issuance of findings.**
29 1. The department shall provide an adult day services
30 program an exit interview at the conclusion of a monitoring
31 evaluation or a complaint investigation, and the department
32 shall inform the program's representative of all issues and
33 areas of concern related to the insufficient practices. The
34 department may conduct the exit interview in person or by
35 telephone, and the department shall provide a second exit

H.F. 2365

interview if any additional issues or areas of concern are identified. The program shall have two working days from the date of the exit interview to submit additional or rebuttal information to the department.

2. The department shall issue the final findings of a monitoring evaluation or complaint investigation within ten working days after completion of the on-site monitoring evaluation or complaint investigation. The final findings shall be served upon the program personally, by electronic mail, or by certified mail.

Sec. 26. Section 231D.10, Code 2014, is amended to read as follows:

231D.10 Public disclosure of findings.

Upon completion of a monitoring evaluation or complaint investigation of an adult day services program by the department pursuant to this chapter, ~~including the conclusion of informal review,~~ the department's final findings with respect to compliance by the adult day services program with requirements for certification shall be made available to the public in a readily available form and place. Other information relating to an adult day services program that is obtained by the department which does not constitute the department's final findings from a monitoring evaluation or complaint investigation of the adult day services program shall not be made available to the public except in proceedings involving the denial, suspension, or revocation of a certificate under this chapter.

Sec. 27. NEW SECTION. **231D.10A Informal conference — formal contest — judicial review.**

1. Within twenty business days after issuance of the final findings, the adult day services program shall notify the director if the program desires to contest the findings and request an informal conference.

2. The department shall provide an independent reviewer to hold an informal conference with an adult day services

H.F. 2365

1 program within ten working days after receiving a request from
2 the program pursuant to subsection 1. At the conclusion of
3 the informal conference, the independent reviewer may affirm,
4 modify, or dismiss a contested regulatory insufficiency. The
5 independent reviewer shall state in writing the specific
6 reasons for the affirmation, modification, or dismissal and
7 immediately transmit copies of the statement to the department
8 and to the program.
9 3. An independent reviewer shall be licensed as an attorney
10 in the state of Iowa and shall not be employed or have been
11 employed by the department in the past eight years or have
12 appeared in front of the department on behalf of an adult day
13 services program in the past eight years. Preference shall be
14 given to an attorney with background knowledge, experience,
15 or training in long-term care. The department may issue a
16 request for proposals to enter into a contract for the purpose
17 of providing one or more independent reviewers for informal
18 conferences.
19 4. An adult day services program that desires to further
20 contest an affirmed or modified regulatory insufficiency may do
21 so in the manner provided by chapter 17A for contested cases.
22 The program shall give notice of intent to formally contest
23 a regulatory insufficiency, in writing, to the department
24 within five days after receipt of the written decision of the
25 independent reviewer. The formal hearing shall be conducted
26 in accordance with chapter 17A and rules adopted by the
27 department.
28 5. An adult day services program that has exhausted all
29 adequate administrative remedies and is aggrieved by the final
30 action of the department may petition for judicial review in
31 the manner provided by chapter 17A.
32 Sec. 28. APPLICABILITY.
33 1. The sections of this Act amending sections 231B.8 and
34 231B.9 and adding section 231B.9A apply to an elder group home
35 desiring to request an informal conference under chapter 231B

H.F. 2365

on or after January 1, 2015.

2. The sections of this Act amending sections 231D.9A and 231D.10 and adding section 231D.10A apply to an adult day services program desiring to request an informal conference under chapter 231D on or after January 1, 2015.

EXPLANATION

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

This bill makes changes to employment background checks, disciplinary procedures, and procedures for contesting regulatory insufficiencies for certain entities regulated by the department of inspections and appeals (DIA).

The bill changes the crimes for which a hospital can temporarily employ a person who committed the crime pending completion of a department of human services evaluation to determine whether the crime warrants prohibition of employment at the hospital or health care facility. The bill disallows such continued employment for simple misdemeanors under the motor vehicles and law of the road chapter. The bill eliminates duplicative language regarding crimes for which a health care facility can temporarily employ a person who committed a crime and crimes for which a student can temporarily continue with a clinical education component.

The bill also provides that if a hospital or health care facility required to conduct background checks for employees is informed after the applicant or employee's application date that the applicant or employee is convicted of a crime or has a record of founded child or dependent adult abuse entered in the abuse registry, the hospital or health care facility shall act within seven calendar days rather than 48 hours to verify that information. The bill also amends the equivalent verification time period for students in a certified nurse aide training program from 48 hours to seven days.

The bill provides that the DIA has the authority to deny, suspend, or revoke the license of a health care facility, elder

H.F. 2365

1 group home, assisted living program, or adult day services
2 program for the failure to comply with any provisions that the
3 entity is subject to that are equivalent to those provisions
4 in Code chapter 135C, 231B, 231C, or 231D, respectively, and
5 for intentionally preventing or interfering with or attempting
6 to prevent or interfere in any way with the performance by any
7 duly authorized representative of DIA or the lawful enforcement
8 of the laws or rules of the respective Code chapters.
9 The bill replaces references to a certified volunteer
10 long-term care ombudsman with a representative of the office
11 of long-term care ombudsman in certain circumstances including
12 inspecting a facility upon a complaint of alleged violations.
13 The bill also replaces certain references to inspectors and
14 investigators for inspections of health care facilities with
15 references to authorized representatives of DIA, the department
16 of human services, or the office of long-term care ombudsman,
17 as applicable. The bill also provides that the office of
18 long-term care ombudsman is required to assist DIA in carrying
19 out the provisions of the health care facilities Code chapter.
20 The bill replaces the informal review process for contesting
21 regulatory insufficiencies identified through monitoring
22 evaluations or complaint investigations of elder group homes
23 and adult day services programs with an exit interview,
24 informal conference, formal contest, and judicial review in a
25 process similar to that available for health care facilities
26 and assisted living programs. The informal conference is
27 conducted by an independent reviewer who may affirm, modify,
28 or dismiss the regulatory insufficiency. The reviewer must
29 provide specific written reasons for the decision and transmit
30 copies of that statement to DIA and the elder group home or
31 adult day services program. An elder group home or adult day
32 services program that wants to further contest the independent
33 reviewer's affirmed or modified regulatory insufficiency may do
34 so pursuant to the provisions in Code chapter 17A for contested
35 cases. After exhausting the administrative remedies, an elder

H.F. 2365

1 group home or adult day services program may petition for
2 judicial review pursuant to Code chapter 17A. The changes to
3 the informal review process apply to elder group homes and
4 adult day services programs wishing to request an informal
5 conference on or after January 1, 2015.

House File 2366 - Introduced

HOUSE FILE 2366
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HSB 622)

A BILL FOR

1 An Act relating to the terms of appointees to vacancies in
2 elective city office.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6127HV (2) 85
aw/sc

H.F. 2366

Section 1. Section 372.13, subsection 2, paragraph a, Code 2014, is amended to read as follows:

a. (1) By appointment by the remaining members of the council, except that if the remaining members do not constitute a quorum of the full membership, paragraph "*b*" shall be followed. The appointment shall be made within sixty days after the vacancy occurs and shall be for the period until the next ~~pending election as defined in section 69.12, and shall be made within forty days after the vacancy occurs~~ regular city election described in section 376.1, unless there is an intervening special election for that city, in which event the election for the office shall be placed on the ballot at such special election.

(2) If the council chooses to proceed under this paragraph, it shall publish notice in the manner prescribed by section 362.3, stating that the council intends to fill the vacancy by appointment but that the electors of the city or ward, as the case may be, have the right to file a petition requiring that the vacancy be filled by a special election. The council may publish notice in advance if an elected official submits a resignation to take effect at a future date. The council may make an appointment to fill the vacancy after the notice is published or after the vacancy occurs, whichever is later. However, if within fourteen days after publication of the notice or within fourteen days after the appointment is made, there is filed with the city clerk a petition which requests a special election to fill the vacancy, an appointment to fill the vacancy is temporary and the council shall call a special election to fill the vacancy permanently, under paragraph "*b*". The number of signatures of eligible electors of a city for a valid petition shall be determined as follows:

~~(1)~~ (a) For a city with a population of ten thousand or less, at least two hundred signatures or at least the number of signatures equal to fifteen percent of the voters who voted for candidates for the office at the preceding regular election at

H.F. 2366

which the office was on the ballot, whichever number is fewer.

~~(2)~~ (b) For a city with a population of more than ten thousand but not more than fifty thousand, at least one thousand signatures or at least the number of signatures equal to fifteen percent of the voters who voted for candidates for the office at the preceding regular election at which the office was on the ballot, whichever number is fewer.

~~(3)~~ (c) For a city with a population of more than fifty thousand, at least two thousand signatures or at least the number of signatures equal to ten percent of the voters who voted for candidates for the office at the preceding regular election at which the office was on the ballot, whichever number is fewer.

~~(4)~~ (d) The minimum number of signatures for a valid petition pursuant to ~~subparagraphs (1)~~ subparagraph divisions (a) through ~~(3)~~ (d) shall not be fewer than ten. In determining the minimum number of signatures required, if at the last preceding election more than one position was to be filled for the office in which the vacancy exists, the number of voters who voted for candidates for the office shall be determined by dividing the total number of votes cast for the office by the number of seats to be filled.

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 vacancies in elective city office.

Under current law, a city council may make an appointment to fill a vacancy in elective city office and the term of the appointment shall be until the next pending election. The term "pending election" refers to any election at which either the office in which the vacancy exists will appear on the ballot or an election for any other office to be filled or any public question to be decided by the voters of the same political subdivision in which the vacancy exists.

The bill provides that the term of an appointment to

H.F. 2366

1 elective city office to fill a vacancy shall be until the next
2 regular city election or until the next intervening special
3 election for that city. The bill further requires that such
4 appointments be made within 60 days after the vacancy occurs,
5 rather than 40 days as required under current law.

House File 2367 - Introduced

HOUSE FILE 2367
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HF 2110)

A BILL FOR

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

TLSB 5644HV (1) 85
da/nh

H.F. 2367

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

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

EXPLANATION

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

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

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

H.F. 2367

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

House File 2368 - Introduced

HOUSE FILE 2368
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HF 2116)

A BILL FOR

1 An Act extending security freeze protection to specified
2 individuals designated as protected consumers.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5508HV (2) 85
rn/nh

H.F. 2368

1 Section 1. Section 714G.1, Code 2014, is amended by adding
2 the following new subsections:
3 NEW SUBSECTION. 7A. *"Protected consumer"* means a consumer
4 who is either under eighteen years of age at the time a request
5 for a security freeze is made or is an incapacitated person or
6 a protected person for whom a guardian or conservator has been
7 appointed.
8 NEW SUBSECTION. 9. *"Sufficient proof of authority"* means
9 documentation that shows a consumer has authority to act on
10 behalf of a protected consumer, which may be demonstrated in
11 the form of an order issued by a court of law, a lawfully
12 executed and valid power of attorney, or a written notarized
13 statement signed by the consumer that expressly describes the
14 authority of the consumer to act on behalf of a protected
15 consumer.
16 NEW SUBSECTION. 10. *"Sufficient proof of identification"*
17 means one or more of the following:
18 *a.* A protected consumer's social security number or a copy
19 of a protected consumer's social security card issued by the
20 federal social security administration.
21 *b.* A certified or official copy of a protected consumer's
22 birth certificate issued by the entity authorized to issue the
23 birth certificate.
24 *c.* A copy of a protected consumer's driver's license, a
25 protected consumer's nonoperator's identification card issued
26 by the state department of transportation, or any other federal
27 or state government-issued form of identification pertaining
28 to a protected consumer.
29 Sec. 2. Section 714G.2, Code 2014, is amended to read as
30 follows:
31 **714G.2 Security freeze — protected consumers.**
32 1. A consumer may submit by certified mail to a consumer
33 reporting agency a written request for a security freeze.
34 The consumer must submit proper identification and the
35 applicable fee with the request. Within five business days

H.F. 2368

after receiving the request, the consumer reporting agency shall commence the security freeze. Within ten business days after commencing the security freeze, the consumer reporting agency shall send a written confirmation to the consumer of the security freeze, a personal identification number or password, other than the consumer's social security number, for the consumer to use in authorizing the suspension or removal of the security freeze, including information on how the security freeze may be temporarily suspended.

2. A consumer may also submit by certified mail to a consumer reporting agency a written request for a security freeze for a protected consumer. The request shall be accompanied by sufficient proof of authority to act on behalf of the protected consumer, and sufficient proof of identification of the protected consumer. All procedures, timeframes, and provisions specified in this chapter applicable to a security freeze with respect to a consumer shall be equally applicable to a security freeze with respect to a protected consumer. A consumer reporting agency shall send a separate personal identification number or password distinct from the consumer's own personal identification number or password, if applicable, for the consumer to use in authorizing the suspension or removal of the security freeze on behalf of the protected consumer. A security freeze for a protected consumer shall remain in effect until the consumer acting on behalf of the protected consumer requests that it be removed as specified in section 714G.4, or until the protected consumer similarly requests that it be removed and the protected consumer has attained eighteen years of age and is not or is no longer an incapacitated person or a protected person for whom a guardian or conservator has been appointed.

EXPLANATION

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

This bill extends security freeze protection to specified

H.F. 2368

1 individuals designated as protected consumers.
2 The bill adds several new definitions to Code chapter
3 714G, which deals with consumer credit security. The bill
4 defines "protected consumer" to mean an individual who is
5 either under 18 years of age at the time a request for a
6 security freeze is made or is an incapacitated person or a
7 protected person for whom a guardian or conservator has been
8 appointed. The bill defines "sufficient proof of authority"
9 to mean documentation that shows a consumer has authority
10 to act on behalf of a protected consumer, which may be
11 demonstrated in the form of an order issued by a court of law,
12 a lawfully executed and valid power of attorney, or a written
13 notarized statement signed by the consumer that expressly
14 describes the authority of the consumer to act on behalf of
15 a protected consumer. The bill defines "sufficient proof of
16 identification" to mean a protected consumer's social security
17 number or a copy of a social security card issued by the social
18 security administration; a certified or official copy of a
19 protected consumer's birth certificate issued by the entity
20 authorized to issue the birth certificate; or a copy of a
21 protected consumer's driver's license, a protected consumer's
22 identification card issued by the motor vehicle administration,
23 or any other federal or state government-issued form of
24 identification pertaining to a protected consumer.
25 The bill provides that a consumer, defined in the Code
26 chapter to mean an individual who is a resident of Iowa,
27 may submit by certified mail to a consumer reporting agency
28 a written request for a security freeze for a protected
29 consumer. The request shall be accompanied by sufficient
30 proof of authority to act on behalf of the protected consumer,
31 and sufficient proof of identification of the protected
32 consumer. The bill provides that all procedures, time frames,
33 and provisions specified in the Code chapter applicable to a
34 security freeze with respect to a consumer shall be equally
35 applicable to a security freeze with respect to a protected

H.F. 2368

1 consumer. The bill requires a consumer reporting agency to
2 send a separate personal identification number or password
3 distinct from the consumer's own personal identification number
4 or password, if the consumer has one from the agency, for the
5 consumer to use in authorizing the suspension or removal of the
6 security freeze. The bill provides that a security freeze for
7 a protected consumer shall remain in effect until the consumer
8 requests that it be removed or until a protected consumer
9 similarly requests that it be removed and the protected
10 consumer has attained 18 years of age and is not or is no
11 longer an incapacitated person or a protected person for whom a
12 guardian or conservator has been appointed.

House File 2369 - Introduced

HOUSE FILE 2369
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HSB 657)

A BILL FOR

1 An Act specifying procedures applicable to claims asserting
2 stray electric current or voltage.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6160HV (1) 85
rn/nh

H.F. 2369

Section 1. NEW SECTION. **476D.1 Definitions.**

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

1. *"Board"* means the utilities board within the utilities division of the department of commerce.

2. *"Dairy producer"* means any person or entity that owns or operates a dairy farm or that owns cows that do or are intended to produce milk.

3. *"Utility"* means a public utility as defined in section 476.1 or, for purposes of this chapter, any other person owning or operating more than one thousand five hundred miles of transmission lines and associated facilities in this state.

Sec. 2. NEW SECTION. **476D.2 Utility inspections — stray current or voltage.**

1. A dairy producer in this state that claims that its dairy cows are being affected by stray current or voltage shall provide written notice to a utility providing electric service to the dairy producer and may provide written notice to the board. The notice shall include a nonbinding statement as to why the dairy producer claims its dairy cows are being affected by electrical energy attributable to the utility.

2. *a.* Within fourteen business days after receipt of a notice alleging stray current or voltage by a utility pursuant to subsection 1, the utility shall take or arrange for the taking of measurements to identify the existence and magnitude of the stray current or voltage, if any. A dairy producer providing notice of the claim shall permit entry onto the dairy farm at dates and times mutually agreed upon by the dairy producer and the utility. The utility shall perform no other service or inspection on the dairy farm beyond taking measurements of stray current or voltage, except the utility may advise the dairy producer as to recommended on-farm remedial action and may perform such on-farm remedial action with the permission of the dairy producer. The utility or its representative shall abide by the dairy farm's biosecurity

H.F. 2369

protocols or, if none, generally accepted biosecurity protocols in the industry, prior to entry onto the dairy farm. The utility shall be provided advance notice of any biosecurity protocols adopted by the dairy producer.

b. A dairy producer may include with the notice provided pursuant to subsection 1, or in a subsequent notice, a written request for the board to take or arrange for the taking of separate and independent measurements to identify the existence and magnitude of stray current or voltage, if any. Such a request may also be made by the utility. Measurements by the board shall be taken by a representative of the board directly, or by a neutral third-party expert selected by the board for such purposes. A dairy producer providing notice of the claim shall permit entry onto the dairy farm at dates and times mutually agreed upon by the dairy producer and the board, a representative of the board directly, or by a neutral third-party expert selected by the board for such purposes. The board or a selected third-party expert shall perform no other service or inspection on the dairy farm beyond taking measurements of stray current or voltage, except the board or third-party expert may advise the dairy producer as to recommended on-farm remedial action. The board or the third-party expert shall abide by the dairy farm's biosecurity protocols or, if none, by generally accepted biosecurity protocols in the industry, prior to entry onto the dairy farm. The board shall be provided advance notice of any biosecurity protocols adopted by the dairy producer. The board shall subsequently prepare or cause to be prepared a determination of source document which shall be made available to both the dairy producer and the utility.

EXPLANATION

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

This bill specifies procedures which apply to claims asserting stray electric current or voltage affecting dairy

H.F. 2369

1 cows.
2 The bill provides that a dairy producer in Iowa claiming that
3 its dairy cows are being affected by stray current or voltage
4 shall provide written notice to a utility providing electric
5 service to the dairy producer and may provide written notice to
6 the utilities board of the utilities division of the department
7 of commerce. The notice shall include a nonbinding statement
8 as to why the dairy producer claims its dairy cows are being
9 affected by electrical energy attributable to the utility. The
10 bill states that within 14 business days after receipt of the
11 notice, the utility shall take or arrange for the taking of
12 measurements to identify the existence and magnitude of the
13 stray current or voltage, if any. The bill provides that the
14 dairy producer shall permit entry onto the dairy farm at dates
15 and times mutually agreed upon by the dairy producer and the
16 utility. The utility is required to perform no other service
17 or inspection on the dairy farm beyond taking measurements of
18 stray current or voltage, except the utility may advise the
19 dairy producer as to recommended on-farm remedial action and
20 may perform such on-farm remedial action with the permission
21 of the dairy producer. The bill provides that the utility or
22 its representative shall abide by the dairy farm's biosecurity
23 protocols or, if none, generally accepted biosecurity protocols
24 in the industry, prior to entry onto the dairy farm, and that
25 the utility shall be provided advance notice of any biosecurity
26 protocols adopted by the dairy producer.
27 The bill further provides that the dairy producer may
28 include either as part of the notice or in a separate
29 notification a written request for the board to take or arrange
30 for the taking of separate and independent measurements to
31 identify the existence and magnitude of stray current or
32 voltage, if any, and that such a request may also be made
33 by the utility. Measurements by the board shall be taken
34 by a representative of the board directly, or by a neutral
35 third-party expert selected by the board for such purposes.

H.F. 2369

1 The bill specifies that a dairy producer shall permit entry
2 onto the dairy farm at dates and times mutually agreed upon
3 by the dairy producer and the board, a representative of the
4 board directly, or by a neutral third-party expert selected
5 by the board for such purposes. The same restrictions shall
6 apply to measurements taken by the board or a third-party
7 expert with regard to performing no other service or inspection
8 beyond taking measurements of stray current or voltage except
9 providing advice as to recommended on-farm remedial action,
10 and biosecurity protocols. The bill directs the board to
11 subsequently prepare or cause to be prepared a determination of
12 source document which shall be made available to both the dairy
13 producer and the utility.

House File 2370 - Introduced

HOUSE FILE 2370
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HSB 552)

A BILL FOR

1 An Act relating to the supervision of orthotist or prosthetist
2 assistants.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5648HV (2) 85
ad/nh

H.F. 2370

Section 1. Section 148F.6, subsection 1, paragraph a, Code 2014, is amended to read as follows:

a. A person shall not work as an assistant to an orthotist or prosthetist or provide ~~patient care services or~~ fabrication of orthoses or prostheses~~,~~ unless the work or fabrication is performed under the supervision of a licensed orthotist or licensed prosthetist. A person shall not provide patient care services regulated by this chapter unless provided under the supervision of a licensed orthotist or licensed prosthetist.

EXPLANATION

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

The bill provides that an orthotist or prosthetist assistant may only work as an assistant or provide fabrication of orthoses or prostheses under the supervision of a licensed orthotist or prosthetist. The bill also states that a person shall only provide patient care services regulated under the Code chapter relating to orthotics, prosthetics, and pedorthics if supervised by a licensed orthotist or prosthetist.

House File 2371 - Introduced

HOUSE FILE 2371
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 595)

A BILL FOR

1 An Act establishing a mass notification and emergency messaging
2 system fund.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5256HV (2) 85
rn/rj

H.F. 2371

1 Section 1. LEGISLATIVE INTENT. It is the intent of the
2 general assembly, in recognition of the establishment of the
3 mass notification and emergency messaging system fund in Code
4 section 29C.17A, and in further recognition of the vital
5 importance of creating and adequately funding a system for
6 providing mass notification and emergency messaging services to
7 the citizens of the state of Iowa, that the mass notification
8 and emergency messaging system fund receive an annual
9 appropriation to ensure that the system functions throughout
10 the state on an ongoing basis.
11 Sec. 2. Section 22.7, Code 2014, is amended by adding the
12 following new subsection:
13 NEW SUBSECTION. 68. Information collected for use in
14 administrating and operating the mass notification and
15 emergency messaging system established pursuant to section
16 29C.17A. However, personal information may be disclosed to
17 governmental agencies under the circumstances specified in that
18 section.
19 Sec. 3. Section 29C.2, Code 2014, is amended by adding the
20 following new subsection:
21 NEW SUBSECTION. 6A. *"Mass notification and emergency*
22 *messaging system"* means a system which disseminates emergency
23 and public safety related information to the public by
24 various means including but not limited to telephone,
25 wireless communications service, dual party relay service or
26 telecommunications device, text messaging, electronic mail,
27 and facsimile, and which integrates with federal emergency
28 messaging systems.
29 Sec. 4. NEW SECTION. **29C.17A Mass notification and**
30 **emergency messaging system fund.**
31 1. A mass notification and emergency messaging system fund
32 is created in the state treasury under the control of the
33 department. The fund shall consist of moneys appropriated
34 by the general assembly and any other moneys available to
35 and obtained or accepted by the department for placement

H.F. 2371

1 in the fund. Notwithstanding section 12C.7, interest or
2 earnings on moneys in the fund shall be credited to the fund.
3 Notwithstanding section 8.33, moneys credited to the fund that
4 remain unexpended or unobligated at the end of a fiscal year
5 shall not revert to any other fund.
6 2. Amounts contained in the fund shall be used exclusively
7 to provide for the purchase and ongoing operation of a system
8 capable of providing mass notification and emergency messaging
9 to the public. The system shall be purchased from a vendor
10 selected by the department pursuant to a competitive bidding
11 process, and shall, once purchased, be under the control of the
12 department.
13 3. Information disseminated to the public through the mass
14 notification and emergency messaging system shall be limited
15 to imminent emergency and public safety-related issues. The
16 department may provide access to the system for use at the
17 county and local level. Access by a county or local government
18 shall be at the department's sole discretion, and if approved
19 by the department, shall be under the control of the local
20 commission. The commission shall establish an operational plan
21 and procedure which meets standards adopted by the department
22 by rule, and shall submit the operational plan and procedure
23 for approval by the department prior to access being granted.
24 Additional access criteria and procedures for administering
25 the fund shall be established by the department by rule. The
26 director may employ such additional staff as may be necessary
27 to administer this section.
28 4. All personal information collected for use in the mass
29 notification and emergency messaging system, including but
30 not limited to the names and contact information of emergency
31 messaging recipients, shall be considered confidential records
32 under section 22.7. The director may, however, provide all
33 or part of such confidential information to state or local
34 governmental agencies possessing emergency planning or response
35 functions if the director is satisfied that the need to know

H.F. 2371

1 the information and its intended use are reasonable. An agency
2 receiving confidential information pursuant to this subsection
3 shall not redisseminate the information in any form without
4 prior approval by the director. The release of confidential
5 information by the department, a county or local government, or
6 a state or local governmental agency other than as authorized
7 pursuant to this section, and the sale of such confidential
8 information, is strictly prohibited.
9 EXPLANATION

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

12 This bill establishes a mass notification and emergency
13 messaging system fund.
14 The bill defines "mass notification and emergency messaging
15 system" to mean a system which disseminates emergency
16 and public safety related information to the public by
17 various means including but not limited to telephone,
18 wireless communications service, dual party relay service or
19 telecommunications device, text messaging, electronic mail,
20 and facsimile, and which integrates with federal emergency
21 messaging systems.
22 The bill commences with a session law provision expressing
23 the legislative intent that the mass notification and emergency
24 messaging system fund receive an annual appropriation to ensure
25 that the system functions throughout the state on an ongoing
26 basis.
27 The bill creates the fund in the state treasury under the
28 control of the department, consisting of moneys appropriated
29 by the general assembly and any other moneys available to and
30 obtained or accepted by the department for placement in the
31 fund. The bill provides that, notwithstanding Code section
32 12C.7, interest or earnings on moneys in the fund shall be
33 credited to the fund, and that, notwithstanding Code section
34 8.33, moneys credited to the fund that remain unexpended or
35 unobligated at the end of a fiscal year shall not revert to any

H.F. 2371

1 other fund.
2 The bill provides that amounts contained in the fund shall
3 be used exclusively to provide for the purchase and ongoing
4 operation of a system capable of providing mass notification
5 and emergency messaging to the public. The system shall be
6 purchased from a vendor selected by the department pursuant to
7 a competitive bidding process, and shall, once purchased, be
8 under the control of the department.
9 The bill specifies that information disseminated to the
10 public through the mass notification and emergency messaging
11 system shall be limited to imminent emergency and public
12 safety-related issues.
13 The bill authorizes the department to provide access to
14 the system for use at the county and local level. Access
15 by a county or local government shall be at the department's
16 sole discretion, and if approved by the department, shall be
17 under the control of the local emergency management commission
18 or joint emergency management commission. The bill states
19 that such commission shall establish an operational plan and
20 procedure which meets standards adopted by the department by
21 rule, and shall submit the operational plan and procedure for
22 approval by the department prior to access being granted.
23 Additional access criteria and procedures for administering the
24 fund are to be established by the department by rule, and the
25 director is authorized to employ such additional staff as may
26 be necessary to administer and operate the system.
27 The bill provides that all personal information collected
28 for use in the system, including but not limited to the names
29 and contact information of emergency messaging recipients,
30 shall be considered confidential records under Code section
31 22.7. The bill authorizes the director, however, to provide
32 all or part of such confidential information to state or local
33 governmental agencies possessing emergency planning or response
34 functions if the director is satisfied that the need to know
35 the information and its intended use are reasonable. The

H.F. 2371

1 bill states that an agency receiving confidential information
2 pursuant to this exception shall not redisseminate the
3 information in any form without prior approval by the director.
4 A corresponding provision is added to the confidential records
5 provisions contained in Code chapter 22.7.
6 Additionally, the bill provides that the release of
7 confidential information by the department, a county or local
8 government, or a state or local governmental agency other than
9 as authorized pursuant to the bill's provisions, and the sale
10 of such confidential information, is strictly prohibited.

House File 2372 - Introduced

HOUSE FILE 2372
BY COMMITTEE ON VETERANS
AFFAIRS

(SUCCESSOR TO HSB 651)

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 6156HV (1) 85
mm/sc

H.F. 2372

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.

House File 2373 - Introduced

HOUSE FILE 2373
BY COMMITTEE ON ECONOMIC GROWTH

(SUCCESSOR TO HF 2234)
(SUCCESSOR TO HSB 512)

A BILL FOR

1 An Act allowing private employers to grant a preference in
2 hiring and promotion to veterans and certain spouses.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5375HZ (1) 85
aw/rj

H.F. 2373

1 Section 1. NEW SECTION. **35.3 Veterans preference in private**
2 **employment permitted.**
3 1. A private employer may grant preference in hiring and
4 promotion to an individual who is a veteran.
5 2. *a.* A private employer may grant preference in hiring
6 and promotion to the spouse of a veteran who has sustained
7 a permanent, compensable service-connected disability as
8 adjudicated by the United States veterans administration or by
9 the retirement board of one of the armed forces of the United
10 States.
11 *b.* A private employer may grant preference in hiring and
12 promotion to the surviving spouse of a deceased member of the
13 United States armed forces who died while serving on active
14 duty during a time of military conflict or who died as a result
15 of such service.
16 3. Granting a hiring or promotion preference under this
17 section does not violate any state law or local ordinance
18 regarding equal employment opportunity, including but not
19 limited to chapter 216.
20 4. The hiring and promotion preferences allowable
21 under this section shall only be granted if consistent with
22 applicable federal laws and regulations.
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 allows private employers to grant a preference in
27 hiring and promotion to veterans and certain veterans' spouses.
28 The bill specifically permits private employers to grant
29 a preference in hiring and promotion to veterans as defined
30 in the Iowa department of veterans affairs law. Private
31 employers are also allowed to grant such preferences to the
32 spouse of a veteran who has sustained a permanent, compensable
33 service-connected disability as adjudicated by the United
34 States veterans administration or by the retirement board of
35 one of the armed forces of the United States. These employers

H.F. 2373

may also grant such preferences to the surviving spouse of a deceased member of the United States armed forces who died while serving on active duty during a time of military conflict or who died as a result of such service. The bill only permits employers to grant such preferences as far as is consistent with federal laws and regulations.

The bill provides that granting such a preference does not violate any state law or local ordinance regarding equal employment opportunity, including Code chapter 216.

House File 2374 - Introduced

HOUSE FILE 2374
BY COMMITTEE ON VETERANS
AFFAIRS

(SUCCESSOR TO HSB 650)

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 6093HV (2) 85
mm/sc

H.F. 2374

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
26 on inactive status, an amount equal to three hundred fifty
27 dollars.
28 2. In order to qualify for the credit in subsection 1, all
29 of the following requirements must be satisfied:
30 *a.* The taxpayer has not received a tax credit, bonus, or
31 compensation similar to that provided in this section from this
32 state or another state, including the Persian Gulf veteran tax
33 credit under section 422.10B.
34 *b.* The taxpayer was on active duty service after August
35 24, 1982, and the person did not refuse on conscientious,

H.F. 2374

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.

3. If a taxpayer dies before claiming the credit in subsection 1, the surviving unremarried widow or widower, child or children, mother, father, or person standing in loco parentis, in the order named and none other, of any deceased taxpayer shall be eligible for the tax credit in subsection 1 that the deceased taxpayer would be entitled to pursuant to this section, if living.

4. The credit provided in this section shall be allowed only once per taxpayer. The credit shall be claimed by the taxpayer for the tax year in which the application is successfully made to the department of veterans affairs under subsection 2, paragraph *"c"*. Any credit in excess of the tax liability is refundable. Taxpayers affected by the allocation provisions of section 422.8 shall be permitted a deduction for the credit only in the amount fairly and equitably allocable to Iowa under rules prescribed by the director of revenue.

5. A taxpayer who knowingly makes a false statement relating to a material fact in supporting an application under this section is guilty of a serious misdemeanor. A person convicted pursuant to this section shall forfeit all tax credit to which the taxpayer may have been entitled under this section.

6. The executive director of the department of veterans affairs, in cooperation with the director of the department of revenue, shall provide for the administration of the credit authorized in this section. The department of veterans affairs and the department of revenue shall each adopt rules,

H.F. 2374

pursuant to chapter 17A, as necessary to administer this section, including but not limited to application procedures, investigation, approval or disapproval of claims, and claiming of credits.

7. This section is repealed January 1, 2016.

Sec. 3. NEW SECTION. **422.10B Persian Gulf veteran tax credit.**

1. The taxes imposed under this division, less the credits allowed under section 422.12, shall be reduced by a Persian Gulf veteran tax credit equal to the following amount:

a. For a taxpayer who served on active duty for not less than one hundred twenty days in the armed forces of the United States at any time between January 31, 1990, and February 28, 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 three hundred fifty dollars.

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, including the Lebanon, Grenada, and Panama veteran tax credit under section 422.10A.

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

H.F. 2374

1 which the taxpayer is eligible.
2 3. If a taxpayer dies before claiming the credit in
3 subsection 1, the surviving unremarried widow or widower,
4 child or children, mother, father, or person standing in loco
5 parentis, in the order named and none other, of any deceased
6 taxpayer shall be eligible for the tax credit in subsection 1
7 that the deceased taxpayer would be entitled to pursuant to
8 this section, if living.
9 4. The credit provided in this section shall be allowed only
10 once per taxpayer. The credit shall be claimed by the taxpayer
11 for the tax year in which the application is successfully made
12 to the department of veterans affairs under subsection 2,
13 paragraph *"c"*. Any credit in excess of the tax liability is
14 refundable. Taxpayers affected by the allocation provisions
15 of section 422.8 shall be permitted a deduction for the credit
16 only in the amount fairly and equitably allocable to Iowa under
17 rules prescribed by the director of revenue.
18 5. A taxpayer who knowingly makes a false statement relating
19 to a material fact in supporting an application under this
20 section is guilty of a serious misdemeanor. A person convicted
21 pursuant to this section shall forfeit all tax credit to which
22 the taxpayer may have been entitled under this section.
23 6. The executive director of the department of veterans
24 affairs, in cooperation with the director of the department
25 of revenue, shall provide for the administration of the
26 credit authorized in this section. The department of veterans
27 affairs and the department of revenue shall each adopt rules,
28 pursuant to chapter 17A, as necessary to administer this
29 section, including but not limited to application procedures,
30 investigation, approval or disapproval of claims, and claiming
31 of credits.
32 7. This section is repealed January 1, 2016.
33 Sec. 4. RETROACTIVE APPLICABILITY. This Act applies
34 retroactively to January 1, 2014, for tax years beginning on
35 or after that date.

H.F. 2374

EXPLANATION

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

This bill provides for the creation of two one-time individual income tax credits for veterans of the United States military who served during identified periods of conflict. The credits are each equal to $350.

The first credit is available to members of the United States armed forces who served in active duty during the military conflicts in Lebanon, Grenada, and Panama who meet certain qualifications of service. The second credit is available to members of the United States armed forces who served in active duty during the military conflicts in the Persian Gulf who meet certain qualifications of service. A taxpayer may only claim one of the credits.

The bill provides dates for the periods of these conflicts and requires that a veteran must meet additional requirements to qualify for the credit. The person must not have received a similar tax credit or bonus from this state or any other state. The person must not have refused to be subject to military discipline on certain grounds. The bill also requires that the person file an application with the department of veterans affairs (department) by July 1, 2015, in order to qualify for the credit. The department is required to certify to the department of revenue the identify of each person who qualifies for the credits and the amount of tax credit for which the taxpayer is eligible.

Certain other persons who survive the veteran are eligible for the tax credit for which the deceased person would have been eligible.

The bill provides that knowingly making a false statement of material fact supporting an application to receive one of the tax credits is a serious misdemeanor. A serious misdemeanor is punishable by confinement for no more than one year and a fine of at least $315 but not more than $1,875. The bill also

H.F. 2374

1 provides that a conviction on such a charge would result in
2 forfeiture of any right to claim one of the credits.
3 Each credit provided in the bill shall be allowed only once
4 per taxpayer. The taxpayer is required to claim the credit
5 for the tax year in which the tax credit application was made.
6 Any credit in excess of the tax liability is refundable.
7 Nonresident and part-year residents are allowed a tax credit
8 only in the amount fairly and equitably allocable to Iowa under
9 rules prescribed by the director of revenue.
10 The tax credits are exempt from the individual income tax to
11 the extent that they increase federal adjusted gross income.
12 The director of the department of veterans affairs, in
13 cooperation with the director of the department of revenue, is
14 to administer the tax credits.
15 The credits are repealed January 1, 2016.
16 The bill applies retroactively to January 1, 2014, for tax
17 years beginning on or after that date.

House File 2375 - Introduced

HOUSE FILE 2375
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 573)

(COMPANION TO LSB 5475SV BY
COMMITTEE ON JUDICIARY)

A BILL FOR

1 An Act relating to the scope and nature of use restrictions on
2 land.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5475HV (2) 85
rh/sc

H.F. 2375

1 Section 1. Section 614.24, Code 2014, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 4. As used in this section, *"use*
4 *restrictions"* means a limitation or prohibition on the rights
5 of a landowner to make use of the landowner's real estate,
6 including but not limited to limitations or prohibitions
7 on commercial uses, rental use, parking and storage of
8 recreational vehicles and their attachments, ownership
9 of pets, outdoor domestic uses, construction and use of
10 accessory structures, building dimensions and colors, building
11 construction materials, and landscaping. As used in this
12 section, *"use restrictions"* does not include any of the
13 following:
14 *a.* An easement granting a person an affirmative right
15 to use land in the possession of another person including
16 but not limited to an easement for pedestrian or vehicular
17 access, reasonable ingress and egress, solar access, utilities,
18 supporting utilities, parking areas, bicycle paths, and water
19 flow.
20 *b.* An agreement between two or more parcel owners providing
21 for the sharing of costs and other obligations for real
22 estate taxes, insurance premiums, and for maintenance, repair,
23 improvements, services, or other costs related to two or more
24 parcels of real estate regardless of whether the parties to
25 the agreement are owners of individual lots or incorporated
26 or unincorporated lots or have ownership interests in common
27 areas in a horizontal property regime or residential housing
28 development.
29 *c.* An agreement between two or more parcel owners for
30 the joint use and maintenance of driveways, party walls,
31 landscaping, fences, wells, roads, common areas, waterways, or
32 bodies of water.
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.**

H.F. 2375

1 Iowa Code sections 614.24 through 614.28 (known as the
2 "stale uses and reversions Act") require the filing of a
3 verified claim with the county recorder in the county where the
4 real estate is located within 21 years after the recording of
5 a use restriction or the last verified claim to continue the
6 use restriction. If a verified claim is not timely filed, the
7 use restriction becomes unenforceable by operation of law 21
8 years after the recording of the last verified claim of use
9 restriction.
10 This bill defines the term "use restriction" for the
11 filing of a verified claim to include but not be limited to
12 limitations or prohibitions on uses specified in the bill. The
13 bill also provides that a use restriction does not include
14 easements granting a person an affirmative right to use
15 land in the possession of another person, certain agreements
16 providing for the sharing of costs and other obligations for
17 real estate taxes, insurance premiums, and maintenance, repair,
18 improvements, services, or other costs, and agreements between
19 two or more parcel owners for the joint use and maintenance
20 of driveways, party walls, landscaping, fences, wells, roads,
21 common areas, waterways, or bodies of water.

House File 2376 - Introduced

HOUSE FILE 2376
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HSB 653)

A BILL FOR

1 An Act requiring the development and use of a standard process
2 and form for prior authorization of prescription drug
3 benefits.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6145HV (2) 85
rj/rj

H.F. 2376

1 Section 1. NEW SECTION. **505.26 Prior authorization for**
2 **prescription drug benefits — standard process and form.**
3 1. As used in this section:
4 *a. "Facility"* means an institution providing health care
5 services or a health care setting, including but not limited
6 to hospitals and other licensed inpatient centers, ambulatory
7 surgical or treatment centers, skilled nursing centers,
8 residential treatment centers, diagnostic, laboratory, and
9 imaging centers, and rehabilitation and other therapeutic
10 health settings.
11 *b. "Health benefit plan"* means a policy, contract,
12 certificate, or agreement offered or issued by a health carrier
13 to provide, deliver, arrange for, pay for, or reimburse any of
14 the costs of health care services.
15 *c. "Health care professional"* means a physician or other
16 health care practitioner licensed, accredited, registered, or
17 certified to perform specified health care services consistent
18 with state law.
19 *d. "Health care provider"* means a health care professional
20 or a facility.
21 *e. "Health care services"* means services for the diagnosis,
22 prevention, treatment, cure, or relief of a health condition,
23 illness, injury, or disease.
24 *f. "Health carrier"* means an entity subject to the insurance
25 laws of this state, or subject to the jurisdiction of the
26 commissioner, including an insurance company offering sickness
27 and accident plans, a health maintenance organization, a
28 nonprofit health service corporation, a plan established
29 pursuant to chapter 509A for public employees, or any other
30 entity providing a plan of health insurance, health care
31 benefits, or health care services. *"Health carrier"* includes,
32 for purposes of this section, an organized delivery system.
33 *g. "Pharmacy benefits manager"* means the same as defined in
34 section 510B.1.
35 2. The commissioner shall develop, by rule, a standard prior

H.F. 2376

1 authorization process and form for use by health carriers and
2 pharmacy benefits managers that require prior authorization for
3 prescription drug benefits pursuant to a health benefit plan,
4 by January 1, 2015.
5 3. Prior to development of the standard prior authorization
6 process and form, the commissioner shall hold at least one
7 public hearing to gather input in developing the standard
8 process and form from interested parties.
9 4. The standard prior authorization process shall meet all
10 of the following requirements:
11 *a.* Health carriers and pharmacy benefits managers shall
12 allow health care providers to submit a prior authorization
13 request electronically.
14 *b.* Health carriers and pharmacy benefits managers shall
15 provide that approval of a prior authorization request shall be
16 valid for a minimum of one hundred eighty days.
17 *c.* Health carriers and pharmacy benefits managers shall
18 ensure that the prior authorization process allows a health
19 carrier or pharmacy benefits manager to substitute a generic
20 drug for a previously approved brand-name drug with the health
21 care provider´s approval and the patient´s consent.
22 *d.* Health carriers and pharmacy benefits managers shall make
23 the following available and accessible on their internet sites:
24 (1) Prior authorization requirements and restrictions,
25 including a list of drugs that require prior authorization.
26 (2) Clinical criteria that are easily understandable
27 to health care providers, including clinical criteria for
28 reauthorization of a previously approved drug after the prior
29 authorization period has expired.
30 (3) Standards for submitting and considering requests,
31 including evidence-based guidelines, when possible, for making
32 prior authorization determinations.
33 *e.* Health carriers and pharmacy benefits managers shall
34 provide a process for health care providers to appeal a prior
35 authorization determination.

H.F. 2376

5. The standard prior authorization form shall meet all of the following requirements:

a. Not exceed two pages in length.

b. Be available in an electronic format.

c. Be transmissible in an electronic format.

6. Health carriers and pharmacy benefits managers shall use and accept the standard prior authorization form beginning on July 1, 2015. Health care providers shall use and submit the standard prior authorization form, when prior authorization is required by a health benefit plan, beginning on July 1, 2015.

7. *a.* If a health carrier or pharmacy benefits manager fails to use or accept the standard prior authorization form or to respond to a health care provider's request for prior authorization of prescription drug benefits within seventy-two hours of the health care provider's submission of the form, the request for prior authorization shall be considered to be approved.

b. However, if the prior authorization request is incomplete, the health carrier or pharmacy benefits manager may request the additional information within the seventy-two-hour period and once the additional information is provided the provisions of paragraph "*a*" shall again apply.

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 development and use of a standard process and form to obtain prior authorization for prescription drug benefits under a health benefit plan.

The bill requires the commissioner of insurance to develop, by rule, a standard process and form by January 1, 2015. Before developing the process and form, the commissioner is required to hold at least one public hearing to obtain input from interested parties. The form must not exceed two pages in length and must be available and transmissible in an electronic format.

H.F. 2376

1 Health carriers are defined as all types of entities
2 providing health insurance or health benefit coverages and
3 pharmacy benefits managers are defined as an entity providing
4 prescription drug benefit management services to all types
5 of entities providing health insurance or health benefit
6 coverages, including employers and unions. Health carriers and
7 pharmacy benefits managers are required to use and accept the
8 standard prior authorization form, and health care providers
9 are required to use and submit the form, beginning on July 1,
10 2015. If a health carrier fails to use or accept the standard
11 form or to respond to a health care provider's request for
12 prior authorization of prescription drug benefits within 72
13 hours of the provider's submission of the form, the request
14 shall be considered to be granted, unless the request is
15 incomplete and additional information is needed to process the
16 request.
17 Health care providers are defined as health care
18 professionals or health care institutions and are required to
19 use and submit the standard prior authorization form, beginning
20 on July 1, 2015.
21 The standard prior authorization process must include
22 the capability of electronic submissions, 180-day prior
23 authorization approvals, substitution of generic drugs,
24 internet access to prior authorization requirements such as
25 listing of drugs and understandable clinical criteria for
26 authorization and reauthorization, and an appeal process.
27 The prior authorization form must not exceed two pages in
28 length and must be available and transmissible in an electronic
29 format.

House File 2377 - Introduced

HOUSE FILE 2377
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HF 2097)

A BILL FOR

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

TLSB 5159HV (1) 85
pf/nh

H.F. 2377

1 Section 1. 2013 Iowa Acts, chapter 138, section 12,
2 subsection 19, paragraph a, subparagraph (6), is amended by
3 striking the subparagraph.
4 Sec. 2. 2013 Iowa Acts, chapter 138, section 142, subsection
5 18, paragraph a, is amended to read as follows:
6 a. The department shall continue to implement the cost
7 containment strategies for the medical assistance program in
8 the fiscal year beginning July 1, 2014, that were recommended
9 by the governor for the fiscal year beginning July 1, 2013,
10 as specified in this Act and may adopt emergency rules for
11 such implementation. The department shall not implement the
12 cost containment strategy that requires transition of the
13 provision by individual providers of personal care under the
14 consumer-directed attendant care option to agency-provided
15 personal care services while retaining the consumer choice
16 option for those individuals able and desiring to self-direct
17 services.
18 Sec. 3. CONSUMER-DIRECTED ATTENDANT CARE PROVIDERS —
19 LEGAL REPRESENTATIVE. The department of human services shall
20 adopt rules pursuant to chapter 17A to allow a guardian or
21 attorney in fact under a durable power of attorney for health
22 care for a consumer-directed attendant care program member to
23 provide consumer-directed attendant care services. Payment to
24 a guardian or attorney in fact for health care for a program
25 member acting as a provider under the consumer-directed
26 attendant care program shall not be considered funds
27 incorrectly paid.
28 Sec. 4. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
29 immediate importance, takes effect upon enactment.
30 Sec. 5. RETROACTIVE APPLICABILITY. This Act applies
31 retroactively to July 1, 2013.
32 EXPLANATION

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

35 This bill relates to a cost containment strategy that

H.F. 2377

1 would require transition under the Medicaid program of the
2 provision by individual providers of personal care under the
3 consumer-directed attendant care option to agency-provided
4 personal care services while retaining the consumer choice
5 option for those individuals able and desiring to self-direct
6 services. Because the provision was included in the
7 appropriation for the Medicaid program for FY 2013-2014 and
8 continued in FY 2014-2015, the bill eliminates the initial
9 directive for FY 2013-2014, and directs the department of human
10 services not to implement the strategy for FY 2014-2015.
11 The bill also provides that under the consumer-directed
12 attendant care program, a guardian or attorney in fact under
13 a durable power of attorney for health care for a program
14 member may be a provider of services under the program.
15 Additionally, payment to such guardian or attorney in fact for
16 health care for a program member acting as a provider under
17 the consumer-directed attendant care program is not to be
18 considered funds incorrectly paid.
19 The bill takes effect upon enactment and is retroactively
20 applicable to July 1, 2013.

House File 2378 - Introduced

HOUSE FILE 2378
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HF 2182)

A BILL FOR

1 An Act relating to the requirements for psychologist licensing.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5650HV (1) 85
jp/nh

H.F. 2378

1 Section 1. Section 154B.6, Code 2014, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 3. A person who possesses a doctoral degree
4 in psychology from an institution approved by the board but who
5 has not completed the other requirements for licensure under
6 this section may apply for a provisional license. The license
7 shall be designated as a "provisional license in psychology".
8 The provisional license shall authorize the licensee to
9 practice psychology under the supervision of a supervisor who
10 meets the qualifications determined by the board by rule. A
11 provisional license shall be valid for a period of two years.
12 The fee for a provisional license shall be set by the board to
13 cover the administrative costs of issuance. The board shall
14 also set a fee for renewal of a provisional license.
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 relates to the requirements for psychologist
19 licensing.
20 Under current law in Code section 154B.6, an applicant
21 for licensure as a psychologist in this state must possess a
22 doctoral degree in psychology from an institution approved
23 by the board of psychology, have completed at least one
24 year of supervised professional experience under the
25 supervision of a licensed psychologist, and have passed an
26 examination administered by the board to assure the applicant's
27 professional competence. The examination requirement may be
28 waived by the board if the applicant has a certificate from
29 another state with similar requirements to Iowa or holds by
30 examination a specialty diploma.
31 The bill establishes a new licensing category designated
32 as a "provisional license in psychology". To qualify, the
33 person must possess a doctoral degree in psychology from a
34 board-approved institution.
35 The provisional license authorizes the licensee to practice

H.F. 2378

1 psychology under the supervision of a supervisor who meets the
2 qualifications determined by the board by rule. A provisional
3 license is valid for a period of two years. The fee for a
4 provisional license is to be set by the board to cover the
5 administrative costs of issuance. The board also is to set a
6 fee for renewal of a provisional license.

House File 2379 - Introduced

HOUSE FILE 2379
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HSB 633)

A BILL FOR

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

TLSB 5802HV (2) 85
jp/rj

H.F. 2379

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

H.F. 2379

1 The department is required to adopt rules to implement
2 the bill. The department is required to accept a crisis
3 stabilization program's accreditation by a national accrediting
4 organization in lieu of applying the rules to the program.

House File 2380 - Introduced

HOUSE FILE 2380
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HF 2070)

A BILL FOR

1 An Act providing for a state child care assistance program
2 eligibility pilot project.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5642HV (2) 85
jp/nh

H.F. 2380

1 Section 1. CHILD CARE ASSISTANCE ELIGIBILITY PILOT PROJECT.
2 1. The department of human services shall implement a pilot
3 project in Hamilton, Lee, Pottawattamie, and Scott counties
4 for the fiscal year beginning July 1, 2014. Under the pilot
5 project, for persons residing in the pilot project counties,
6 the department shall apply revised requirements to authorize
7 eligibility for the state child care assistance program for the
8 following families who meet the program´s other eligibility
9 requirements:
10 a. Families with an income at or below 100 percent of the
11 federal poverty level whose members, for at least 28 hours
12 per week in the aggregate, are employed or are participating
13 at a satisfactory level in an approved training program or
14 educational program.
15 b. Families with an income of more than 100 percent but
16 not more than 145 percent of the federal poverty level whose
17 members, for at least 28 hours per week in the aggregate, are
18 employed or are participating at a satisfactory level in an
19 approved training program or educational program.
20 2. The department shall report to the governor and general
21 assembly in January 2015 concerning the pilot project. The
22 department shall consult with participating families, community
23 colleges, united way agencies, and other stakeholders in
24 developing the report. The information in the report shall
25 provide findings and recommendations and shall include but
26 is not limited to an analysis of the fiscal effect on the
27 program of applying the revised requirements, the effect
28 of the revised requirements on the current net income and
29 potential future income of the families utilizing the revised
30 eligibility requirements, and the effect of applying the
31 revised eligibility requirements on a statewide basis.
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 for a pilot project for state child care

H.F. 2380

1 assistance program eligibility requirements. The program is
2 to be administered by the department of human services. In
3 the four pilot project counties (Hamilton, Lee, Pottawattamie,
4 and Scott), the program's eligibility requirements based
5 upon income and employment for at least 28 hours per week or
6 participation in an educational program are revised for two
7 income eligibility groups.
8 The 28-hour-per-week employment requirement is revised to
9 apply to a combination of employment and participation at a
10 satisfactory level in an approved training or education program
11 for 28 hours per week in the aggregate.

House File 2381 - Introduced

HOUSE FILE 2381
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 384)

A BILL FOR

1 An Act concerning the possession of firearm suppressors.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1515HV (2) 85
rh/rj

H.F. 2381

Section 1. Section 724.1, subsection 8, Code 2014, is amended by striking the subsection.

Sec. 2. NEW SECTION. **724.3A Firearm suppressors.**

Any person, trust, corporation, or other entity may possess a firearm suppressor if the firearm suppressor is registered and possessed in compliance with federal law and regulations.

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 authorized possession of firearm suppressors.

Under current law, a mechanical device that silences, muffles, or suppresses the sound of a firearm when fired is defined as an offensive weapon. A person who is not otherwise authorized to possess an offensive weapon is guilty of a class "D" felony.

The bill allows any person, trust, corporation, or other entity to lawfully possess a firearm suppressor if the suppressor is registered and possessed in compliance with federal law and regulations.

House File 2382 - Introduced

HOUSE FILE 2382
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HF 2083)

A BILL FOR

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

TLSB 5631HV (2) 85
ec/nh

H.F. 2382

Section 1. Section 904.808, subsection 1, paragraph b, Code 2014, is amended to read as follows:

b. When the ~~state~~ director of the department of administrative services releases, in writing, the obligation of the department or agency to purchase the product from Iowa state industries, after determining that Iowa state industries is unable to meet the performance characteristics of the purchase request for the product, ~~and a copy of the release is attached to the request to the director of the department of administrative services for payment for a similar product,~~ or when Iowa state industries is unable to furnish needed products, comparable in both quality and price to those available from alternative sources, within a reasonable length of time. ~~Any disputes arising between a purchasing department or agency and Iowa state industries regarding similarity of products, or comparability of quality or price, or the availability of the product, shall be referred to the director of the department of administrative services, whose decision shall be subject to appeal as provided in section 8A.313. However, if the purchasing department is the department of administrative services, any matter which would be referred to the director under this paragraph shall be referred to the executive council in the same manner as if the matter were to be heard by the director of the department of administrative services. The decision of the executive council is final.~~

Sec. 2. REPEAL. Section 8A.313, Code 2014, is repealed.

EXPLANATION

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

This bill concerns the purchase of products manufactured by Iowa state (prison) industries by state agencies.

Code section 904.808, concerning state government purchasing, is amended to provide that the director of the department of administrative services, and not the director of the Iowa department of corrections, has the authority to

H.F. 2382

1 release a state agency from the requirement to purchase from
2 Iowa prison industries after determining that Iowa prison
3 industries is unable to meet the performance characteristics of
4 the purchase request for the product, or is unable to furnish
5 needed products, comparable in both quality and price to those
6 available from alternative sources, within a reasonable length
7 of time. Code section 8A.313, concerning an appeal to the
8 director of the department of administrative services relative
9 to disputes arising between the department of corrections and
10 a purchasing department or agency over the procurement of
11 products from Iowa state industries, is repealed.

House File 2383 - Introduced

HOUSE FILE 2383
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HF 2128)

A BILL FOR

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

TLSB 5133HV (1) 85
ec/nh

H.F. 2383

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

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

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

H.F. 2383

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

House File 2384 - Introduced

HOUSE FILE 2384
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 576)

A BILL FOR

1 An Act concerning the Iowa public employees' retirement system
2 and including effective date and retroactive applicability
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5224HV (2) 85
ec/sc

H.F. 2384

Section 1. Section 97B.1A, subsection 5, Code 2014, is amended to read as follows:

5. *"Beneficiary"* means the person or persons who are entitled to receive any benefits payable under this chapter at the death of a member, if the person or persons have been designated on a form provided by the system and filed with the system or designated pursuant to a qualified domestic relations order on file with the system. If no such designation is in effect at the time of death of the member or if no person so designated is living at that time, then the beneficiary is the estate of the member.

Sec. 2. Section 97B.1A, subsection 8, paragraph b, subparagraph (7), Code 2014, is amended to read as follows:

(7) Employees of an area agency on aging~~, if as of July 1, 1994, the agency provides for participation by all of its employees~~ who were participating in an alternative qualified plan pursuant to the requirements of the federal Internal Revenue Code on June 30, 2012, and who by September 1, 2013, filed with the system a valid decision to elect out of coverage under this chapter.

Sec. 3. Section 97B.1A, subsection 14A, Code 2014, is amended to read as follows:

14A. *"Member account"* means the account established for each member and includes the member's accumulated contributions and the member's share of the accumulated employer contributions as provided in section 97B.53. ~~*"Member account"* does not mean the supplemental account for active members.~~

Sec. 4. Section 97B.1A, subsection 22A, Code 2014, is amended by striking the subsection.

Sec. 5. Section 97B.7A, subsection 5, Code 2014, is amended to read as follows:

5. *Travel.* In the administration of the investment of moneys in the retirement fund, employees of the system and members of the board may travel outside the state for the purpose of meeting with investment firms and consultants and

H.F. 2384

attending conferences and meetings to fulfill their fiduciary responsibilities. ~~This travel is not subject to section 8A.512, subsection 2.~~

Sec. 6. Section 97B.44, Code 2014, is amended to read as follows:

97B.44 Beneficiary.

1. Each member shall ~~designate~~, on a form to be furnished by the system or through a qualified domestic relations order on file with the system, designate a beneficiary for death benefits payable under this chapter on the death of the member. The designation may be changed from time to time by the member by filing a new designation with the system. A designation or change in designation made by a member on or after July 1, 2000, shall contain the written consent of the member's spouse, if applicable. The designation of a beneficiary is not applicable if the member receives a refund of all contributions of the member. If a member who has received a refund of contributions returns to employment, the member shall file a new designation with the system.

2. If a member has not designated a beneficiary ~~on a form furnished by the system~~ as provided by this section, or if there are no surviving designated beneficiaries of a member, death benefits payable under this chapter shall be paid to the member's estate.

3. ~~However, the~~ The system may accept a married member's designation or change in designation under this section without the written consent of the member's spouse if the member submits a notarized statement indicating that the member has been unable to locate the member's spouse to obtain the written consent of the spouse after reasonable diligent efforts. The member's designation or change in designation shall become effective upon filing the necessary forms, including the notarized statement, or orders, with the system. The system shall not be liable to the member, the member's spouse, or to any other person affected by the member's designation or

H.F. 2384

1 change of designation, based upon a designation or change of
2 designation accomplished without the written consent of the
3 member's spouse.
4 Sec. 7. Section 97B.46, subsection 2, Code 2014, is amended
5 to read as follows:
6 2. A member remaining in service after attaining the age
7 of seventy years is entitled to receive a retirement allowance
8 under sections 97B.49A through ~~97B.49H~~ 97B.49G, as applicable,
9 without terminating employment.
10 Sec. 8. Section 97B.48, subsection 4, Code 2014, is amended
11 to read as follows:
12 4. Payment of a member's retirement allowance pursuant to
13 sections 97B.49A through ~~97B.49H~~ 97B.49G shall commence no
14 later than the required beginning date specified under section
15 401(a)(9) of the federal Internal Revenue Code regardless of
16 whether the member has submitted the appropriate notice to
17 receive an allowance. If the lump sum actuarial equivalent
18 under subsection 1 could have been selected by the member,
19 payments shall be made in a lump sum rather than as a monthly
20 allowance.
21 Sec. 9. Section 97B.49B, subsection 1, paragraph e, Code
22 2014, is amended by adding the following new subparagraph:
23 NEW SUBPARAGRAPH. (13) A person other than a deputy
24 sheriff, jailer, or detention officer who is employed by a
25 sheriff to provide courthouse security services or prisoner
26 transportation duties, is required as a condition of employment
27 to carry a firearm and has been professionally trained and
28 qualified in the use of any firearm in connection with the
29 individual's duties, is required and authorized under limited
30 circumstances to perform law enforcement duties that may
31 include but are not limited to detaining persons, taking
32 persons into custody, making arrests, transporting or providing
33 custody and care for those persons under the sheriff's control,
34 and is a certified Iowa peace officer, has Iowa reserve
35 peace officer certification, or has equivalent peace officer

H.F. 2384

1 training.
2 Sec. 10. Section 97B.49F, subsection 2, Code 2014, is
3 amended by striking the subsection.
4 Sec. 11. Section 97B.50A, subsection 1, paragraph b, Code
5 2014, is amended to read as follows:
6 *b. "Net disability retirement allowance"* means the amount
7 determined by subtracting the amount paid during the previous
8 calendar year by the member for health insurance or similar
9 health care coverage for the member and the member's dependents
10 from the amount of the member's disability retirement
11 allowance, including any dividends ~~and distributions from~~
12 ~~supplemental accounts,~~ paid for that year pursuant to this
13 section.
14 Sec. 12. Section 97B.50A, subsection 9, Code 2014, is
15 amended to read as follows:
16 9. *Medical board.* The system shall designate a medical
17 board to be composed of ~~three~~ a physician or physicians from
18 the university of Iowa hospitals and clinics who shall arrange
19 for and pass upon the medical examinations required under
20 this section and shall report in writing to the system the
21 conclusions and recommendations upon all matters duly referred
22 to the medical board. Each report of a medical examination
23 under this section shall include the medical board's findings
24 as to the extent of the member's physical or mental impairment.
25 Except as required by this section, each report shall be
26 confidential and shall be maintained in accordance with the
27 federal Americans With Disabilities Act, and any other state
28 or federal law containing requirements for confidentiality of
29 medical records.
30 Sec. 13. Section 97B.52A, subsection 1, paragraph c,
31 subparagraph (2), subparagraph division (b), Code 2014, is
32 amended to read as follows:
33 (b) For a member whose first month of entitlement is
34 July 2004 or later, but before July ~~2014~~ 2016, covered
35 employment does not include employment as a licensed health

H.F. 2384

1 care professional by a public hospital. For the purposes of
2 this subparagraph, *"public hospital"* means a hospital licensed
3 pursuant to chapter 135B and governed pursuant to chapter 145A,
4 347, 347A, or 392.
5 Sec. 14. Section 97B.53, Code 2014, is amended by adding the
6 following new subsection:
7 NEW SUBSECTION. 11. A request for a refund under this
8 section made by a member who is married requires the written
9 acknowledgment of the member's spouse. However, the system
10 may accept a married member's request for a refund under this
11 section without the written acknowledgment of the member's
12 spouse if the member submits a statement affirming that after
13 reasonable diligent efforts the member has been unable to
14 locate the member's spouse to obtain the written acknowledgment
15 of the spouse. A married member's request for a refund under
16 this section shall become effective upon filing the necessary
17 forms, or including the affirmation if applicable, with the
18 system. The system shall not be liable to the member, the
19 member's spouse, nor to any other person affected by the
20 member's request for a refund based upon a request for a refund
21 accomplished without the written acknowledgment of the member's
22 spouse.
23 Sec. 15. Section 97B.53A, Code 2014, is amended to read as
24 follows:
25 **97B.53A Duty of system.**
26 Upon a member's termination of covered employment prior to
27 the member's retirement, the system shall send the member by
28 first class mail, to the member's last known mailing address,
29 a notice setting forth the balance and status of the member's
30 account ~~and supplemental account~~ and an explanation of the
31 courses of action available to the member under this chapter.
32 Sec. 16. Section 97B.53B, subsection 1, paragraph d,
33 subparagraph (1), subparagraph division (a), Code 2014, is
34 amended to read as follows:
35 (a) All or any portion of a member's account ~~and~~

H.F. 2384

~~supplemental account~~.

Sec. 17. Section 97B.70, subsection 3, Code 2014, is amended to read as follows:

3. Interest shall be credited to the accumulated contributions and accumulated employer contributions accounts~~,~~ ~~and supplemental accounts~~ of ~~active members,~~ inactive vested members, and, effective January 1, 1999, to inactive nonvested members, until the quarter prior to the quarter in which the member's first retirement allowance is paid or in which the member is issued a refund under section 97B.53, or in which a death benefit is issued.

Sec. 18. Section 97B.80, subsection 1, Code 2014, is amended to read as follows:

1. *a.* For purposes of this subsection, *"eligible member"* means as follows:

(1) For the period beginning July 1, 1992, and ending June 30, 2014, a vested or retired member who has one or more full calendar years of covered wages.

(2) Beginning on or after July 1, 2014, a member vested by service or a retired member who is vested by service and who is within six months of the retired member's first month of entitlement.

b. ~~Effective July 1, 1992, a vested or retired~~ An eligible member ~~who has one or more full calendar years of covered wages and~~ who at any time served on active duty in the armed forces of the United States, upon submitting verification of the dates of the active duty service, may make contributions to the retirement system for all or a portion of the period of time of the active duty service, in increments of one or more calendar quarters, and receive credit for membership service and prior service for the period of time for which the contributions are made.

Sec. 19. Section 97B.80C, subsection 1, Code 2014, is amended by adding the following new paragraph:

NEW PARAGRAPH. *0a.* *"Eligible member"* means as follows:

H.F. 2384

1 (1) Prior to July 1, 2014, a vested or retired member.
2 (2) Beginning on or after July 1, 2014, a member vested by
3 service or a retired member who is vested by service and who
4 is within six months of the retired member's first month of
5 entitlement.
6 Sec. 20. Section 97B.80C, subsection 2, paragraphs a, b, and
7 c, Code 2014, are amended to read as follows:
8 *a.* ~~A vested or retired~~ An eligible member may make
9 contributions to the retirement system to purchase up to the
10 maximum amount of permissive service credit for qualified
11 service as determined by the system, pursuant to Internal
12 Revenue Code section 415(n), the requirements of this section,
13 and the system's administrative rules.
14 *b.* ~~A vested or retired~~ An eligible member of the retirement
15 system may make contributions to the retirement system to
16 purchase up to a maximum of twenty quarters of permissive
17 service credit for nonqualified service as determined by the
18 system, pursuant to Internal Revenue Code section 415(n), the
19 requirements of this section, and the system's administrative
20 rules. ~~A vested or retired~~ An eligible member must have at
21 least twenty quarters of covered wages in order to purchase
22 permissive service credit for nonqualified service.
23 *c.* ~~A vested or retired~~ An eligible member may convert
24 regular member service credit to special service credit by
25 payment of the amount actuarially determined as necessary to
26 fund the resulting increase in the member's accrued benefit.
27 The conversion shall be treated as a purchase of qualified
28 service credit subject to the requirements of paragraph *"a"*
29 if the service credit to be converted was or would have been
30 for qualified service. The conversion shall be treated as
31 a purchase of nonqualified service credit subject to the
32 requirements of paragraph *"b"* if the service credit to be
33 converted was purchased as nonqualified service credit.
34 Sec. 21. Section 231.33, subsection 21, Code 2014, is
35 amended to read as follows:

H.F. 2384

21. Comply with all applicable requirements of the Iowa public employees' retirement system established pursuant to chapter 97B. ~~Notwithstanding any provision to the contrary, an employee of an area agency on aging that was enrolled in an alternative qualified plan prior to July 1, 2012, may continue participation in that alternative qualified plan in lieu of mandatory participation in the Iowa public employees' retirement system.~~

Sec. 22. Section 602.11115, subsection 2, Code 2014, is amended to read as follows:

2. To commence coverage under the judicial retirement system pursuant to article 9, part 1, effective July 1, 1984, but to become an inactive member of the Iowa public employees' retirement system pursuant to chapter 97B and remain eligible for benefits under sections 97B.49A through ~~97B.49H~~ 97B.49G for the period of membership service under chapter 97B.

Sec. 23. Section 602.11116, subsection 2, Code 2014, is amended to read as follows:

2. To commence membership under the judicial retirement system pursuant to article 9, part 1, effective July 1, 1998, but to become an inactive member of the Iowa public employees' retirement system pursuant to chapter 97B and remain eligible for benefits under sections 97B.49A through ~~97B.49H~~ 97B.49G, as applicable, for the period of membership service under chapter 97B.

Sec. 24. REPEAL. Sections 97B.49H and 97B.49I, Code 2014, are repealed.

Sec. 25. EFFECTIVE UPON ENACTMENT. The following provision or provisions of this Act, being deemed of immediate importance, take effect upon enactment:

1. The section of this Act amending section 97B.1A, subsection 8, paragraph b, subparagraph (7).

Sec. 26. RETROACTIVE APPLICABILITY. The following provision or provisions of this Act apply retroactively to June 30, 2012:

H.F. 2384

1. The section of this Act amending section 97B.1A, subsection 8, paragraph b, subparagraph (7).

2. The section of this Act amending section 231.33, subsection 21.

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 Iowa Public Employees' Retirement System (IPERS).

Code sections 97B.1A(5) and 97B.44, concerning beneficiaries under IPERS, are amended to provide that beneficiaries can be designated through a qualified domestic relations order.

Code section 97B.1A(8)(b), defining employees who are not covered under IPERS, is amended to provide that employees of an area agency on aging who were participating in an alternative retirement plan on June 30, 2012, and who elected out of IPERS coverage by September 1, 2013, are excluded from coverage under IPERS. A corresponding amendment is made to Code section 231.33, concerning area agencies on aging. These provisions take effect upon enactment and apply retroactively to June 30, 2012.

Code section 97B.49B, concerning members in a protection occupation, is amended to provide that persons employed by a sheriff to provide courthouse security or prisoner transportation duties who are required to carry a firearm, have peace officer training, and are required to perform certain law enforcement duties, are included within the protection occupation category of IPERS.

Code section 97B.49F(2), establishing the favorable experience dividend program for IPERS members who retired on or after July 1, 1990, is stricken.

Code section 97B.49H, establishing active member supplemental accounts, is repealed. The bill includes corresponding amendments related to the repeal.

Code section 97B.49I, providing for a qualified benefits

H.F. 2384

1 arrangement, is repealed.
2 Code section 97B.50A(9), concerning the medical board
3 used for purposes of disability benefits for special service
4 IPERS members, is amended to allow IPERS to use one or more
5 physicians from the university of Iowa as the medical board.
6 Current law requires that the medical board consist of three
7 physicians from the university of Iowa.
8 Code section 97B.52A, concerning the determination of a
9 bona fide retirement under IPERS, is amended. Current law
10 allows, until July 2014, a person to retire, receive retirement
11 benefits, and to return to covered employment as a licensed
12 health care professional at a public hospital after one month
13 and still receive retirement benefits. Most retirees under
14 IPERS are not allowed to return to covered employment and
15 continue to receive retirement benefits until at least four
16 months after they retire. The bill extends the sunset of this
17 shortened period for licensed health care professionals from
18 July 2014 to July 2016.
19 Code section 97B.53, concerning refunds, is amended to
20 require a married IPERS member seeking a refund to submit
21 a written acknowledgment of the member's spouse to IPERS.
22 The bill provides that a married member may still receive
23 a refund if the member is unable to locate the spouse and
24 IPERS shall not be liable based upon a refund made without the
25 acknowledgment of the member's spouse.
26 Code section 97B.80, concerning the purchase of IPERS
27 service for military service, is amended to provide that only a
28 member vested by service or a retired member who is vested by
29 service and is within six months of the member's first month
30 of entitlement may make a service purchase under this Code
31 section. Currently, any vested or retired member, regardless
32 of how the member became vested, who has at least one year of
33 IPERS wages may make a service purchase at any time.
34 Code section 97B.80C, concerning purchases of permissive
35 service credit, is amended to provide that only a member

H.F. 2384

1 vested by service or a retired member who is vested by
2 service and is within six months of the member's first month
3 of entitlement may make a service purchase under this Code
4 section. Currently, any vested or retired member, regardless
5 of how the member became vested, may make a service purchase
6 under this Code section at any time.

House File 2385 - Introduced

HOUSE FILE 2385
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HF 2157)

A BILL FOR

1 An Act relating to state agency decision making.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5937HV (1) 85
jr/rj

H.F. 2385

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

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

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

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

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

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

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

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

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

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

H.F. 2385

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

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

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

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

H.F. 2385

~~request.~~

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

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

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

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

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

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

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

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

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

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

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

H.F. 2385

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

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

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

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

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

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

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

H.F. 2385

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

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

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

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

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

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

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

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

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

H.F. 2385

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

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

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

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

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

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

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

The bill also relates to agency action concerning

H.F. 2385

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

House File 2386 - Introduced

HOUSE FILE 2386
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 505)

A BILL FOR

1 An Act relating to the criminal sentencing of juveniles in
2 district court.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5085HV (1) 85
jm/rj

H.F. 2386

1 Section 1. Section 901.5, subsection 14, Code 2014, is
2 amended to read as follows:
3 14. Notwithstanding any provision in section 907.3 or
4 any other provision of law prescribing a mandatory minimum
5 sentence for the offense, if the defendant, other than a child
6 being prosecuted as a youthful offender, is guilty of a public
7 offense other than a class "A" felony, and was under the age of
8 eighteen at the time the offense was committed, the court may
9 suspend the sentence, suspend any mandatory minimum sentence in
10 whole or in part, ~~including any mandatory minimum sentence,~~ or
11 with the consent of the defendant, defer judgment or sentence,
12 and place the defendant on probation upon such conditions as
13 the court may require.
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 the criminal sentencing of juveniles.
18 The bill specifies that the court may suspend the sentence of
19 a juvenile in district court, and suspend any mandatory minimum
20 sentence in whole or in part, if the juvenile did not commit
21 a class "A" felony and is not being prosecuted as a youthful
22 offender.
23 Current law specifies that the court may suspend the
24 sentence of a juvenile in whole or in part, including any
25 mandatory minimum sentence, if the juvenile did not commit a
26 class "A" felony and is not being prosecuted as a youthful
27 offender.
28 The bill amends newly codified language enacted in SF 288
29 during the 2013 legislative session.

House File 2387 - Introduced

HOUSE FILE 2387
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 584)

A BILL FOR

1 An Act providing for notice of garnishment and levy to a
2 judgment debtor.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5437HV (2) 85
rh/sc

H.F. 2387

Section 1. Section 642.14, Code 2014, is amended to read as follows:

642.14 Notice.

Judgment against the garnishee shall not be entered until the ~~principal~~ defendant in the main action has had ten days' notice of the garnishment proceedings, to be served in the same manner as original notices. However, if the garnishment is to earnings owed ~~the~~ such defendant by the garnishee, judgment may be entered if notice to the defendant is served with the notice of garnishment to the garnishee who shall deliver the notice to the defendant with the remainder of or in lieu of the defendant's earnings. The garnishee shall state in answer to the service of notice of garnishment whether or not service of notice was delivered to the defendant.

The notice required by this section shall contain the full text of section 630.3A.

Sec. 2. NEW SECTION. **642.14A Notice of garnishment and levy.**

1. Within seven days after execution is served upon a garnishee, the sheriff shall send a notice of garnishment and levy to the defendant in the main action informing the defendant that certain real and personal property of the defendant may be exempt from execution or garnishment and that a hearing process is available for the defendant to claim such exemptions.

2. The notice required by this section shall be served by personal service or restricted certified mail to the last known address of the defendant and to the defendant's attorney. The judgment creditor shall provide the sheriff with the last known address of the defendant and the defendant's attorney if there is an attorney of record. Proof of mailing or personal service by the sheriff shall be by affidavit.

3. The notice required by this section shall:

a. Inform the defendant that judgment has been entered in the main action and the defendant's funds or other property is

H.F. 2387

1 subject to execution under the judgment.
2 *b.* Inform the defendant that the defendant has the right
3 to claim funds or other property exempt from execution or
4 garnishment and a right to be timely heard on those claims.
5 *c.* Inform the defendant that if the defendant does not file
6 a motion or other appropriate pleading to claim funds or other
7 property exempt from execution or garnishment under state or
8 federal law, the defendant may lose any such rights and the
9 funds or other property may be applied to the judgment against
10 the defendant.
11 *d.* Inform the defendant that state and federal laws may
12 place limits on the amount of earnings that may be garnished
13 annually and per pay period and limits on other funds and
14 property that may be garnished or levied against.
15 *e.* Contain the full text of section 630.3A.
16 *f.* State that the defendant may wish to consult a lawyer for
17 advice as to the meaning of the notice.
18 4. An additional court filing fee shall not be assessed for
19 proceedings under this section.
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 provides that notice of garnishment and levy be
24 sent to a judgment debtor.
25 The bill provides that within seven days after execution
26 is served upon a garnishee, the sheriff shall send a notice
27 of garnishment and levy to the defendant in the main action
28 (also known as the judgment debtor) informing the defendant
29 that certain real and personal property and wages of the
30 defendant may be exempt from execution or garnishment and that
31 a hearing process is available for the defendant to claim such
32 exemptions. The bill specifies that the notice be served
33 personally or by restricted certified mail to the last known
34 address of the defendant and to the defendant's attorney. The
35 bill specifies the contents of the notice, including that the

H.F. 2387

1 notice include the full text of Code section 630.3A, relating
2 to the hearing procedure to determine a defendant's income.

House File 2388 - Introduced

HOUSE FILE 2388
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 654)

A BILL FOR

1 An Act relating to continuity of learning for children
2 receiving foster care services.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6154HV (1) 85
kh/rj

H.F. 2388

1 Section 1. Section 273.2, Code 2014, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 10. The area education agency board shall
4 employ a child welfare liaison to provide services and guidance
5 to local school districts to facilitate the efficient and
6 effective transfer and enrollment of a child receiving foster
7 care services to another school district, including but not
8 limited to guidance relating to the transfer of credit earned
9 for coursework taken by the student, enrollment transition
10 planning, facilitating information sharing between education
11 and child welfare agencies, and developing systems designed to
12 ameliorate the transition issues faced by a child receiving
13 foster care services who is transferring to and enrolling in
14 a school district.
15 Sec. 2. Section 280.29, Code 2014, is amended to read as
16 follows:
17 **280.29 Enrollment of children in foster care — transfer of**
18 **educational records — services.**
19 1. In order to facilitate the educational stability of
20 children ~~in~~ receiving foster care services, a school district,
21 upon notification by an agency of the state that a child
22 ~~in~~ receiving foster care services is transferring ~~into~~ to
23 and enrolling in the school district, shall provide for the
24 immediate and appropriate enrollment of the child. The school
25 district shall do the following:
26 *a.* Work with an area education agency child welfare liaison
27 in accordance with section 273.2, subsection 10, to develop
28 systems to ease the enrollment transition of a child receiving
29 foster care services to another school.
30 *b.* Develop procedures for awarding credit for coursework,
31 including electives, completed by a child receiving foster care
32 services while enrolled at another school.
33 (1) Credits and grades earned and offered for acceptance
34 shall be based on official transcripts and shall be accepted
35 without validation unless required under the receiving school

H.F. 2388

1 district's accreditation requirements.
2 (2) If the child earned less than a two point on a
3 four-point scale for a unit of coursework, the school district
4 may require the child to retake the class in middle or
5 high school. If the school district determines the child's
6 proficiencies in an elementary grade are substantially
7 deficient, the child's parent or guardian shall be notified
8 and intensive instructional services and supports pursuant
9 to section 279.68, or an individualized education plan in
10 accordance with chapter 256B, shall be provided if appropriate.
11 *c.* Promote practices that facilitate access by a child
12 receiving foster care services to extracurricular programs,
13 summer programs, and credit transfer services.
14 *d.* Establish procedures to lessen the adverse impact of the
15 enrollment transfer of a child receiving foster care services
16 to another school.
17 *e.* Enter into a memorandum of understanding with the
18 department of human services regarding the exchange of
19 information as appropriate to facilitate the enrollment
20 transition of children receiving foster care services from one
21 school to another school.
22 *f.* Provide other assistance as identified by the area
23 education child welfare liaison.
24 2. A school district or an accredited nonpublic school,
25 upon notification by an agency of the state that a child in
26 foster care is transferring enrollment from the school district
27 or accredited nonpublic school to another school district or
28 accredited nonpublic school, shall promptly provide for the
29 transfer of all of the educational records of the child not
30 later than five school days after receiving the notification.
31 Sec. 3. STATE MANDATE FUNDING SPECIFIED. In accordance
32 with section 25B.2, subsection 3, the state cost of requiring
33 compliance with any state mandate included in this Act shall
34 be paid by a school district from state school foundation aid
35 received by the school district under section 257.16. This

H.F. 2388

1 specification of the payment of the state cost shall be deemed
2 to meet all of the state funding-related requirements of
3 section 25B.2, subsection 3, and no additional state funding
4 shall be necessary for the full implementation of this Act
5 by and enforcement of this Act against all affected school
6 districts.

7 EXPLANATION

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

10 This bill relates to continuity of learning for children
11 placed in foster care by requiring every area education
12 agency to employ a child welfare liaison to provide services
13 and guidance to school districts in the area to facilitate
14 the efficient and effective enrollment transfer of a child
15 receiving foster care services. The bill directs school
16 districts to work with the liaison to develop systems to ease
17 the transition of a child receiving foster care services to
18 another school.
19 The services and guidance the liaison must provide to local
20 school districts include but are not limited to guidance
21 relating to the transfer of credit, transition planning,
22 facilitating information sharing between education and child
23 welfare agencies, and developing systems designed to ameliorate
24 the enrollment transition issues faced by a child receiving
25 foster care services who is transferring to and enrolling in
26 a school district.
27 School districts must develop procedures for awarding credit
28 for coursework, including electives, completed by such a child
29 while enrolled at another school. If the child earned less
30 than a 2.0 on a 4.0 scale for a unit of coursework, the school
31 district may require the child to retake the class. If the
32 child's proficiencies in an elementary grade are substantially
33 deficient, the district must provide intensive instructional
34 services and supports or an individualized education plan if
35 appropriate.

H.F. 2388

1 School districts must also promote practices that facilitate
2 access by such a child to extracurricular programs, summer
3 programs, and credit transfer services; establish procedures to
4 lessen the adverse impact of enrollment transition to another
5 school; and enter into a memorandum of understanding with
6 the department of human services regarding the exchange of
7 information to facilitate the enrollment transition of foster
8 care children from one school to another school.
9 The bill may include a state mandate as defined in Code
10 section 25B.3. The bill requires that the state cost of
11 any state mandate included in the bill be paid by a school
12 district from state school foundation aid received by the
13 school district under Code section 257.16. The specification
14 is deemed to constitute state compliance with any state mandate
15 funding-related requirements of Code section 25B.2. The
16 inclusion of this specification is intended to reinstate the
17 requirement of political subdivisions to comply with any state
18 mandates included in the bill.

House File 2389 - Introduced

HOUSE FILE 2389
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 659)

A BILL FOR

1 An Act relating to misconduct under the code of professional
2 conduct and ethics of the board of educational examiners and
3 making penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6153HV (1) 85
je/rj

H.F. 2389

1 Section 1. Section 272.2, Code 2014, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 19. Adopt rules to provide in the board's
4 code of professional conduct and ethics that any licensee
5 of the board, who commits or solicits any sexual conduct
6 as defined in section 709.15, subsection 3, paragraph "a",
7 subparagraph (2), or solicits, encourages, or consummates a
8 romantic relationship with any individual who was a student
9 within ninety days prior to any such conduct alleged in a
10 complaint initiated with the board, if the licensee taught the
11 individual or supervised the individual in any school activity
12 when the individual was a student, engages in unprofessional
13 and unethical conduct that may result in disciplinary action
14 by the board.
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 requires the board of educational examiners to
19 adopt administrative rules to provide in the board's code of
20 professional conduct and ethics that any licensee, who commits
21 or solicits any sexual conduct, or solicits, encourages, or
22 consummates a romantic relationship with any individual who was
23 a student within 90 days prior to any such conduct alleged in a
24 complaint initiated with the board, if the licensee taught the
25 individual or supervised the individual in any school activity
26 when the individual was a student, engages in unprofessional
27 and unethical conduct that may result in disciplinary action,
28 including suspension or revocation of a license.

House File 2390 - Introduced

HOUSE FILE 2390
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HF 2119)

A BILL FOR

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

TLSB 6001HV (2) 85
jp/sc

H.F. 2390

1 Section 1. Section 256C.3, subsection 3, paragraph h, Code
2 2014, is amended to read as follows:
3 *h.* Provision for ensuring that children receiving care from
4 other child care arrangements can participate in the preschool
5 program with minimal disruption due to transportation and
6 movement from one site to another. The children participating
7 in the preschool program may be transported by the school
8 district to activities associated with the program along with
9 other children.
10 Sec. 2. Section 256C.4, subsection 1, paragraphs g and h,
11 Code 2014, are amended to read as follows:
12 *g.* For the fiscal year beginning July 1, ~~2011~~ 2013, and
13 each succeeding fiscal year, of the amount of preschool
14 foundation aid received by a school district for a fiscal year
15 in accordance with section 257.16, not more than ~~five~~ ten
16 percent may be used by the school district for administering
17 the district's approved local program. Outreach activities
18 and rent for facilities not owned by the school district are
19 permissive uses of the administrative funds.
20 *h.* For the fiscal year beginning July 1, ~~2012~~ 2013, and
21 each succeeding fiscal year, of the amount of preschool
22 foundation aid received by a school district for a fiscal year
23 in accordance with section 257.16, not less than ~~ninety-five~~
24 ninety percent of the per pupil amount shall be passed through
25 to a community-based provider for each pupil enrolled in
26 the district's approved local program. For the fiscal year
27 beginning July 1, ~~2011~~ 2013, and each succeeding fiscal year,
28 not more than ~~five~~ ten percent of the amount of preschool
29 foundation aid passed through to a community-based provider
30 may be used by the community-based provider for administrative
31 costs. The costs of outreach activities and rent for
32 facilities not owned by the school district are permissive
33 administrative costs. The costs of transportation involving
34 children participating in the preschool program and other
35 children may be prorated.

H.F. 2390

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

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

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

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

In addition, certain cost elements are addressed by the bill. Authorization is provided for children participating in the preschool program to be transported to activities associated with the program along with other children and the costs may be prorated. The costs of outreach activities and rent for facilities not owned by the school district are to be considered as permissive administrative costs.

The bill takes effect upon enactment and the provisions of the bill apply retroactively to July 1, 2013.

House Joint Resolution 2007 - Introduced

HOUSE JOINT RESOLUTION 2007
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HJR 2005)

HOUSE JOINT RESOLUTION

1 A Joint Resolution nullifying racing and gaming commission
2 rules related to the appeal of certain administrative
3 actions and including effective date provisions.
4 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5952HV (1) 85
jr/sc

H.J.R. 2007

Section 1. The amendments to 491 Iowa administrative code, rule 4.10, as appearing in ARC 0734C, as published in the Iowa administrative bulletin, volume XXXV, number 23, dated May 15, 2013, p. 1775, 1777, are nullified.

Sec. 2. EFFECTIVE UPON ENACTMENT. This joint resolution, 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 joint resolution nullifies amendments to 491 Iowa administrative code, rule 4.10, relating to the appeal of administrative actions, adopted by the racing and gaming commission. Generally, under the licensing provisions of the commission, track stewards have the authority to discipline, for violation of the rules, any person subject to their control and to impose fines or suspensions or both for infractions. The amendments to rule 4.10 provide that the standard of review for appeals from such decisions is "abuse of discretion".

The administrative rules review committee placed a session delay on this rulemaking at its June 11, 2013, meeting.

The joint resolution takes effect upon enactment.

Senate File 2155

S-5007

1 Amend Senate File 2155 as follows:
2 1. Page 1, line 12, after <owner.> by inserting
3 <"*Contractor*" does not mean a person or entity who
4 provides architectural, landscape architectural, or
5 engineering design services.>
6 2. Page 1, line 26, after <property.> by inserting
7 <"*Subcontractor*" does not mean a person or entity who
8 provides architectural, landscape architectural, or
9 engineering design services.>

STEVEN J. SODDERS

Senate File 2168

S-5008

1 Amend Senate File 2168 as follows:
2 1. Page 15, line 5, by striking <633B.199> and
3 inserting <633B.119>
4 2. Page 43, by striking lines 29 and 30 and
5 inserting:
6 <Sec. ___. NEW SECTION. **633B.403 Applicability —**
7 **powers of attorney — agents.**>
8 3. Page 44, after line 7 by inserting:
9 <4. *a.* This chapter applies to all acts taken by
10 an agent on or after July 1, 2014.
11 *b.* This chapter does not apply to acts taken by an
12 agent prior to July 1, 2014.>
13 4. By renumbering as necessary.

ROBERT M. HOGG

Senate File 2109

S-5009

1 Amend Senate File 2109 as follows:
2 1. Page 2, after line 4 by inserting:
3 <Sec. ___. NEW SECTION. **802.2B Other sexual**
4 **offenses.**
5 1. An information or indictment for the following
6 offenses committed on or with a person who is a child
7 or is under the age of eighteen years shall be found
8 within ten years after the person upon whom the offense
9 is committed attains eighteen years of age:
10 *a.* Lascivious acts with a child in violation of
11 section 709.8.
12 *b.* Assault with intent to commit sexual abuse in
13 violation of section 709.11.
14 *c.* Indecent contact with a child in violation of
15 section 709.12.
16 *d.* Lascivious conduct with a minor in violation of
17 section 709.14.
18 *e.* Sexual misconduct with a juvenile in violation
19 of section 709.16, subsection 2.
20 2. If the person against whom the information or
21 indictment is sought is identified through the use of a
22 DNA profile for an offense described in subsection 1,
23 an information or indictment shall be found within ten
24 years after its commission, or within three years from
25 the date the person is identified by the person's DNA
26 profile, whichever is later.
27 Sec. ___. Section 802.3, Code 2014, is amended to
28 read as follows:
29 **802.3 Felony — aggravated or serious misdemeanor.**
30 In all cases, except those enumerated in section
31 802.1, 802.2, 802.2A, 802.2B, or 802.10, an indictment
32 or information for a felony or aggravated or serious
33 misdemeanor shall be found within three years after its
34 commission.
35 Sec. ___. Section 802.10, subsection 3, Code 2014,
36 is amended to read as follows:
37 3. However, notwithstanding subsection 2, an
38 indictment or information shall be found against a
39 person within three years from the date the person is
40 identified by the person's DNA profile. If the action
41 involves sexual abuse~~,~~ or another sexual offense the
42 indictment or information shall be found as provided in
43 section 802.2 or 802.2B, if the person is identified by
44 the person's DNA profile.>
45 2. Title page, line 2, by striking <sexual abuse
46 of> and inserting <commission of sex offenses against>

STEVEN J. SODDERS

ROBY SMITH

Senate File 2183

S-5010

1 Amend Senate File 2183 as follows:
2 1. Page 1, after line 18 by inserting:
3 <Sec. ___. EFFECTIVE UPON ENACTMENT. This Act,
4 being deemed of immediate importance, takes effect upon
5 enactment.>
6 2. Title page, line 3, after <state> by inserting
7 <and including effective date provisions>
8 3. By renumbering as necessary.

_____
JANET PETERSEN

Senate File 2104

S-5011

1 Amend Senate File 2104 as follows:
2 1. Page 7, line 27, after <contracts,> by inserting
3 <tax allocation agreements, guarantees,>

MATT McCOY

Senate File 2131

S-5012

1 Amend Senate File 2131 as follows:
2 1. Page 1, line 13, by striking <"a"> and inserting
3 <"b">
4 2. Page 22, after line 9 by inserting:
5 <Sec. ___. Section 508.37, subsection 6, paragraph
6 h, Code 2014, is amended by adding the following new
7 subparagraph:
8 NEW SUBPARAGRAPH. (8) For policies issued on
9 or after the operative date of the valuation manual,
10 the valuation manual shall provide the Commissioners
11 Standard Mortality Table for use in determining the
12 minimum nonforfeiture standard that may be substituted
13 for the Commissioners 1961 Standard Industrial
14 Mortality Table or the Commissioners 1961 Industrial
15 Extended Term Insurance Table. If the commissioner
16 approves by regulation any Commissioners Standard
17 Industrial Mortality Table adopted by the national
18 association of insurance commissioners for use in
19 determining the minimum nonforfeiture standard for
20 policies issued on or after the operative date of the
21 valuation manual, then that minimum nonforfeiture
22 standard supersedes the minimum nonforfeiture standard
23 provided by the valuation manual.>
24 3. Page 22, line 19, after <percent> by inserting
25 <, provided, however, that the nonforfeiture interest
26 rate shall not be less than four percent>
27 4. By renumbering as necessary.

MATT McCOY

Senate File 2288

S-5013

1 Amend Senate File 2288 as follows:
2 1. Page 1, after line 22 by inserting:
3 <Sec. ___. RETROACTIVE APPLICABILITY. This Act
4 applies retroactively to January 1, 2014.
5 Sec. ___. EFFECTIVE UPON ENACTMENT. This Act,
6 being deemed of immediate importance, takes effect upon
7 enactment.>
8 2. Title page, line 3, after <violations> by
9 inserting <, and including effective date and
10 applicability provisions>
11 3. By renumbering as necessary.

_____
CHRIS BRASE

Senate File 2260 - Introduced

SENATE FILE 2260
BY COMMITTEE ON LABOR AND
BUSINESS RELATIONS

(SUCCESSOR TO SSB 3194)

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 6162SV (1) 85
je/rj

S.F. 2260

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 File 2261 - Introduced

SENATE FILE 2261
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SF 2173)

A BILL FOR

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

TLSB 5634SV (1) 85
je/sc

S.F. 2261

1 Section 1. Section 256.7, Code 2014, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 33. By July 1, 2015, adopt rules to require
4 school districts to adopt protocols for suicide prevention
5 and postvention, as developed by the Iowa center for suicide
6 prevention established in section 256.34.
7 Sec. 2. NEW SECTION. **256.34 Iowa center for suicide**
8 **prevention.**
9 1. For purposes of this section, unless the context
10 otherwise requires:
11 *a. "Postvention"* means the provision of crisis intervention,
12 support, and assistance for those affected by a suicide or
13 suicide attempt to prevent further risk of suicide.
14 *b. "Trauma-informed care"* means services that are based
15 on an understanding of the vulnerabilities and triggers of
16 individuals who have experienced trauma, recognize the role
17 trauma has played in the lives of those individuals, recognize
18 the presence of trauma symptoms and their onset, are supportive
19 of trauma recovery, and avoid further traumatization.
20 2. The Iowa center for suicide prevention is established in
21 the department to provide, in a coordinated and comprehensive
22 way, ongoing support to Iowa's schools relating to suicide
23 prevention and trauma-informed care, in the form of
24 information, resources, and evidence-based training content.
25 It shall be the goal of the center that every student,
26 regardless of where they reside in the state, have access
27 to the same high-quality suicide prevention, intervention,
28 and support resources. The department may employ personnel
29 necessary to carry out the duties of the center.
30 3. The center shall have the initial responsibility of
31 supporting schools with implementation of suicide prevention
32 programs and development of trauma-informed learning
33 environments, including but not limited to the following:
34 *a.* Through collaboration with suicide prevention
35 coordinators and initiatives across state departments, the

S.F. 2261

1 center shall lead a public-private coalition of state and
2 local agencies, community groups, organizations including area
3 education agencies, and individuals with the goal of supporting
4 statewide suicide prevention, awareness, and intervention, and
5 providing necessary resources for such efforts.
6 *b.* The center shall adapt existing evidence-based suicide
7 prevention and trauma-informed care training for school
8 personnel, which training accounts for best practices and
9 up-to-date research in these fields, to be provided pursuant to
10 section 280.30. The center shall provide guidance and support
11 to schools providing such training.
12 *c.* The center shall develop evidence-based model protocols
13 to assist schools in suicide prevention and postvention, to be
14 adopted pursuant to section 256.7, subsection 33.
15 *d.* The center shall develop recommendations for
16 social-emotional learning programs and supports for schools.
17 *e.* The center shall encourage content developed by the
18 center to be included in preservice teacher training.
19 4. The long-term responsibilities of the center shall
20 include the following:
21 *a.* Coordinating a comprehensive community effort of suicide
22 prevention to identify and develop supports for students at
23 risk of suicide.
24 *b.* Adapting, reviewing, and improving evidence-based
25 training on suicide prevention and trauma-informed care on an
26 ongoing basis.
27 *c.* Identifying unmet needs in school and community
28 social-emotional learning supports.
29 *d.* Supporting efforts by schools to provide suicide
30 prevention and trauma-informed care for students.
31 *e.* Through community involvement, identifying resources
32 outside of a school setting for students identified as at risk
33 for suicide.
34 Sec. 3. NEW SECTION. **280.30 Suicide prevention and**
35 **trauma-informed care training.**

S.F. 2261

1 1. By July 1, 2015, the board of directors of a school
2 district shall integrate biennial, evidence-based training on
3 suicide prevention for all school personnel who hold a license,
4 certificate, authorization, or statement of recognition
5 issued by the board of educational examiners and who have
6 regular contact with students in grades six through twelve
7 into the school district's comprehensive school improvement
8 plan submitted pursuant to section 256.7, subsection 21. The
9 content of the training shall be determined by the Iowa center
10 for suicide prevention established in section 256.34.
11 2. By July 1, 2015, the board of directors of a school
12 district shall integrate biennial, evidence-based training
13 on trauma-informed care for all school personnel who hold
14 a license, certificate, authorization, or statement of
15 recognition issued by the board of educational examiners
16 and who have regular contact with students in kindergarten
17 through grade twelve into the school district's comprehensive
18 school improvement plan submitted pursuant to section 256.7,
19 subsection 21. The content of the training shall be determined
20 by the Iowa center for suicide prevention established in
21 section 256.34.
22 Sec. 4. APPROPRIATION. There is appropriated from the
23 general fund of the state to the department of education for
24 the fiscal year beginning July 1, 2014, and ending June 30,
25 2015, the following amount, or so much thereof as is necessary,
26 to be used for the purposes designated:
27 For the establishment and administration of the Iowa
28 center for suicide prevention, including salaries, support,
29 maintenance, and miscellaneous purposes:
30 ..... $ 500,000
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 establishes the Iowa center for suicide prevention
35 in the department of education to provide, in a coordinated and

S.F. 2261

1 comprehensive way, ongoing support to Iowa's schools relating
2 to suicide prevention and trauma-informed care, in the form of
3 information, resources, and evidence-based training content.
4 The goal of the center is that every student, regardless
5 of where they reside in the state, have access to the same
6 high-quality suicide prevention, intervention, and support
7 resources. The department may employ personnel necessary to
8 carry out the duties of the center.
9 The bill provides that the center has the initial
10 responsibility of supporting schools with implementation of
11 suicide prevention programs and development of trauma-informed
12 learning environments, including adaptation of existing
13 evidence-based suicide prevention and trauma-informed
14 care training for school personnel and development of
15 evidence-based model protocols to assist schools in suicide
16 prevention and postvention. The bill also provides long-term
17 responsibilities of the center, including adapting, reviewing,
18 and improving evidence-based training on suicide prevention and
19 trauma-informed care on an ongoing basis and supporting efforts
20 by schools to provide suicide prevention and trauma-informed
21 care for students.
22 The bill appropriates $500,000 from the general fund of
23 the state to the department for fiscal year 2014-2015 for the
24 establishment and administration of the center.
25 The bill requires the board of directors of a school
26 district to integrate biennial, evidence-based training on
27 suicide prevention for all school personnel who hold a license,
28 certificate, authorization, or statement of recognition issued
29 by the board of educational examiners and who have regular
30 contact with students in grades six through 12 into the school
31 district's comprehensive school improvement plan by July 1,
32 2015. The content of the training shall be determined by the
33 center. The bill provides a similar requirement for training
34 on trauma-informed care for school personnel who have regular
35 contact with students in kindergarten through grade 12.

S.F. 2261

1 The bill requires the department to adopt rules by July
2 1, 2015, to require school districts to adopt protocols for
3 suicide prevention and postvention as developed by the center.
4 The bill defines "trauma-informed care" as services that are
5 based on an understanding of the vulnerabilities and triggers
6 of individuals who have experienced trauma, recognize the role
7 trauma has played in the lives of those individuals, recognize
8 the presence of trauma symptoms and their onset, are supportive
9 of trauma recovery, and avoid further traumatization. The bill
10 defines "postvention" as the provision of crisis intervention,
11 support, and assistance for those affected by a suicide or
12 suicide attempt to prevent further risk of suicide.

Senate File 2262 - Introduced

SENATE FILE 2262
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SF 2127)

A BILL FOR

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

TLSB 5918SV (1) 85
je/sc

S.F. 2262

1 Section 1. NEW SECTION. **280.30 Radon testing and**
2 **mitigation.**
3 1. For purposes of this section, *"short-term test"* means
4 a test approved by the department of public health in which a
5 testing device remains in an area for not less than two days
6 and not more than ninety days to determine the amount of radon
7 in the air that is acceptable for human inhalation.
8 2. The board of directors of each public school district
9 shall establish a schedule for a short-term testing for radon
10 gas to be performed at each attendance center under its control
11 at least once by June 30, 2016, and at least once every ten
12 years thereafter, and following any new construction of an
13 attendance center or additions, renovations, or repairs to an
14 attendance center, unless otherwise provided by subsection 5.
15 3. If the results of a test at an attendance center are at
16 or above four picocuries per liter, the board of directors of
17 the public school district shall have a second short-term test
18 for radon gas and radon progeny performed at the attendance
19 center within ninety days of the first short-term test.
20 4. If the results of a second test at an attendance center
21 pursuant to subsection 3 are at or above four picocuries per
22 liter, the board of directors of the public school district
23 shall retain a person credentialed to perform radon abatement
24 measures pursuant to section 136B.1 to develop a radon
25 mitigation plan within ninety days of the second short-term
26 test. The board shall implement the radon mitigation plan
27 within one year of the second short-term test.
28 5. *a.* The board of directors of each public school district
29 shall have a short-term test for radon gas and radon progeny
30 performed every other year at any attendance center that has
31 implemented a radon mitigation plan pursuant to subsection 4 or
32 an alternative radon mitigation plan pursuant to paragraph *"b"*
33 of this subsection.
34 *b.* If the results of a biennial test at an attendance
35 center are at or above four picocuries per liter, the board of

S.F. 2262

1 directors of the public school district shall retain a person
2 credentialed to perform radon abatement measures pursuant to
3 section 136B.1 to develop an alternative radon mitigation plan
4 within ninety days of the biennial test. The board shall
5 implement the alternative radon mitigation plan within one year
6 of the biennial test.
7 *c.* The board of directors of each public school district
8 shall continue biennial radon testing at an attendance center
9 until the results of biennial radon testing at the attendance
10 center have been less than four picocuries per liter for four
11 consecutive years.
12 6. The board of directors of each public school district
13 shall submit the results of each radon test conducted at an
14 attendance center pursuant to this section to the department
15 of education within five days.
16 7. Radon testing pursuant to this section shall be conducted
17 by a person certified to conduct such testing pursuant to
18 section 136B.1 and shall be conducted as prescribed by the
19 department of public health. Radon mitigation plans and
20 alternative radon mitigation plans pursuant to this section
21 shall be developed and implemented as prescribed by the
22 department of public health.
23 8. The department of public health and the department of
24 education shall each adopt rules to jointly administer this
25 section.
26 Sec. 2. Section 298.3, subsection 1, Code 2014, is amended
27 by adding the following new paragraph:
28 NEW PARAGRAPH. *n.* Radon testing and radon mitigation
29 pursuant to section 280.30.
30 Sec. 3. Section 423F.3, subsection 3, paragraph a, Code
31 2014, is amended to read as follows:
32 *a.* If the board of directors adopts a resolution to use
33 funds received under the operation of this chapter solely for
34 providing property tax relief by reducing indebtedness from the
35 levies specified under section 298.2 or 298.18, or for radon

S.F. 2262

1 testing and radon mitigation pursuant to section 280.30, the
2 board of directors may approve a revenue purpose statement for
3 that purpose without submitting the revenue purpose statement
4 to a vote of the electors.
5 Sec. 4. STATE MANDATE FUNDING SPECIFIED. In accordance
6 with section 25B.2, subsection 3, the state cost of requiring
7 compliance with any state mandate included in this Act shall
8 be paid by a school district from state school foundation aid
9 received by the school district under section 257.16. This
10 specification of the payment of the state cost shall be deemed
11 to meet all of the state funding-related requirements of
12 section 25B.2, subsection 3, and no additional state funding
13 shall be necessary for the full implementation of this Act
14 by and enforcement of this Act against all affected school
15 districts.
16 Sec. 5. APPLICABILITY. Section 423F.3, subsection 7, shall
17 not apply to this Act.
18 EXPLANATION
19 The inclusion of this explanation does not constitute agreement with
20 the explanation's substance by the members of the general assembly.
21 This bill requires the board of directors of each public
22 school district to have a short-term test for radon gas
23 performed at each attendance center under its control at
24 least once by June 30, 2016, and at least once every 10 years
25 thereafter, and following new construction of an attendance
26 center or additions, renovations, or repairs to an attendance
27 center. If the results of such a test are at or above four
28 picocuries per liter, the bill requires the board to have a
29 second short-term test performed at the attendance center
30 within 90 days.
31 If the results of a second test are at or above four
32 picocuries per liter, the bill requires the board of directors
33 of the public school district to retain a person credentialed
34 to perform radon abatement measures to develop a radon
35 mitigation plan within 90 days. The radon mitigation plan must

S.F. 2262

be implemented within one year.

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

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

The bill requires the board of directors of each public school district to submit the results of each radon test conducted at an attendance center pursuant to the bill to the department of education within five days.

The bill defines "short-term test" as a test approved by the department of public health in which a testing device remains in an area for not less than two days and not more than 90 days to determine the amount of radon in the air that is acceptable for human inhalation. Radon testing pursuant to the bill must be conducted by a person certified to conduct such testing and must be conducted as prescribed by the department of public health. Radon mitigation plans and alternative radon mitigation plans pursuant to the bill must be developed and implemented as prescribed by the department of public health.

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

The bill adds radon testing and radon mitigation pursuant to the bill to the list of permissible uses of a physical plant and equipment levy or revenues from the secure an advanced

S.F. 2262

1 vision for education fund under Code section 423F.3 or by a
2 school district.
3 The bill may include a state mandate as defined in Code
4 section 25B.3. The bill requires that the state cost of
5 any state mandate included in the bill be paid by a school
6 district from state school foundation aid received by the
7 school district under Code section 257.16. The specification
8 is deemed to constitute state compliance with any state mandate
9 funding-related requirements of Code section 25B.2. The
10 inclusion of this specification is intended to reinstate the
11 requirement of political subdivisions to comply with any state
12 mandates included in the bill.
13 The bill makes inapplicable Code section 423F.3, subsection
14 7, which requires a bill that would alter the purposes for
15 which the revenues received under Code section 423F.3 may be
16 used from infrastructure and property tax relief purposes
17 to any other purpose to be approved by a vote of at least
18 two-thirds of the members of both chambers of the general
19 assembly.

Senate File 2263 - Introduced

SENATE FILE 2263
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO SF 2069)

A BILL FOR

1 An Act relating to county financing of certain projects by
2 modifying provisions relating to authorization procedures
3 for certain county projects.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5329SV (2) 85
md/sc

S.F. 2263

1 Section 1. Section 331.441, subsection 2, paragraph b,
2 subparagraph (5), unnumbered paragraph 1, Code 2014, is amended
3 to read as follows:
4 Public buildings, including the site or grounds of, and the
5 erection, equipment, remodeling, or reconstruction of, and
6 additions or extensions to the buildings, and including the
7 provision and maintenance of juvenile detention or shelter care
8 facilities, when the ~~cost~~ principal amount of the bonds does
9 not exceed the following limits:
10 Sec. 2. Section 331.441, subsection 2, paragraph c,
11 subparagraph (9), Code 2014, is amended to read as follows:
12 (9) Public buildings, including the site or grounds of,
13 the erection, equipment, remodeling, or reconstruction of, and
14 additions or extensions to the buildings, and including the
15 provision and maintenance of juvenile detention or shelter care
16 facilities, when the ~~cost~~ principal amount of the bonds exceeds
17 the limits stated in subsection 2, paragraph *"b"*, subparagraph
18 (5).
19 EXPLANATION

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

22 This bill relates to county finance by modifying the
23 definition of "essential county purpose" to specify that public
24 building projects meet the definition of "essential county
25 purpose" if the principal amount of the bonds does not exceed
26 certain threshold amounts based upon the population of the
27 county. Current law specifies that a public building project
28 meets the definition of an "essential county purpose" if the
29 costs of the project do not exceed certain threshold amounts
30 based upon the population of the county.
31 The bill also modifies the definition of "general county
32 purpose" to specify that public building projects meet the
33 definition of "general county purpose" if the principal amount
34 of the bonds exceeds certain threshold amounts based upon
35 the population of the county. Current law specifies that a

S.F. 2263

1 public building project meets the definition of "general county
2 purpose" if the costs of the project exceed certain threshold
3 amounts based upon the population of the county.
4 Generally, an essential county purpose bond issuance does
5 not require approval of the voters and a general county purpose
6 bond issuance requires approval of the voters.

Senate File 2264 - Introduced

SENATE FILE 2264
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO SF 2177)

A BILL FOR

1 An Act relating to the use of construction managers for certain
2 public improvement projects.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5863SV (1) 85
je/rj

S.F. 2264

1 Section 1. NEW SECTION. **72.6 Requirements for use of**
2 **construction managers.**
3 1. For purposes of this section, unless the context
4 otherwise requires:
5 *a. "Construction"* means the same as defined in section
6 103A.3.
7 *b. "Construction manager"* means a person with substantial
8 discretion and authority to plan, coordinate, manage, and
9 direct all phases of a construction project, but does not mean
10 a person who provides architectural, landscape architectural,
11 or engineering design services, or who actually performs
12 construction work on the project.
13 *c. "General contractor"* means a person who engages in the
14 business of construction, but does not include a construction
15 manager.
16 *d. "Governing body"* means a city council, county board of
17 supervisors, or school district board of directors.
18 *e. "Governmental entity"* means a city, county, or school
19 district.
20 *f. "Public improvement"* means a building or construction
21 work which is constructed under the control of a governmental
22 entity and is paid for in whole or in part with funds of the
23 governmental entity, including a building or improvement
24 constructed or operated jointly with any other public or
25 private agency.
26 2. If the governing body of a governmental entity is
27 considering the use of a construction manager to administer
28 the construction of a public improvement, before the governing
29 body begins the process of selecting a construction manager for
30 the project, the governing body shall hold a public hearing
31 for the purpose of determining the relative advantages and
32 disadvantages in cost and other aspects of the project that
33 may result from using a construction manager to administer
34 the project instead of a general contractor. Notice of the
35 hearing must be published as provided in section 362.3. At

S.F. 2264

1 the time and place fixed for the public hearing, the governing
2 body shall give all individuals who appear at the hearing an
3 opportunity to express their views on the subject at issue. If
4 the governing body decides to use a construction manager to
5 administer the project subsequent to the hearing, the governing
6 body shall publicly adopt a resolution to that effect. If
7 such a resolution is adopted, the governing body may use a
8 construction manager to administer the project. If such a
9 resolution is not adopted, the governing body shall use a
10 general contractor to administer the project.
11 EXPLANATION
12 **The inclusion of this explanation does not constitute agreement with**
13 **the explanation's substance by the members of the general assembly.**
14 This bill requires the governing body of a governmental
15 entity considering the use of a construction manager to
16 administer the construction of a public improvement to hold
17 a public hearing before beginning the process of selecting a
18 construction manager for the project.
19 The purpose of the public hearing is to determine the
20 relative advantages and disadvantages in cost and other aspects
21 of the project that may result from using a construction
22 manager to administer the project instead of a general
23 contractor. At the hearing, the governing body shall give all
24 individuals who appear at the hearing an opportunity to express
25 their views.
26 If the governing body decides to use a construction manager
27 to administer the project subsequent to the hearing, the
28 governing body shall publicly adopt a resolution to that
29 effect. If such a resolution is adopted, the governing body
30 may use a construction manager to administer the project. If
31 such a resolution is not adopted, the governing body shall use
32 a general contractor to administer the project.
33 The bill defines "governmental entity" as a city, county,
34 or school district. The bill defines "construction manager"
35 as a person with substantial discretion and authority to plan,

S.F. 2264

1 coordinate, manage, and direct all phases of a construction
2 project, but not a person who provides architectural, landscape
3 architectural, or engineering design services, or who actually
4 performs construction work on the project. The bill defines
5 "general manager" as a person who engages in the business of
6 construction who is not a construction manager. The bill
7 defines "public improvement" as a building or construction
8 work which is constructed under the control of a governmental
9 entity and is paid for in whole or in part with funds of the
10 governmental entity, including a building or improvement
11 constructed or operated jointly with any other public or
12 private agency. The bill defines "construction" as the
13 construction, erection, reconstruction, alteration, conversion,
14 repair, equipping of buildings, structures or facilities, and
15 requirements or standards relating to or affecting materials
16 used in connection therewith, including provisions for safety
17 and sanitary conditions.

Senate File 2265 - Introduced

SENATE FILE 2265
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO SSB 3140)

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 5748SV (1) 85
md/sc

S.F. 2265

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

S.F. 2265

1 321.46, subsection 3, the county treasurer shall issue to the
2 person a certificate of title for the vehicle. After the
3 expiration of the fourteen-day period, a county treasurer shall
4 not issue a certificate of title for a junked vehicle for which
5 a junking certificate is issued. The county treasurer shall
6 cancel the record of the vehicle and forward the certificate of
7 title to the department.
8 Sec. 4. Section 321.126, subsection 1, paragraph f,
9 unnumbered paragraph 1, Code 2014, is amended to read as
10 follows:
11 If a vehicle is sold or junked, the owner in whose name the
12 vehicle was registered may make claim to the county treasurer
13 or department for a refund of the sold or junked vehicle's
14 annual registration fee. Also if the owner of a vehicle or the
15 owner's spouse receives a vehicle registration fee credit under
16 section 321.46, subsection 3, and the credit allowed exceeds
17 the amount of the annual registration fee for the vehicle
18 acquired, the owner or the owner's spouse may claim a refund
19 for the balance of the credit. The refund is subject to the
20 following limitations:
21 Sec. 5. Section 321.126, subsection 1, paragraph f,
22 subparagraph (1), Code 2014, is amended to read as follows:
23 (1) If a vehicle registration fee credit has not been
24 received by the owner of the vehicle or the owner's spouse
25 under section 321.46, subsection 3, the refund shall be
26 computed on the basis of the number of unexpired months
27 remaining in the registration year at the time the vehicle was
28 sold or junked. The refund shall be rounded to the nearest
29 whole dollar. Section 321.127, subsection 1, does not apply.
30 DIVISION II
31 TRAILER REGISTRATION
32 Sec. 6. Section 321.105A, subsection 2, paragraph c,
33 subparagraph (6), Code 2014, is amended to read as follows:
34 (6) Vehicles subject to registration in any state when
35 purchased for rental or registered and titled by a motor

S.F. 2265

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.**

S.F. 2265

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

S.F. 2265

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.

S.F. 2265

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.

Senate File 2266 - Introduced

SENATE FILE 2266
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO SSB 3171)

A BILL FOR

1 An Act relating to the vehicle registration duties of county
2 treasurers.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5749SV (2) 85
aw/sc

S.F. 2266

1 Section 1. Section 321.40, subsection 7, Code 2014, is
2 amended to read as follows:
3 7. *a.* The county treasurer shall refuse to renew the
4 registration of a vehicle registered to an applicant if the
5 county treasurer knows that the applicant has one or more
6 uncontested, delinquent parking fines for tickets issued
7 pursuant to section 321.236, subsection 1, paragraph *"b"*, owing
8 to the county, or owing to a city with which the county has
9 an agreement authorized under section 331.553. However, a
10 county treasurer may renew the registration if the treasurer
11 determines that an error was made by the county or city in
12 identifying the vehicle involved in the parking violation or
13 if the citation has been dismissed as against the owner of the
14 vehicle pursuant to section 321.484. This subsection does not
15 apply to the transfer of a registration or the issuance of a
16 new registration. Notwithstanding section 28E.10, a county
17 treasurer may utilize the department's ~~vehicle registration and~~
18 ~~titling system~~ distributed teleprocessing network to facilitate
19 the purposes of this subsection.
20 *b.* The county treasurer of the county in which a person's
21 vehicle is registered may collect from an applicant delinquent
22 parking fines owed to a city with which the county has an
23 agreement authorized under section 331.553 or owed to the
24 county. The applicant may remit full payment for such
25 delinquent parking fines, along with a processing fee of five
26 dollars, to the county treasurer at the time of registration
27 renewal. Upon full payment of the required delinquent parking
28 fines, processing fee, and vehicle registration fee, the county
29 treasurer shall issue registration to the applicant. A county
30 treasurer collecting on behalf of the county or a city shall
31 update the vehicle registration records through the distributed
32 teleprocessing network on a daily basis for all persons who
33 have paid delinquent parking fines pursuant to this paragraph.
34 A county treasurer shall forward all funds collected for the
35 city to the city and all funds collected for the county to the

S.F. 2266

1 county.
2 Sec. 2. Section 321.40, subsection 9, Code 2014, is amended
3 by adding the following new paragraph:
4 NEW PARAGRAPH. *c.* The county treasurer of the county
5 in which the person's vehicle is registered, in cooperation
6 with the clerk of the district court, may collect delinquent
7 court debt owed to the clerk of the district court from a
8 person applying for renewal of a vehicle registration. The
9 applicant may remit full payment of the delinquent court debt,
10 along with a processing fee of five dollars, to the county
11 treasurer at the time of registration renewal. Upon full
12 payment of the required delinquent court debt, processing
13 fee, and vehicle registration fee, the county treasurer shall
14 issue the registration to the person. A county treasurer
15 collecting on behalf of the clerk of the district court shall
16 update the vehicle registration records through the distributed
17 teleprocessing network on a daily basis for all persons who
18 have paid delinquent court debt pursuant to this paragraph.
19 A county treasurer shall forward all funds collected for the
20 clerk of the district court to the clerk of the district court.
21 Sec. 3. Section 321.46, subsection 5, Code 2014, is amended
22 to read as follows:
23 5. The seller or transferor may file an affidavit on
24 forms prescribed and provided by the department with the
25 county treasurer of the county where the vehicle is registered
26 certifying the sale or transfer of ownership of the vehicle and
27 the assignment and delivery of the certificate of title for the
28 vehicle. Upon receipt of the affidavit, the county treasurer
29 shall file the affidavit with the copy of the registration
30 receipt for the vehicle on file in the treasurer's office and
31 on that day the treasurer shall note receipt of the affidavit
32 in the ~~vehicle registration and titling system~~ distributed
33 teleprocessing network. Upon filing the affidavit, it shall
34 be presumed that the seller or transferor has assigned and
35 delivered the certificate of title for the vehicle. For a

S.F. 2266

leased vehicle, the lessor licensed pursuant to chapter 321F or the lessee may file an affidavit as provided in this subsection certifying that the lease has expired or been terminated and the date that the leased vehicle was surrendered to the lessor.

Sec. 4. Section 321.152, subsection 3, Code 2014, is amended to read as follows:

3. The five dollar processing fee charged by a county treasurer for collection of tax debt owed to the department of revenue pursuant to section 321.40, subsection 6, for collection of delinquent parking fines owed to a city or the county pursuant to section 321.40, subsection 7, and for collection of delinquent court debt pursuant to section 321.40, subsection 9, shall be retained for deposit in the county general fund.

Sec. 5. Section 321.236, subsection 1, paragraph e, Code 2014, is amended by striking the paragraph.

Sec. 6. Section 331.553, subsection 8, Code 2014, is amended to read as follows:

8. *a.* Pursuant to an agreement under chapter 28E, collect delinquent parking fines on behalf of a city in conjunction with renewal of motor vehicle registrations pursuant to section 321.40. If the agreement provides for a fee to be paid to or retained by the county treasurer from the collection of parking fines, such fees shall be credited to the county general fund. Fines collected pursuant to this subsection shall be remitted ~~biannually~~ to the city.

b. Pursuant to a resolution adopted by the board of supervisors for that county, collect delinquent parking fines on behalf of the county in conjunction with renewal of motor vehicle registrations pursuant to section 321.40.

c. Notwithstanding section 28E.10, a county treasurer may utilize the state department of transportation's ~~vehicle registration and titling system~~ distributed teleprocessing network to facilitate the purposes of this subsection.

Sec. 7. Section 364.2, subsection 5, Code 2014, is amended

S.F. 2266

1 to read as follows:
2 5. If provided by ordinance, a city may enter into a chapter
3 28E agreement for the collection of delinquent parking fines
4 by a county treasurer pursuant to section 321.40 at the time a
5 person applies for renewal of a motor vehicle registration, for
6 violations that have not been appealed or for which appeal has
7 been denied. The ~~city may pay the~~ county treasurer may collect
8 and retain a ~~reasonable~~ five dollar processing fee for deposit
9 into the county general fund for the collection of such fines~~,~~
10 ~~or may allow the county treasurer to retain a portion of the~~
11 ~~fines collected, as provided in the agreement~~.
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 is related to the vehicle registration duties of
16 county treasurers.
17 The bill provides that a county treasurer may collect
18 delinquent parking fines from a vehicle registration applicant
19 on behalf of the county or certain cities. The bill requires
20 the applicant to remit full payment for the delinquent parking
21 fines, along with a $5 processing fee and the renewal fee,
22 to the county treasurer at the time of registration renewal.
23 A county treasurer collecting on behalf of the county or a
24 city is required to update the vehicle registration records
25 through the state department of transportation's distributed
26 teleprocessing network, on a daily basis, for all persons who
27 have paid delinquent parking fines in this manner. The bill
28 also makes corresponding changes.
29 The bill strikes language related to payment of computer
30 programming costs incurred by the department of transportation
31 to accommodate the collection of delinquent parking fines on
32 behalf of cities through Code chapter 28E agreements between
33 counties and cities and replaces that payment with a $5 fee
34 that the county treasurer may collect for the collection of
35 such fines.

S.F. 2266

1 The bill further provides that a county treasurer may
2 cooperate with the clerk of the district court to collect
3 delinquent court debt owed to the clerk. The bill provides
4 that a county treasurer may lift a hold on vehicle registration
5 if an applicant remits full payment for the applicant's
6 delinquent court debt. The county treasurer may also collect a
7 $5 fee for the collection of such court debt for deposit into
8 the county general fund.

Senate File 2267 - Introduced

SENATE FILE 2267
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO SSB 3187)

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 6161SV (1) 85
md/sc

S.F. 2267

Section 1. Section 174.15, subsection 2, Code 2014, is amended to read as follows:

2. Notwithstanding section 364.7, subsection ~~3~~ 1, paragraph *"c"*, a city may dispose of real property by gift to a fair.

Sec. 2. Section 364.7, Code 2014, is amended to read as follows:

364.7 Disposal of property.

1. A city may not dispose of an interest in real property with a market value in excess of ten thousand dollars by sale, lease for a term of more than three years, or gift, except in accordance with the following procedure:

~~1.~~ *a.* The council shall set forth its proposal in a resolution and shall publish notice as provided in section 362.3, of the resolution and of a date, time and place of a public hearing on the proposal.

~~2.~~ *b.* After the public hearing, the council may make a final determination on the proposal by resolution.

~~3.~~ *c.* A city may not dispose of real property by gift except to a governmental body for a public purpose or to a nonprofit entity that is exempt from federal income taxation pursuant to section 501(c)(3) of the Internal Revenue Code for use by the nonprofit entity in providing affordable housing.

2. For purposes of this section, unless the type of interest in the real property is not required to be assessed or have a value ascribed to it by the assessor, *"market value"* means the most recent actual value as determined by the assessor under section 441.21.

Sec. 3. Section 364.12A, Code 2014, is amended to read as follows:

364.12A Condemnation of residential buildings — public purpose.

For the purposes of section 6A.4, subsection 6, a city may condemn a residential building found to be a public nuisance and take title to the property for the public purpose of disposing of the property under section 364.7 by conveying the

S.F. 2267

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 File 2268 - Introduced

SENATE FILE 2268
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 3155)

A BILL FOR

1 An Act relating to the state preschool program for
2 four-year-old children by establishing a preschool expansion
3 incentive, authorizing state aid for the incentive, and
4 addressing program costs.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5796SV (2) 85
jp/sc

S.F. 2268

Section 1. Section 256C.3, subsection 3, paragraph h, Code 2014, is amended to read as follows:

h. Provision for ensuring that children receiving care from other child care arrangements can participate in the preschool program with minimal disruption due to transportation and movement from one site to another. The children participating in the preschool program may be transported by the school district to activities associated with the program along with other children.

Sec. 2. Section 256C.3, subsection 4, Code 2014, is amended by adding the following new paragraph:

NEW PARAGRAPH. *e.* Development and implementation of a plan for the school district's preschool program to have sufficient capacity to operate without a waiting list for school budget years beginning on or after July 1, 2017.

Sec. 3. Section 256C.4, subsection 1, paragraphs g and h, Code 2014, are amended to read as follows:

g. For the fiscal year beginning July 1, ~~2011~~ 2014, and each succeeding fiscal year, of the amount of preschool foundation aid received by a school district for a fiscal year in accordance with section 257.16, not more than ~~five~~ ten percent may be used by the school district for administering the district's approved local program. Outreach activities and rent for facilities not owned by the school district are permissive uses of the administrative funds.

h. For the fiscal year beginning July 1, ~~2012~~ 2014, and each succeeding fiscal year, of the amount of preschool foundation aid received by a school district for a fiscal year in accordance with section 257.16, not less than ~~ninety-five~~ ninety percent of the per pupil amount shall be passed through to a community-based provider for each pupil enrolled in the district's approved local program. For the fiscal year beginning July 1, ~~2011~~ 2014, and each succeeding fiscal year, not more than ~~five~~ ten percent of the amount of preschool foundation aid passed through to a community-based provider

S.F. 2268

may be used by the community-based provider for administrative costs. The costs of outreach activities and rent for facilities not owned by the school district are permissive administrative costs.

Sec. 4. Section 256C.4, subsection 2, paragraph b, Code 2014, is amended to read as follows:

b. The enrollment count of eligible students shall not include a child who is included in the enrollment count determined under section 257.6 or a child who is served by ~~a~~ an existing preschool program already receiving state or federal funds for the purpose of ~~the provision of~~ providing four-year-old preschool programming while the child is being served by the existing program. ~~Such preschool programming~~ However, the enrollment count of eligible students may include a child being served by an existing preschool program if the preschool programming in the existing program has been enhanced as a result of preschool program expansion incentive state aid provided under section 256C.7. For the purposes of this chapter an *"existing preschool program"* includes but is not limited to shared visions and other child development assistance programs provided under chapter 256A and section 279.51, special education programs provided under section 256B.9, school ready children grant programs and other programs provided under chapter 256I, and federal head start programs and the services funded by Tit. I of the federal Elementary and Secondary Education Act of 1965.

Sec. 5. Section 256C.5, subsection 1, unnumbered paragraph 1, Code 2014, is amended to read as follows:

For the purposes of this ~~section and section 256C.4~~ chapter, unless the context otherwise requires:

Sec. 6. NEW SECTION. **256C.7 Preschool program expansion incentive.**

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

a. *"Base incentive enrollment"* means the average of the

S.F. 2268

1 actual enrollments of eligible students in the preschool
2 programming provided by a school district on October 1, 2011,
3 October 1, 2012, and October 1, 2013.
4 *b.* *"Incentive period"* means the budget years beginning July
5 1, 2015, July 1, 2016, and July 1, 2017.
6 *c.* *"Incentive enrollment"* means the amount by which the
7 actual enrollment of eligible students in the preschool
8 programming provided by a school district on October 1 of
9 the base year exceeds the school district's base incentive
10 enrollment.
11 *d.* *"Incentive state aid"* means the product of twenty percent
12 of the regular program state cost per pupil for the budget year
13 multiplied by the school district's incentive enrollment in the
14 base year.
15 2. *a.* A preschool program expansion incentive is
16 established in accordance with this section. In order to be
17 eligible for the incentive, a school district must develop and
18 implement a preschool program expansion plan, approved by the
19 department, to expand enrollment of eligible students in the
20 school district's preschool programming. In addition, the
21 school district shall work with existing preschool program
22 providers to expand hours and otherwise enhance the preschool
23 programming available to the children participating in the
24 programs. The plan's goal shall be that by the end of the
25 incentive period the district's preschool programming will
26 be available without a waiting list to each child wanting to
27 enroll in the programming.
28 *b.* The elements addressed in the preschool program expansion
29 plan shall include but are not limited to the following:
30 (1) How the school district will work in collaboration with
31 participating families, early care providers, and community
32 partners, as described in section 256C.3, subsection 3,
33 to provide the preschool programming in as convenient and
34 cost-effective a manner as possible for the families of the
35 four-year-old children who are eligible for the programming.

S.F. 2268

1 (2) A specification of the roles of the early care providers
2 and community partners in support of the expansion plan.
3 (3) A delineation of the specific steps for expanding hours
4 and otherwise enhancing the preschool programming available to
5 the children participating in the existing preschool programs
6 located in the school district.
7 (4) Identification of specific outcomes and progress
8 measures for the expansion plan.
9 (5) Detailed plans for contacting and soliciting enrollment
10 of eligible students, particularly from low-income families,
11 non-English speaking families, and families from ethnic and
12 racial groups underrepresented in the district's preschool
13 program enrollment.
14 3. The department of education shall specify other
15 requirements and required elements for preschool expansion
16 plans and for approval of plans by the department, including
17 but not limited to submission provisions, annual updates, and
18 documentation of collaboration efforts with and input from
19 participating families, early care providers, and community
20 partners.
21 4. During the incentive period, in addition to the
22 regular preschool foundation aid based on the preschool
23 budget enrollment, the school district implementing a
24 preschool expansion plan approved by the department shall
25 receive incentive state aid based on the district's incentive
26 enrollment. The incentive state aid shall be paid as part of
27 the state aid payments made to school districts in accordance
28 with section 257.16.
29 5. A school district shall utilize its incentive state aid
30 to defray increases in costs in connection with the school
31 district's preschool program expansion plan. Such costs shall
32 include but are not limited to renovation and other facility
33 costs connected with expansion, outreach, one-time expenses,
34 and other costs identified as eligible by the department.
35 Sec. 7. Section 257.16, Code 2014, is amended by adding the

S.F. 2268

following new subsection:

NEW SUBSECTION. 1A. For the fiscal years in which the preschool program expansion incentive applies in accordance with section 256C.7, the appropriation made in subsection 1 shall include the amount necessary to pay incentive state aid in accordance with section 256C.7. This subsection is repealed on July 1, 2018.

Sec. 8. STATE MANDATE FUNDING SPECIFIED. In accordance with section 25B.2, subsection 3, the state cost of requiring compliance with any state mandate included in this Act shall be paid by a school district from state school foundation aid received by the school district under section 257.16. This specification of the payment of the state cost shall be deemed to meet all of the state funding-related requirements of 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 the statewide preschool program for four-year-old children by establishing a preschool program expansion incentive and authorizing state aid for the incentive. The bill also addresses costs allowed under the program.

Code section 256C.3, relating to preschool program requirements, is amended to require each school district to implement a plan for the school district's preschool program to have sufficient capacity to operate without a waiting list for school budget years beginning on or after July 1, 2017.

To be eligible for the preschool expansion incentive, a school district must develop and implement a preschool expansion plan, approved by the department, in order to expand enrollment of eligible students in the school district's

S.F. 2268

1 preschool programming. Requirements for the plan are
2 provided in the bill, including how the school district will
3 collaborate with participating families, early care providers,
4 and community partners to expand the district's preschool
5 enrollment. The department of education is to specify other
6 requirements for the plan and for approval of plans by the
7 department.
8 Current law in Code section 256C.4 prohibits inclusion
9 in the preschool program of children already included in a
10 school's enrollment count for purposes of the school aid
11 foundation formula or children who are served by an existing
12 preschool program already receiving state or federal funds for
13 the purpose of providing four-year-old preschool programming
14 while the child is being served by the existing program. The
15 bill allows inclusion of children participating in an existing
16 program if the preschool programming in the existing program
17 has been enhanced as part of the expansion incentive.
18 The incentive program will operate for the three school
19 budget years beginning July 1, 2015, July 1, 2016, and July
20 1, 2017. For those three budget years, a school district is
21 eligible to receive incentive state aid for the increase in
22 the actual enrollment of eligible students in the preschool
23 programming provided by a school district in the immediately
24 preceding school year over the base incentive enrollment.
25 The base incentive enrollment is the average of the actual
26 enrollments of eligible students in the school district's
27 preschool programming on October 1, 2011, October 1, 2012,
28 and October 1, 2013. The amount of incentive state aid is
29 equal to 20 percent of the regular program state cost per pupil
30 multiplied by the enrollment increase.
31 The incentive state aid is required to be used to defray
32 increases in costs in connection with the school district's
33 preschool expansion plan. Such costs may include renovation
34 and other facility costs connected with expansion, outreach,
35 one-time expenses, and other costs identified as eligible by

S.F. 2268

1 the department.
2 The bill also addresses administration and other costs under
3 the preschool program in amendments to Code sections 256C.3 and
4 256C.4. Authorization is provided for a school district to
5 transport the children participating in the preschool program
6 along with other children. The allowable administrative costs
7 for school districts are increased from 5 to 10 percent.
8 Also, the costs of outreach activities and facility rent are
9 permitted as administrative costs.
10 The bill may include a state mandate as defined in Code
11 section 25B.3. The bill requires that the state cost of
12 any state mandate included in the bill be paid by a school
13 district from state school foundation aid received by the
14 school district under section 257.16. The specification is
15 deemed to constitute state compliance with any state mandate
16 funding-related requirements of Code section 25B.2. The
17 inclusion of this specification is intended to reinstate the
18 requirement of political subdivisions to comply with any state
19 mandates included in the bill.

Senate File 2269 - Introduced

SENATE FILE 2269
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 3150)

A BILL FOR

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

TLSB 5731SV (2) 85
md/sc

S.F. 2269

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, or 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, school administration manager, or social worker 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

S.F. 2269

school district shall be assigned the additional 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 in a budget year is ~~an amount equivalent to forty~~ eighteen 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

S.F. 2269

by rule, through consideration of ~~long-term savings by the school district or~~ increased student 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. The minimum amount of additional funding for which an area education agency shall be eligible in a budget year is ~~fifty~~ thirty 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.

Code section 257.11(7), enacted in 2013 Iowa Acts, chapter 65 (HF 472), established supplementary weighting of 0.02 per pupil for school districts and area education agencies that

S.F. 2269

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

S.F. 2269

1 the additional weighting for sharing the services of an
2 individual with a political subdivision even if the type of
3 operational function performed by the individual for the school
4 district and the type of operational function performed by
5 the individual for the political subdivision are not the same
6 operational function, so long as both operational functions
7 are eligible for weighting under the bill. In such case, the
8 school district shall be assigned the additional weighting for
9 the type of operational function that the individual performs
10 for the school district, and the school district shall not
11 receive additional weighting for any other function performed
12 by the individual.
13 The bill strikes the minimum amount of additional weighting
14 for which a school district may be eligible and changes
15 the minimum amount of additional funding for which an area
16 education agency is eligible from $50,000 to $30,000.
17 The bill provides that the maximum amount of additional
18 weighting for which a school district is eligible in a budget
19 year is 18 additional pupils.
20 The bill also strikes provisions that required certain
21 documentation and reporting of the cost savings directly
22 attributable to shared operational functions and language
23 relating to ongoing operational function sharing agreements
24 that began before July 1, 2014.
25 The bill takes effect upon enactment.

Senate File 2270 - Introduced

SENATE FILE 2270
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SF 2176)

A BILL FOR

1 An Act establishing a refugee family support services pilot
2 program and making appropriations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5717SV (1) 85
ad/rj

S.F. 2270

1 Section 1. NEW SECTION. **256I.14 Refugee family support**
2 **services pilot program.**
3 1. The state board shall develop, promote, and administer a
4 refugee family support services pilot program for purposes of
5 providing grants to state, local, or community organizations
6 working with refugee populations to contract with and train
7 multiple refugees to act as refugee community navigators.
8 Financial assistance under the program shall be provided from
9 moneys allocated to the school ready children grants account in
10 the early childhood Iowa fund.
11 2. A state, local, or community organization is eligible for
12 a grant if at least one school district in the organization's
13 county service area has a minority student enrollment of
14 greater than fifty percent and the service area has a large
15 number of emerging refugee populations.
16 3. The organizations awarded a grant pursuant to this
17 section shall recruit and train multiple refugee community
18 navigators to educate and provide direct assistance to their
19 respective refugee communities so the refugee communities can
20 successfully access and utilize existing community resources
21 and services.
22 4. The refugee community navigators shall train other
23 refugee community members and shall offer home-based,
24 peer-group learning sessions about resources in the community.
25 5. The grants awarded pursuant to this section shall be
26 used for employment costs of a program manager and community
27 navigator coordinator, and contract costs for multiple
28 refugee community navigators for each organization. The
29 refugee community navigators recruited and trained by an
30 organization under a grant shall receive at least one hundred
31 thousand dollars each year of the grant moneys awarded to the
32 organization.
33 6. The state board shall award four grants to state,
34 local, or community organizations through a competitive
35 application process. The state board shall provide moneys over

S.F. 2270

a three-year period to the organizations awarded a grant.

7. A state, local, or community organization awarded a grant pursuant to this section shall provide the state board with annual progress reports. The state board shall present a report of the program goals and outcomes of each awarded grant to the general assembly.

8. The state board shall conduct a comprehensive review of the refugee family support services pilot program and shall, by December 31, 2016, submit a report of its review, as well as any recommendations and cost projections of its recommendations to the governor and the general assembly.

9. The state board may expend program moneys for administrative expenses as provided by law.

Sec. 2. REFUGEE FAMILY SUPPORT SERVICES PILOT PROGRAM APPROPRIATION. There is appropriated from the general fund of the state to the department of education for the following fiscal years, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For deposit in the school ready children grants account in the early childhood Iowa fund created in section 256I.11, to be used for the purposes of the refugee family support services pilot program established in section 256I.14:

FY 2014-2015..... $ 746,400
FY 2015-2016..... $ 746,400
FY 2016-2017..... $ 746,400

Of the moneys appropriated for each fiscal year, $40,000 may be used for the early childhood Iowa state board's administration costs for developing, promoting, and administering the program.

EXPLANATION

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

This bill establishes a refugee family support services pilot program and makes appropriations. The bill directs the early childhood Iowa state board to develop and administer

S.F. 2270

1 the refugee family support services pilot program to provide
2 grants to state, local, or community organizations working
3 with refugee populations for contracting with and training
4 multiple refugees to act as refugee community navigators.
5 An organization is eligible for a grant if at least one
6 school district within that organization's county service
7 area has a minority student enrollment of greater than 50
8 percent and the service area has a large number of emerging
9 refugee populations. The bill requires the grants to be used
10 for employment costs of a program manager and a community
11 navigator coordinator, and the contract costs of multiple
12 refugee community navigators. The bill provides that the
13 community navigators shall receive at least $100,000 each year
14 of a grant awarded to an organization. The bill directs the
15 early childhood Iowa state board to award four grants through
16 a competitive application process and to provide funding
17 for those organizations over a three-year period. The bill
18 requires the organizations selected to provide the state board
19 with annual progress reports. The bill requires the state
20 board to present an outcomes report to the general assembly.
21 The bill appropriates $746,400 from the general fund of the
22 state to the department of education in fiscal years 2014-2015,
23 2015-2016, and 2016-2017 for deposit in the school ready
24 children grants account in the early childhood Iowa fund to be
25 used for purposes of the program established in the bill.

Senate File 2271 - Introduced

SENATE FILE 2271
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SF 2124)

A BILL FOR

1 An Act relating to the duties and authority of the college
2 student aid commission relating to the registration of
3 certain postsecondary schools, to interstate reciprocity
4 agreements, and to registration fees collected by the
5 commission.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6005SV (3) 85
kh/sc

S.F. 2271

1 Section 1. Section 261.2, subsection 11, paragraph a, Code
2 2014, is amended to read as follows:
3 *a.* The institutions are not required to register under
4 chapter 261B or the institutions are participating resident
5 institutions as defined in section 261G.2 that volunteer to
6 register under section 261B.11B.
7 Sec. 2. Section 261.2, Code 2014, is amended by adding the
8 following new subsection:
9 NEW SUBSECTION. 13. Enter into and administer,
10 or recognize, an interstate reciprocity agreement for
11 the provision of postsecondary distance education by a
12 postsecondary institution pursuant to chapter 261G. The
13 commission shall adopt rules establishing application
14 procedures and criteria for the authorization of postsecondary
15 institutions providing postsecondary distance education under
16 interstate reciprocity agreements pursuant to chapter 261G
17 and for the review and approval of interstate reciprocity
18 agreements the commission may enter into or recognize pursuant
19 to this subsection and chapter 261G. The commission may accept
20 an authorization granted by another state to a postsecondary
21 institution under an interstate reciprocity agreement to
22 deliver postsecondary distance education.
23 Sec. 3. Section 261B.8, subsection 3, Code 2014, is amended
24 to read as follows:
25 3. A postsecondary registration fund is created in the
26 state treasury under the control of the commission. Fees
27 collected under this section shall be deposited in the ~~general~~
28 postsecondary registration fund ~~of the state~~. Moneys in the
29 fund are appropriated to the commission and shall be used by
30 the commission to administer this chapter and chapter 261G.
31 Notwithstanding section 8.33, moneys in the fund shall not
32 revert to the general fund of the state at the end of a fiscal
33 year. Notwithstanding section 12C.7, interest or earnings on
34 moneys in the fund shall be credited to the fund.
35 Sec. 4. NEW SECTION. **261B.11B Voluntary registration.**

S.F. 2271

1 A school or other postsecondary educational institution
2 that is exempt under section 261B.11 may voluntarily register
3 under chapter 261B in order to comply with chapter 261G or
4 for purposes of institutional eligibility under 34 C.F.R.
5 §600.9(a).
6 Sec. 5. NEW SECTION. **261G.1 Purpose.**
7 The purpose of this chapter is to authorize the college
8 student aid commission to enter into or recognize agreements
9 that will create interstate reciprocity in the regulation of
10 postsecondary distance education for the purpose of encouraging
11 cost savings for students and greater efficiencies and
12 effectiveness for institutions of higher education providing
13 distance education.
14 Sec. 6. NEW SECTION. **261G.2 Definitions.**
15 1. *"Commission"* means the college student aid commission
16 created pursuant to section 261.1.
17 2. *"Interstate reciprocity agreement"* means an interstate
18 reciprocity agreement entered into and administered, or
19 recognized, by the commission in accordance with section 261.2,
20 subsection 13.
21 3. *"Participating institution"* means an institution that
22 meets the definition of subsection 4 or 5.
23 4. *"Participating nonresident institution"* means a
24 postsecondary institution without a physical presence in
25 Iowa that is offering instructional programs or courses in
26 Iowa leading to a degree, is a member in good standing in an
27 interstate reciprocity agreement, and is registered with and
28 regulated by a state agency or authority that is a member in
29 good standing in an interstate reciprocity agreement.
30 5. *"Participating resident institution"* means a
31 postsecondary institution located in Iowa that is a member in
32 good standing in an interstate reciprocity agreement and is
33 offering instructional programs or courses in Iowa leading
34 to a degree, including but not limited to the following
35 institutions:

S.F. 2271

1 *a.* A community college as defined in section 260C.2.
2 *b.* An institution of higher learning governed by the state
3 board of regents.
4 *c.* An accredited private institution as defined in section
5 261.9.
6 *d.* A school or postsecondary educational institution that
7 voluntarily registers with the commission pursuant to section
8 261B.11B in order to comply with this chapter or for purposes
9 of institutional eligibility under 34 C.F.R. §600.9(a).
10 6. *"Physical presence"* means any of the following:
11 *a.* Establishing a physical location in Iowa for students to
12 receive synchronous or asynchronous instruction.
13 *b.* Requiring students to physically meet in a location in
14 Iowa for instructional purposes.
15 *c.* Establishing an administrative office in Iowa, for any of
16 the following purposes:
17 (1) Providing information to prospective students or the
18 general public about the institution, for enrolling students,
19 or for providing services to enrolled students.
20 (2) Providing office space to instructional or
21 noninstructional staff.
22 (3) Establishing an Iowa mailing address, street address,
23 or telephone number.
24 Sec. 7. NEW SECTION. **261G.3 Execution of duties.**
25 The commission shall only enter into or recognize an
26 interstate reciprocity agreement if the agreement contains
27 sufficient consumer protection provisions and is otherwise in
28 the best interests of students enrolled in institutions of
29 higher education in this state.
30 Sec. 8. NEW SECTION. **261G.4 Effect of agreement.**
31 1. Notwithstanding any other provision of law to the
32 contrary, a participating nonresident institution shall not be
33 required to register under chapter 261B or to comply with the
34 registration and disclosure requirements of chapter 261 or 261B
35 or section 714.17, subsections 2 and 3, or sections 714.18,

S.F. 2271

714.20, and 714.21, or section 714.24, subsections 1, 2, 3, 4, and 5, if the provisions of an interstate reciprocity agreement prohibit such registration or compliance.

2. Notwithstanding any other provision of law to the contrary, a participating resident institution shall be required to register under chapter 261B or to comply with the registration and disclosure requirements of chapter 261 or 261B or section 714.17, subsections 2 and 3, or sections 714.18, 714.20, and 714.21, or section 714.24, subsections 1, 2, 3, 4, and 5, if the provisions of the interstate reciprocity agreement require such registration or compliance.

3. A participating institution offering instructional programs or courses under an interstate reciprocity agreement entered into or recognized by the commission must notify the commission of any change of status relating in any way to the interstate reciprocity agreement.

4. This chapter shall not be construed to prevent the commission or the state from requiring a school or other postsecondary educational institution to register under chapter 261B or from taking enforcement action against a participating institution in any of the following circumstances:

a. A participating nonresident institution leaves or otherwise ceases to be a member in good standing in an interstate reciprocity agreement.

b. The participating institution is physically or administratively housed in a state that does not join or ceases to be a member in good standing in an interstate reciprocity agreement entered into or recognized by the commission.

c. The discovery of acts or omissions subject to the enforcement action but which occurred prior to the commission's entering into or recognizing an interstate reciprocity agreement.

5. Students attending a participating nonresident institution are ineligible for state student financial aid programs established under chapter 261.

S.F. 2271

1 Sec. 9. NEW SECTION. **261G.5 Postsecondary registration**
2 **fees.**
3 1. The commission shall set by rule and collect a
4 nonrefundable initial registration fee and a renewal of
5 registration fee from each participating institution that
6 voluntarily registers with the commission pursuant to section
7 261B.11B in order to comply with this chapter or for purposes
8 of institutional eligibility under 34 C.F.R. §600.9(a).
9 2. Fees shall be set by rule not more than once each
10 year and shall be based upon the costs of administering this
11 chapter.
12 3. Fees collected under this section shall be deposited in a
13 separate account in the postsecondary registration fund created
14 pursuant to section 261B.8, subsection 3, and shall be used for
15 purposes of administering this chapter.
16 Sec. 10. NEW SECTION. **261G.6 Enforcement.**
17 This chapter shall not be construed to affect the authority
18 of the attorney general pursuant to section 714.16.
19 EXPLANATION
20 **The inclusion of this explanation does not constitute agreement with**
21 **the explanation's substance by the members of the general assembly.**
22 This bill relates to the college student aid commission's
23 duties and authority to register postsecondary schools and to
24 enter into and administer, or recognize, interstate reciprocity
25 agreements. The bill also provides for the collection and
26 appropriation of fees collected when schools and postsecondary
27 institutions register with the commission.
28 The bill creates new Code chapter 261G, and establishes that
29 the purpose of the Code chapter is to authorize the commission
30 to enter into or recognize agreements that will create
31 interstate reciprocity in the regulation of postsecondary
32 distance education for the purpose of encouraging cost savings
33 for students and greater efficiencies and effectiveness for
34 institutions of higher education providing distance education.
35 The commission shall only enter into or recognize an interstate

S.F. 2271

1 reciprocity agreement if the agreement contains sufficient
2 consumer protection provisions and is otherwise in the best
3 interest of students enrolled in institutions of higher
4 education in this state.
5 The bill permits the provisions of an interstate reciprocity
6 agreement to override the registration provisions of Code
7 chapter 261B, the compliance requirements for registration and
8 disclosure under Code chapters 261 and 261B, and compliance
9 with certain provisions in Code sections 714.17, 714.18,
10 714.20, 714.21, and 714.24, relating to unlawful advertising
11 and selling of educational courses, evidence of financial
12 responsibility, one lifetime contract per person limitation,
13 criminal penalties, and additional requirements relating to
14 filing of evidence of financial responsibility, exemption
15 claims, and tuition refund policies. The bill provides that
16 new Code chapter 261G shall not be construed to affect the
17 attorney general's authority to enforce the consumer fraud Act.
18 The bill also provides that new Code chapter 261G shall not
19 prevent the commission or the state from requiring a school or
20 other postsecondary educational institution to register under
21 Code chapter 261B or from taking enforcement action against
22 a participating institution if a participating nonresident
23 institution leaves or otherwise ceases to be a member in
24 good standing in an interstate reciprocity agreement, the
25 postsecondary institution is physically or administratively
26 housed in a state that does not join or ceases to be a member
27 in good standing in an interstate reciprocity agreement, or
28 for acts or omissions subject to the enforcement action which
29 occurred prior to the commission entering into or recognizing
30 an interstate reciprocity agreement.
31 The bill provides that students attending a participating
32 nonresident institution are ineligible for state student
33 financial aid programs.
34 The bill amends Code section 261.2, which provides for
35 the commission's duties, to direct the commission to enter

S.F. 2271

1 into and administer, or recognize, an interstate reciprocity
2 agreement for the provision of postsecondary distance education
3 by a postsecondary institution under new Code chapter 261G.
4 The commission must adopt rules establishing application
5 procedures and criteria for the authorization of postsecondary
6 institutions providing postsecondary distance education under
7 interstate reciprocity agreements and for the review and
8 approval of such agreements. The commission may accept an
9 authorization granted by another state to deliver postsecondary
10 distance education under an interstate reciprocity agreement.
11 Currently, students receiving state-funded scholarships
12 and grants cannot use such scholarships and grants at schools
13 required to register under Code chapter 261B. The bill
14 provides that the limitation does not apply to a resident
15 postsecondary institution that is exempt from the registration
16 requirements of Code chapter 261B and is participating in an
17 interstate reciprocity agreement to provide postsecondary
18 distance education. However, the bill also provides that a
19 school or other postsecondary educational institution that is
20 exempt from registering under Code chapter 261B may voluntarily
21 register to comply with Code chapter 261G or for purposes of
22 institutional eligibility under the federal Higher Education
23 Act of 1965, as amended.
24 Under current law, registration fees collected under Code
25 chapter 261B are deposited in the general fund of the state.
26 The bill creates a postsecondary registration fund in the state
27 treasury under the control of the commission for fees collected
28 for postsecondary school registration required pursuant to Code
29 chapter 261B and for registration of schools and postsecondary
30 institutions that volunteer to register with the commission.
31 The fees are appropriated to the commission and must be
32 deposited into a separate account in the new fund and used for
33 the administration of the new Code chapter.

Senate File 2272 - Introduced

SENATE FILE 2272
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SSB 3117)

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 5311SV (1) 85
mm/sc

S.F. 2272

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

S.F. 2272

1 forms to the department of revenue. The taxes paid shall be
2 itemized to allow identification of the taxes attributable
3 to racks, shelving, and conveyor equipment to be used in a
4 warehouse or distribution center. After receiving the form
5 from the third-party developer, the department of revenue
6 shall issue a tax credit certificate to the eligible business
7 equal to the sales and use taxes paid by a third-party
8 developer under chapter 423 for gas, electricity, water, or
9 sewer utility services, goods, wares, or merchandise, or
10 on services rendered, furnished, or performed to or for a
11 contractor or subcontractor and used in the fulfillment of a
12 written contract relating to the construction or equipping
13 of a facility. The department of revenue shall also issue a
14 tax credit certificate to the eligible business equal to the
15 taxes paid and attributable to racks, shelving, and conveyor
16 equipment to be used in a warehouse or distribution center.
17 The aggregate combined total amount of tax refunds under
18 section 15.331A for taxes attributable to racks, shelving, and
19 conveyor equipment to be used in a warehouse or distribution
20 center and of tax credit certificates issued by the department
21 of revenue for the taxes paid and attributable to racks,
22 shelving, and conveyor equipment to be used in a warehouse or
23 distribution center shall not exceed five hundred thousand
24 dollars in a fiscal year. If an applicant for a tax credit
25 certificate does not receive a certificate for the taxes paid
26 and attributable to racks, shelving, and conveyor equipment to
27 be used in a warehouse or distribution center, the application
28 shall be considered in succeeding fiscal years. The eligible
29 business shall not claim a tax credit under this section
30 unless a tax credit certificate issued by the department of
31 revenue is ~~attached to~~ included with the taxpayer's tax return
32 for the tax year for which the tax credit is claimed. A tax
33 credit certificate shall contain the eligible business's
34 name, address, tax identification number, the amount of the
35 tax credit, and other information deemed necessary by the

S.F. 2272

department of revenue.

Sec. 5. Section 15E.44, subsection 4, Code 2014, is amended to read as follows:

4. After verifying the eligibility of a qualifying business, the authority shall issue a tax credit certificate to be ~~attached to~~ included with the equity investor's tax return. The tax credit certificate shall contain the taxpayer's name, address, tax identification number, the amount of credit, the name of the qualifying business, and other information required by the department of revenue. The tax credit certificate, unless rescinded by the authority, shall be accepted by the department of revenue as payment for taxes imposed pursuant to chapter 422, divisions II, III, and V, and in chapter 432, and for the moneys and credits tax imposed in section 533.329, subject to any conditions or restrictions placed by the authority upon the face of the tax credit certificate and subject to the limitations of section 15E.43.

Sec. 6. Section 15E.45, subsection 4, Code 2014, is amended to read as follows:

4. After verifying the eligibility of the community-based seed capital fund, the authority shall issue a tax credit certificate to be ~~attached to~~ included with the taxpayer's tax return. The tax credit certificate shall contain the taxpayer's name, address, tax identification number, the amount of the tax credit, the name of the community-based seed capital fund, and other information required by the department of revenue. The tax credit certificate, unless rescinded by the authority, shall be accepted by the department of revenue or a local taxing district, as applicable, as payment for taxes imposed pursuant to chapter 422, divisions II, III, and V, and chapter 432, and as payment for the moneys and credits tax imposed pursuant to section 533.329, subject to any conditions or restrictions placed by the authority on the face of the tax credit certificate and subject to the limitations of section 15E.43.

S.F. 2272

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

S.F. 2272

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

S.F. 2272

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

S.F. 2272

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

S.F. 2272

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

S.F. 2272

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

S.F. 2272

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

S.F. 2272

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

S.F. 2272

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.

S.F. 2272

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~~

S.F. 2272

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

S.F. 2272

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

S.F. 2272

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

S.F. 2272

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

S.F. 2272

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.

S.F. 2272

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.

Senate File 2273 - Introduced

SENATE FILE 2273
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO SSB 3172)

A BILL FOR

1 An Act allowing the holders of interests in certain entities
2 eligible to hold agricultural land to be elected as trustees
3 of drainage or levee districts.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5782SV (1) 85
da/sc

S.F. 2273

Section 1. Section 468.506, subsection 3, Code 2014, is amended by striking the subsection and inserting in lieu thereof the following:

3. An individual who has a legal or equitable interest in an entity that holds an interest in agricultural land located in the election district for which the trustee is elected, including as a bona fide owner. In addition, all of the following must apply:

a. The entity must be a general partnership formed under section 486A.202 or a person who holds the agricultural land under chapter 9H as a family farm corporation, authorized corporation, family farm limited liability company, authorized limited liability company, family farm limited partnership, limited partnership, family farm unincorporated nonprofit association, authorized unincorporated nonprofit association, family trust, or authorized trust.

b. The individual must hold the legal or equitable interest in the entity described in paragraph *"a"* as a partner in the general partnership, shareholder in the corporation, member in the limited liability company, general or limited partner in the limited partnership, member in the unincorporated nonprofit association, or beneficiary in the trust.

c. The individual must be a resident of the county in which the election district is located or of a county that is contiguous to or corners on that county.

Sec. 2. Section 468.506, subsection 4, Code 2014, is amended to read as follows:

4. *a.* ~~In a~~ A bona fide owner of benefited land in a drainage or levee district in which ~~is a levee and drainage district which has~~ eighty-five percent of its acreage is situated within the corporate limits of a city and has been under the control of a city under subchapter II, part 3~~, a bona fide owner of benefited land in the district~~.

b. (1) ~~If~~ For nonagricultural land, if the bona fide owner is a ~~family farm corporation as defined by section 9H.1,~~

S.F. 2273

1 ~~subsection 9, a~~ business corporation organized and existing
2 under chapter 490 or 491, or a partnership, a stockholder or
3 officer authorized by the corporation or a general partner may
4 be elected as a trustee of the district.
5 (2) For agricultural land, if the bona fide owner is an
6 entity described in subsection 3, paragraph *"a"*, an individual
7 holding a legal or equitable interest in that entity may be
8 elected as trustee.
9 EXPLANATION

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

12 BILL'S PROVISIONS. This bill relates to the election of
13 an individual as a trustee to a board managing a drainage or
14 levee district (district) (Code section 468.506). It provides
15 for the election of an individual who has a legal or equitable
16 interest in an entity allowed to hold agricultural land in
17 this state, including under Iowa's corporate farming law
18 (Code chapter 9H). The bill requires that the individual be a
19 resident of a county where the election district is located or
20 a bordering county, unless the agricultural land is located in
21 a district in which 85 percent of its territory is situated
22 within the corporate limits of a city and the city also manages
23 the district.
24 CURRENT LAW —— GOVERNANCE. A district is established and
25 managed by a county's board of supervisors, or joint board of
26 supervisors if the district crosses county borders. The board
27 may transfer jurisdiction to manage the district to another
28 governing body, including a city (Code chapter 468, subchapter
29 II, part 3), or a board of elected trustees (Code chapter 468,
30 subchapter III).
31 CURRENT LAW —— ELIGIBILITY OF TRUSTEES. In order to hold
32 office as a trustee, an individual must be 18 years of age and a
33 United States citizen (Code section 468.506). If the district
34 includes agricultural land, the individual must satisfy two
35 additional conditions: (1) be an owner of such land and

S.F. 2273

1 (2) reside in the county in which the election district is
2 located or a bordering county. Two exceptions apply which
3 allow an individual to be elected as a trustee even though the
4 individual is not the owner of the agricultural land. The
5 first exception applies to a shareholder of a family farm
6 corporation who must still reside in the county where the
7 election district is situated or a bordering county. The
8 second exception applies when 85 percent of the district's
9 territory is situated within the corporate limits of a city
10 that also manages the district. In that case, the individual
11 may be a shareholder of a family farm corporation or a partner
12 in a general partnership. In this case, there is no residency
13 requirement.
14 CURRENT LAW —— PERSONS ELIGIBLE TO HOLD AGRICULTURAL LAND.
15 Code chapter 9H does not restrict a general partnership from
16 holding any number of acres of agricultural land. The Code
17 chapter does restrict a number of other entities from holding
18 such land, including corporations, limited liability companies,
19 trusts, and nonprofit associations (Code sections 9H.1 and
20 9H.4), and limited partnerships, including limited liability
21 limited partnerships (Code sections 9H.1 and 9H.5). A family
22 farm entity (family farm corporation, family farm limited
23 liability company, family farm trust, or family farm nonprofit
24 association) must be founded for farming, its interest holders
25 must be natural persons or fiduciaries, a majority of its
26 interest holders must be related to each other as family
27 members, and 60 percent of its gross revenue must come from
28 farming (Code section 9H.1). A family farm entity may own any
29 number of acres of agricultural land. An authorized entity
30 (authorized farm corporation, authorized farm limited liability
31 company, authorized farm trust, or authorized farm nonprofit
32 association) cannot include more than 25 interest holders who
33 are individuals, fiduciaries, or nonprofit corporations (Code
34 section 9H.1). An interest holder in an authorized entity
35 or limited partnership cannot belong to multiple authorized

S.F. 2273

1 entities or limited partnerships or hold more than 1,500 acres
2 of agricultural land.

Senate File 2274 - Introduced

SENATE FILE 2274
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3189)

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 6164SV (2) 85
jm/rj

S.F. 2274

Section 1. NEW SECTION. **728.2A Dissemination by young persons of material depicting a sex act or nudity.**

1. Any person fourteen through eighteen years of age who knowingly disseminates to another person fourteen through eighteen years of age material depicting either or both persons, one of whom is a minor, engaged in a sex act or in a state of full or partial nudity, as defined in section 709.21, commits a simple misdemeanor.

2. A person convicted under this section shall not be required to register as a sex offender under chapter 692A.

Sec. 2. Section 728.12, Code 2014, is amended by adding the following new subsection:

NEW SUBSECTION. 5. A violation of this section does not apply to a person fourteen through eighteen years of age if all of the following circumstances apply:

a. The material was disseminated to a person fourteen through eighteen years of age.

b. The material depicts the sender, recipient, or both, one of whom is a minor, engaged in a prohibited sex act or in the simulation of a prohibited sex act.

c. The material was knowingly created with the consent of the persons depicted.

d. The sender of the material knows or reasonably believes the material would not be offensive to the recipient of the material.

e. The person does not further disseminate or exhibit the material if the material depicts another person.

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 dissemination by a young person of material depicting a sex act or nudity and to sexual exploitation of a minor.

The bill grants discretion to a prosecutor to charge a person 14 through 18 years of age with a simple misdemeanor under

S.F. 2274

1 new Code section 728.2A, 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

S.F. 2274

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 File 2275 - Introduced

SENATE FILE 2275
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SF 2174)

A BILL FOR

1 An Act relating to the regulation of tanning facilities and
2 making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5346SV (1) 85
jb/rj

S.F. 2275

Section 1. NEW SECTION. **136D.3A Minors' use of tanning devices prohibited.**

A tanning facility shall not allow a person under eighteen years of age to use a tanning device.

Sec. 2. Section 136D.4, subsection 1, paragraphs a and b, Code 2014, are amended to read as follows:

a. A warning sign in a conspicuous location without obstruction and readily visible to persons entering the establishment. The signs shall comply with rules adopted by the department.

b. A warning sign for each tanning device, in a conspicuous location without obstruction and readily visible to a person preparing to use the device. The sign shall comply with rules adopted by the department.

Sec. 3. Section 136D.4, subsection 2, Code 2014, is amended to read as follows:

2. A tanning facility shall provide each customer prior to use of a tanning device with a written warning statement that complies with rules adopted by the department.

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 tanning facilities and creates new Code section 136D.3A prohibiting a tanning facility from allowing individuals under 18 years of age to use a tanning device. The bill also provides that warning signs be free from obstruction and that a written warning statement be provided to each customer prior to use of a tanning device.

A tanning facility that violates a provision of Code chapter 136D is subject to a civil penalty and injunctive relief.

Senate File 2276 - Introduced

SENATE FILE 2276
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SF 2225)

A BILL FOR

1 An Act relating to adoption investigation and report
2 requirements.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5632SV (1) 85
pf/nh

S.F. 2276

1 Section 1. Section 600.8, subsection 1, Code 2014, is
2 amended to read as follows:
3 1. *a.* A preplacement investigation shall be directed to and
4 a report of this investigation shall answer the following:
5 (1) Whether the home of the prospective adoption petitioner
6 is a suitable one for the placement of a minor person to be
7 adopted.
8 (2) How the prospective adoption petitioner's emotional
9 maturity, finances, health, relationships, and any other
10 relevant factor may affect the petitioner's ability to accept,
11 care, and provide a minor person to be adopted with an adequate
12 environment as that person matures.
13 (3) Whether the prospective adoption petitioner has been
14 convicted of a crime under a law of any state or has a record of
15 founded child abuse. The preplacement investigation and report
16 shall include an examination of the criminal and child abuse
17 records of the prospective adoption petitioner including all
18 of the following:
19 (a) Criminal, child abuse, and sex offender registries
20 maintained by the state.
21 (b) Child abuse registries maintained by any other state in
22 which the prospective adoption petitioner has resided during
23 the five years prior to the issuance of the preplacement
24 investigation report.
25 (c) National biometric identification-based criminal
26 records. For the purposes of international adoption
27 preplacement investigations, the national biometric
28 identification-based criminal record check results obtained
29 pursuant to the standards of the United States department
30 of homeland security shall satisfy the requirement of this
31 subparagraph division.
32 *b.* A postplacement investigation and a report of this
33 investigation shall:
34 (1) Consist of no fewer than three face-to-face visits with
35 the minor person to be adopted and the adoption petitioner to

S.F. 2276

be conducted within thirty days, ninety days, and one hundred eighty days following the placement and during completion of the minimum residence period specified in section 600.10.

~~(1)~~ (2) Verify the allegations of the adoption petition and its attachments and of the report of expenditures required under section 600.9.

~~(2)~~ (3) Evaluate the progress of the placement of the minor person to be adopted.

~~(3)~~ (4) Determine whether adoption by the adoption petitioner may be in the best interests of the minor person to be adopted.

(5) Include documentation verifying that any unique needs of the minor person to be adopted are being appropriately met in the placement before the investigator recommends finalization of the adoption.

c. (1) A background information investigation of the medical and social history of the biological parents of the minor person to be adopted and a report of the investigation shall be made by the agency, the person making an independent placement, or an investigator prior to the placement of the minor person to be adopted with any prospective adoption petitioner.

(2) The background information investigation and report shall not disclose the identity of the biological parents of the minor person to be adopted.

(3) The completed report shall be ~~completed and~~ filed with the court prior to the holding of the adoption hearing prescribed in section 600.12.

(4) The report shall be in substantial conformance with the prescribed medical and social history forms designed by the department pursuant to section 600A.4, subsection 2, paragraph *"f"*.

(5) A copy of the background information investigation report shall be furnished to the prospective adoption ~~petitioners within thirty days after the filing of the adoption~~

S.F. 2276

1 ~~petition~~ petitioner prior to placement of the minor person to
2 be adopted with the prospective adoption petitioner.
3 (6) Any person, including a juvenile court, who has gained
4 relevant background information concerning a minor person
5 subject to an adoption petition shall, upon request, fully
6 cooperate with the conducting of a background information
7 investigation by disclosing any relevant background
8 information, whether contained in sealed records or not.
9 Sec. 2. Section 600.8, subsection 2, paragraph a, Code 2014,
10 is amended to read as follows:
11 *a.* (1) A preplacement investigation and report of the
12 investigation shall be completed and the prospective adoption
13 petitioner approved for a placement by the person making the
14 investigation prior to any agency or independent placement of
15 a minor person in the petitioner's home in anticipation of an
16 ensuing adoption.
17 (2) A report of a preplacement investigation that has
18 approved a prospective adoption petitioner for a placement
19 shall not authorize placement of a minor person with that
20 petitioner after ~~one year~~ two years from the date of the
21 report's issuance. However, if the prospective adoption
22 petitioner is a relative within the fourth degree of
23 consanguinity who has assumed custody of a minor person to
24 be adopted, a preplacement investigation of this petitioner
25 and a report of the investigation may be completed at a time
26 established by the juvenile court or court or may be waived as
27 provided in subsection 12.
28 Sec. 3. Section 600.15, Code 2014, is amended to read as
29 follows:
30 **600.15 Foreign and international adoptions.**
31 1. A decree establishing a parent-child relationship by
32 adoption which is issued pursuant to due process of law by a
33 juvenile court or court of any other jurisdiction within or
34 outside the United States shall be recognized in this state.
35 2. For an adoption based on a decree issued by a foreign

S.F. 2276

1 jurisdiction within the United States, an investigator shall
2 conduct a postplacement investigation and issue a postplacement
3 report as provided in section 600.8.
4 3. *a.* For an adoption based on a decree issued by a
5 jurisdiction outside the United States, an investigator shall
6 conduct a postplacement investigation that consists of a
7 minimum of three face-to-face visits with the minor person
8 and the adoptive parents during the first year after the
9 placement, with the first such visit to be conducted within
10 sixty days of the placement of the minor person in the adoptive
11 home. Additional visits shall be conducted if required by the
12 jurisdiction that issued the decree.
13 *b.* The postplacement investigation and report under this
14 subsection shall include documentation that any unique needs
15 of the minor person are being appropriately met through the
16 placement.
17 EXPLANATION
18 **The inclusion of this explanation does not constitute agreement with**
19 **the explanation's substance by the members of the general assembly.**
20 This bill relates to adoption requirements.
21 The bill provides that a preplacement investigation and
22 report shall include examination of the criminal and child
23 abuse records of the prospective adoption petitioner including
24 criminal, child abuse, and sex offender registries maintained
25 by the state; child abuse registries maintained by any other
26 state in which the prospective adoption petitioner has
27 resided during the five years prior to the issuance of the
28 preplacement investigation report; and national biometric
29 identification-based criminal records. Additionally,
30 the bill provides that for the purposes of international
31 adoption preplacement investigations, the national biometric
32 identification-based criminal record check results obtained
33 pursuant to the standards of the United States department of
34 homeland security shall satisfy the requirement.
35 The bill provides that a postplacement investigation and a

S.F. 2276

1 report shall, in addition to current requirements, consist of
2 no fewer than three face-to-face visits with the minor person
3 to be adopted and the adoption petitioner to be conducted
4 within 30, 90, and 180 days following the placement and during
5 completion of the minimum residence period which is 180 days
6 unless otherwise provided. Additionally, the preplacement
7 investigation and report is to include documentation verifying
8 that any unique needs of the minor person to be adopted
9 are being appropriately met in the placement before the
10 investigator recommends finalization of the adoption.
11 The bill specifies that the background information
12 investigation is to be of the medical and social history of the
13 biological parents of the minor person to be adopted; that a
14 report of the investigation shall be made by the agency, the
15 person making an independent placement, or an investigator
16 prior to the placement of the minor person to be adopted with
17 any prospective adoption petitioners; that the completed report
18 is to be filed with the court prior to the holding of the
19 adoption hearing; and that a copy of the background information
20 investigation report shall be furnished to the prospective
21 adoption petitioners prior to placement of the minor person to
22 be adopted with the prospective adoption petitioners.
23 The bill extends from one year to two years the period
24 during which a report of a preplacement investigation that has
25 approved a prospective adoption petitioner for a placement may
26 be used to authorize placement of a minor person with that
27 petitioner.
28 With regard to foreign and international adoptions, the
29 bill provides that for an adoption based on a decree issued
30 by a jurisdiction within the United States, postplacement
31 investigations and reports are to be conducted as required
32 for in-state adoptions. For an adoption based on a decree
33 issued by a jurisdiction outside the United States, an
34 investigator shall conduct a postplacement investigation
35 and issue a postplacement report which investigation shall

S.F. 2276

1 include a minimum of three face-to-face visits with the minor
2 person and the adoptive parents during the first year after
3 the placement of the minor person in the adoptive home. In
4 addition to the minimum visits required, additional visits
5 shall be conducted if required by the jurisdiction that issued
6 the decree. Additionally, any postplacement investigation and
7 report relating to adoptions issued by a jurisdiction outside
8 the United States are to include documentation that any unique
9 needs of the minor person are being appropriately met through
10 the placement.

Senate File 2277 - Introduced

SENATE FILE 2277
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 3161)

A BILL FOR

1 An Act concerning allowable uses for purse moneys designated
2 for standardbred horse racing.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5479SV (1) 85
ec/nh

S.F. 2277

Section 1. Section 99D.7, subsection 5, paragraph b, Code 2014, is amended to read as follows:

b. The commission shall, beginning January 1, 2012, regulate the purse structure for all horse racing so that seventy-six percent is designated for thoroughbred racing, fifteen and one-quarter percent is designated for quarter horse racing, and eight and ~~three-quarter~~ three-quarters percent is designated for standardbred racing. The purse moneys designated for standardbred racing may only be used to support standardbred harness racing purses, breeder's awards, or expenses at the state fair, county fairs, or other harness racing tracks approved by the commission, or for the maintenance, construction, or repair of harness racing tracks located in Iowa and at the fairgrounds for such fairs or other harness racing tracks located in Iowa and approved by the commission. The horse racetrack in Polk county shall not provide funding to support standardbred racing at such county fairs that is not otherwise provided for in this paragraph.

EXPLANATION

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

Code section 99D.7(5), concerning purse moneys for horse racing, is amended to allow purse moneys designated for standardbred racing to also be used for breeder's awards, standardbred harness racing expenses, and the construction of harness racing tracks located in Iowa.

Senate File 2278 - Introduced

SENATE FILE 2278
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 3130)

A BILL FOR

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

TLSB 5061SV (1) 85
aw/sc

S.F. 2278

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

S.F. 2278

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

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

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

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

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

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

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

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

S.F. 2278

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

Sec. 3. Section 48A.27, subsection 2, paragraph a, Code 2014, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (6) A voter registration form submitted as provided in section 48A.8A.

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

EXPLANATION

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

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

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

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

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

The bill requires that the registrant authorize the

S.F. 2278

1 state commissioner of elections to use the applicant's
2 signature obtained from the department of transportation or a
3 commissioner of registration for voter registration purposes.
4 The state commissioner of elections is required to notify a
5 registrant by mail within five business days if a copy of the
6 registrant's signature cannot be obtained and is required to
7 include a voter registration form with that notice.
8 The bill requires that the state commissioner of elections
9 verify that the Iowa driver's license, Iowa nonoperator's
10 identification card, last four numerals of the registrant's
11 social security number, or unique identifying number, and date
12 of birth provided by the registrant match the information
13 contained in department of transportation records or in
14 commissioner of registration records. The bill requires the
15 state commissioner of elections to transmit to the appropriate
16 commissioner of registration a registrant's completed voter
17 registration application and electronic signature not later
18 than five business days after the date of submission of the
19 application and signature.
20 The bill requires that the electronic registration form be
21 accompanied by a statement featured prominently in boldface
22 capital letters informing the registrant of the penalty
23 for providing false information on a voter registration
24 application.
25 The bill also requires that an electronic voter registration
26 registrant who has not previously voted in an election for
27 federal office in the county of registration must follow the
28 voting requirements of Code section 48A.8 for registrants
29 submitting applications by mail under current law and who have
30 not previously voted in an election for federal office in the
31 county of registration. These provisions under current law
32 require that a mail registrant who has not previously voted in
33 an election for federal office in the county of registration
34 shall be required to provide identification documents when
35 voting for the first time in the county, unless the registrant

S.F. 2278

1 provided on the registration form the registrant's Iowa
2 driver's license number, the registrant's Iowa nonoperator's
3 identification card number, or the last four numerals of the
4 registrant's social security number and such information
5 provided matches an existing state or federal identification
6 record with the same number, name, and date of birth. Code
7 section 48A.8 also provides that a registrant who votes in
8 person at the polls or by absentee ballot at the commissioner's
9 office or at a satellite voting station shall provide a form of
10 identification specified in that Code section. Code section
11 48A.8 also requires that if a registrant is voting for the
12 first time following mail registration and votes an absentee
13 ballot by mail, the registrant shall provide a photocopy of the
14 identification document when returning the absentee ballot.
15 Code section 48A.8 also allows a registrant voting in person
16 for the first time following submission of a registration form
17 by mail to vote a provisional ballot if the voter does not
18 provide the required identification documents.
19 The bill extends the category for the crime of voter
20 registration fraud to include fraudulent electronic
21 registration. Registration fraud is a class "D" felony. A
22 class "D" felony is punishable by confinement for no more than
23 five years and a fine of at least $750 but not more than $7,500.
24 The bill takes effect January 1, 2015.

Senate File 2279 - Introduced

SENATE FILE 2279
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 3103)

A BILL FOR

1 An Act providing for employment protections for volunteer
2 emergency services providers.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5684SV (2) 85
je/rj

S.F. 2279

1 Section 1. Section 100B.14, subsections 2, 3, 4, and 9, Code
2 2014, are amended to read as follows:
3 2. For the purposes of this section~~,~~:
4 *a. "Discipline"* means to take an action against an employee
5 that adversely affects the employee's regular pay to an extent
6 greater than permitted by subsection 5, or the employee's job
7 status, opportunity for promotion, or right to any benefit
8 granted by the employer to other similarly situated employees.
9 *b. "Discriminate"* means to discipline or terminate the
10 employment of an employee in a manner inconsistent with the
11 employer's treatment of other similarly situated employees
12 who are injured in the course of their employment or related
13 activities.
14 *c. "~~volunteer~~ Volunteer emergency services provider"* means a
15 volunteer fire fighter as defined in section 85.61, a reserve
16 peace officer as defined in section 80D.1A, an emergency
17 medical care provider as defined in section 147A.1, or other
18 personnel having voluntary emergency service duties and who are
19 not paid full-time by the entity for which the services are
20 performed in the local service area, in a mutual aid agreement
21 area, or in a governor-declared state of disaster emergency
22 area.
23 3. A public or private employer shall not discipline
24 or terminate the employment of an employee for joining a
25 volunteer emergency services unit or organization, including
26 but not limited to any municipal, rural, or subscription fire
27 department.
28 4. If an employee has provided the employee's public or
29 private employer with written notification that the employee is
30 a volunteer emergency services provider, the employer shall not
31 discipline or terminate the employment of a volunteer emergency
32 services provider who, because the employee was ~~fulfilling~~
33 performing the employee's duties as a volunteer emergency
34 services provider, is absent from or late to work.
35 9. An employee who is disciplined, discriminated against,

S.F. 2279

1 or whose employment is terminated in violation of this section
2 may bring a civil action against the employer. The employee
3 may seek reinstatement to the employee's former position,
4 payment of back wages, reinstatement of fringe benefits, and,
5 where seniority rights are granted, reinstatement of seniority
6 rights. If the employee prevails in such an action, the
7 employee shall be entitled to an award of reasonable attorney
8 fees and the costs of the action. An employee must commence
9 such an action within one year after the date of discipline,
10 discrimination, or termination of the employee's employment.
11 Sec. 2. Section 100B.14, Code 2014, is amended by adding the
12 following new subsection:
13 NEW SUBSECTION. 4A. A public or private employer shall
14 not discriminate against an employee because the employee
15 has been injured while performing duties as a volunteer
16 emergency services provider. A public or private employer
17 shall not discriminate against an employee who is injured while
18 performing duties as a volunteer emergency services provider
19 and who subsequently returns to work after receiving workers'
20 compensation benefits.
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 Current law, the "Volunteer Emergency Services Providers
25 Job Protection Act", grants various employment protections to
26 volunteer emergency services providers. "Volunteer emergency
27 services provider" is defined as a volunteer fire fighter, a
28 reserve peace officer, an emergency medical care provider,
29 or other personnel having voluntary emergency service duties
30 and who are not paid full-time by the entity for which the
31 services are performed in the local service area, in a mutual
32 aid agreement area, or in a governor-declared state of disaster
33 emergency area. This bill adds to those protections.
34 The bill prohibits an employer from disciplining an
35 employee for joining a volunteer emergency services unit or

S.F. 2279

1 organization, including but not limited to any municipal,
2 rural, or subscription fire department. The bill prohibits
3 an employer from disciplining an employee who, because the
4 employee was fulfilling the employee's duties as a volunteer
5 emergency services provider, is absent from or late to
6 work, if the employee has provided the employer with written
7 notification that the employee is a volunteer emergency
8 services provider. The bill prohibits an employer from
9 discriminating against an employee because the employee
10 has been injured while performing duties as a volunteer
11 emergency services provider. The bill prohibits an employer
12 from discriminating against an employee who is injured while
13 performing duties as a volunteer emergency services provider
14 and who subsequently returns to work after receiving workers'
15 compensation benefits.
16 The bill defines "discipline" as taking an action against
17 an employee that adversely affects the employee's regular pay
18 to an extent greater than permitted by state law, job status,
19 opportunity for promotion, or right to any benefit granted
20 by the employer to other similarly situated employees. The
21 bill defines "discriminate" as disciplining or terminating the
22 employment of an employee in a manner inconsistent with the
23 employer's treatment of other similarly situated employees
24 who are injured in the course of their employment or related
25 activities.
26 The civil remedy available to an employee under the
27 "Volunteer Emergency Services Providers Job Protection Act"
28 applies to these prohibitions.

Senate File 2280 - Introduced

SENATE FILE 2280
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SF 2162)

A BILL FOR

1 An Act requiring the chief information officer to implement
2 a confidential common database in conjunction with
3 state agencies involved with administering or verifying
4 eligibility for public benefits programs.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5716SV (2) 85
jp/nh

S.F. 2280

1 Section 1. NEW SECTION. **8B.25 Public benefits data sharing.**
2 1. For the purposes of this section, *"public benefit*
3 *programs"* means programs that assist low-income individuals and
4 families and include but are not limited to the elder Iowan
5 support programs administered by the department on aging,
6 meal and nutrition programs administered by the department of
7 education, the child care, family investment, food assistance,
8 and medical assistance programs administered by the department
9 of human services, the housing programs administered by the
10 Iowa finance authority, and the health and wellness programs
11 administered by the department of public health.
12 2. The chief information officer shall work with the
13 department on aging, the departments of education, health,
14 human services, and revenue, the Iowa finance authority, and
15 other state agencies responsible for administering or verifying
16 eligibility for public benefit programs to develop a common
17 database for the programs. The purpose of the common database
18 is to improve and reduce the costs of administering the public
19 benefits and to enable the sharing of confidential information
20 to assist applicants and recipients. The issues addressed
21 in developing the common database shall include but are not
22 limited to all of the following:
23 *a.* Maintaining the confidentiality of the personal
24 information provided by applicants and recipients of the public
25 benefits.
26 *b.* Enabling the capacity for data sharing between the
27 agencies using the database.
28 *c.* Improving the ability of persons seeking public benefits
29 to have access to the benefits for which they are eligible.
30 *d.* Enabling applicants for and recipients of public benefits
31 programs to apply for the programs and access their own
32 information relative to the programs through the internet and
33 by use of a mobile information technology device.
34 3. The chief information officer shall initially implement
35 the common database with one or more pilot projects that

S.F. 2280

1 shall be expanded as the projects are perfected. The chief
2 information officer and each of the departments and agencies
3 using the common database shall report annually by December
4 15 to the governor and the general assembly concerning the
5 status of the database, including but not limited to any
6 administrative cost reductions realized and improvements made
7 for the applicants for and recipients of each of the public
8 benefit programs included in the database.
9 4. Notwithstanding any provision of law to the contrary,
10 the state agencies responsible for administering or verifying
11 eligibility for public benefit programs shall provide
12 individually identifiable information about applicants for and
13 recipients of services from the public benefit programs for
14 use in the common database required by this section. If it is
15 definitely established that implementation of a provision of
16 this section would cause any of the public benefit programs
17 addressed by this section to be ineligible for federal
18 financial participation, implementation of the provision shall
19 be limited or restricted as necessary for the program to retain
20 eligibility for federal financial participation.
21 5. The chief information officer shall adopt rules to
22 implement this section.
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 requires the state's chief information officer to
27 implement a confidential common database in conjunction with
28 other state agencies involved with administering public benefit
29 programs.
30 The term "public benefit programs" is defined by the bill to
31 mean programs that assist low-income individuals and families,
32 including various programs specifically listed.
33 The purpose of the common database is to improve and
34 reduce the costs of administering the public benefits and to
35 enable the sharing of confidential information. Development

S.F. 2280

1 of the database is required to address issues specified by
2 the bill, including capacity to apply for and access public
3 benefit programs and related information through the internet
4 and by using a mobile information technology device. If
5 implementation of a provision of the bill would cause a
6 public benefit program to be ineligible for federal financial
7 participation, implementation of the provision is to be limited
8 to the extent necessary for the eligibility to be retained.
9 Initially, the database is to be implemented with one or
10 more pilot projects that are to be expanded as the projects
11 are perfected. An annual report to the governor and general
12 assembly is required.

Senate File 2281 - Introduced

SENATE FILE 2281
BY COMMITTEE ON ECONOMIC GROWTH

(SUCCESSOR TO SSB 3142)

A BILL FOR

1 An Act relating to the administration of the historic
2 preservation and cultural and entertainment district tax
3 credit program by the department of cultural affairs,
4 providing for fees, and including applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5303SV (1) 85
mm/sc

S.F. 2281

1 Section 1. Section 16.188, subsection 3, paragraph b,
2 subparagraph (1), Code 2014, is amended to read as follows:
3 (1) Projects that are eligible for historic preservation
4 and cultural and entertainment district tax credits under
5 section ~~404A.1~~ 404A.2.
6 Sec. 2. Section 404A.1, Code 2014, is amended by striking
7 the section and inserting in lieu thereof the following:
8 **404A.1 Definitions.**
9 For purposes of this chapter, unless the context otherwise
10 requires:
11 1. *"Completion date"* means the date on which property that
12 is the subject of a qualified rehabilitation project is placed
13 in service, as that term is used in section 47 of the Internal
14 Revenue Code.
15 2. *"Department"* means the department of cultural affairs.
16 3. *"Eligible taxpayer"* means the owner of the property
17 that is the subject of a qualified rehabilitation project, or
18 another person who will qualify for the federal rehabilitation
19 credit allowed under section 47 of the Internal Revenue Code
20 with respect to the property that is the subject of a qualified
21 rehabilitation project.
22 4. *"Nonprofit organization"* means an organization described
23 in section 501 of the Internal Revenue Code unless the
24 exemption is denied under section 501, 502, 503, or 504 of
25 the Internal Revenue Code. *"Nonprofit organization"* does not
26 include a governmental body, as that term is defined in section
27 362.2.
28 5. *"Program"* shall mean the historic preservation and
29 cultural and entertainment district tax credit program set
30 forth in this chapter.
31 6. *a. "Qualified rehabilitation expenditures"* means the
32 same as defined in section 47 of the Internal Revenue Code.
33 Notwithstanding the foregoing sentence, expenditures incurred
34 by an eligible taxpayer that is a nonprofit organization shall
35 be considered *"qualified rehabilitation expenditures"* if they

S.F. 2281

1 are any of the following:
2 (1) Expenditures made for structural components, as that
3 term is defined in 26 C.F.R. §1.48-1(e)(2).
4 (2) Expenditures made for architectural and engineering
5 fees, site survey fees, legal expenses, insurance premiums, and
6 development fees.
7 *b. "Qualified rehabilitation expenditures"* does not include
8 those expenditures financed by federal, state, or local
9 government grants, forgivable loans, or other forms of public
10 financial assistance that do not require repayment.
11 *c. "Qualified rehabilitation expenditures"* may include
12 expenditures incurred prior to the date an agreement is entered
13 into under section 404A.3, subsection 3.
14 7. *"Qualified rehabilitation project"* means a project for
15 the rehabilitation of property that meets all of the following
16 criteria:
17 *a.* The property is at least one of the following:
18 (1) Property listed on the national register of historic
19 places or eligible for such listing.
20 (2) Property designated as of historic significance to a
21 district listed in the national register of historic places or
22 eligible for such designation.
23 (3) Property or district designated a local landmark by a
24 city or county ordinance.
25 (4) A barn constructed prior to 1937.
26 *b.* The property meets the physical criteria and standards
27 for rehabilitation established by the department by rule. To
28 the extent applicable, the physical standards and criteria
29 shall be consistent with the United States secretary of the
30 interior's standards for rehabilitation.
31 *c.* The project has qualified rehabilitation expenditures
32 that meet or exceed the following:
33 (1) In the case of commercial property, expenditures
34 totaling at least fifty thousand dollars or fifty percent of
35 the assessed value of the property, excluding the land, prior

S.F. 2281

1 to rehabilitation, whichever is less.
2 (2) In the case of property other than commercial property,
3 expenditures totaling at least twenty-five thousand dollars or
4 twenty-five percent of the assessed value, excluding the land,
5 prior to rehabilitation, whichever is less.
6 Sec. 3. Section 404A.2, Code 2014, is amended by striking
7 the section and inserting in lieu thereof the following:
8 **404A.2 Historic preservation and cultural and entertainment**
9 **district tax credit.**
10 1. An eligible taxpayer who has entered into an agreement
11 under section 404A.3 is eligible to receive a historic
12 preservation and cultural and entertainment district tax credit
13 in an amount not to exceed twenty-five percent of the qualified
14 rehabilitation expenditures of a qualified rehabilitation
15 project.
16 2. The tax credit shall be allowed against the taxes imposed
17 in chapter 422, divisions II, III, and V, and in chapter
18 432. An individual may claim a tax credit under this section
19 of a partnership, limited liability company, S corporation,
20 estate, or trust electing to have income taxed directly to the
21 individual. For an individual claiming a tax credit of an
22 estate or trust, the amount claimed by the individual shall be
23 based upon the pro rata share of the individual's earnings from
24 the estate or trust. For an individual claiming a tax credit
25 of a partnership, limited liability company, or S corporation,
26 the amount claimed by the partner, member, or shareholder,
27 respectively, shall be based upon the amounts designated by
28 the eligible partnership, S corporation, or limited liability
29 company, as applicable.
30 3. Any credit in excess of the taxpayer's tax liability for
31 the tax year shall be refunded with interest computed under
32 section 422.25. In lieu of claiming a refund, a taxpayer
33 may elect to have the overpayment shown on the taxpayer's
34 final, completed return credited to the tax liability for the
35 following year.

S.F. 2281

1 4. *a.* To claim a tax credit under this section, a taxpayer
2 shall include one or more tax credit certificates with the
3 taxpayer's tax return.
4 *b.* The tax credit certificate shall contain the taxpayer's
5 name, address, tax identification number, the amount of
6 the credit, the name of the eligible taxpayer, any other
7 information required by the department of revenue, and a place
8 for the name and tax identification number of a transferee and
9 the amount of the tax credit being transferred.
10 *c.* The tax credit certificate, unless rescinded by the
11 department, shall be accepted by the department of revenue
12 as payment for taxes imposed in chapter 422, divisions II,
13 III, and V, and in chapter 432, subject to any conditions or
14 restrictions placed by the department or the department of
15 revenue upon the face of the tax credit certificate and subject
16 to the limitations of this program.
17 5. *a.* Tax credit certificates issued under section 404A.3
18 may be transferred to any person. Within ninety days of
19 transfer, the transferee shall submit the transferred tax
20 credit certificate to the department of revenue along with a
21 statement containing the transferee's name, tax identification
22 number, and address, the denomination that each replacement
23 tax credit certificate is to carry, and any other information
24 required by the department of revenue. However, tax credit
25 certificate amounts of less than the minimum amount established
26 by rule of the department of revenue shall not be transferable.
27 *b.* Within thirty days of receiving the transferred tax
28 credit certificate and the transferee's statement, the
29 department of revenue shall issue one or more replacement tax
30 credit certificates to the transferee. Each replacement tax
31 credit certificate must contain the information required for
32 the original tax credit certificate and must have the same
33 expiration date that appeared on the transferred tax credit
34 certificate.
35 *c.* A tax credit shall not be claimed by a transferee

S.F. 2281

1 under this section until a replacement tax credit certificate
2 identifying the transferee as the proper holder has been
3 issued. The transferee may use the amount of the tax credit
4 transferred against the taxes imposed in chapter 422, divisions
5 II, III, and V, and in chapter 432, for any tax year the
6 original transferor could have claimed the tax credit. Any
7 consideration received for the transfer of the tax credit shall
8 not be included as income under chapter 422, divisions II, III,
9 and V. Any consideration paid for the transfer of the tax
10 credit shall not be deducted from income under chapter 422,
11 divisions II, III, and V.
12 6. For purposes of the individual and corporate income
13 taxes and the franchise tax, the increase in the basis of the
14 rehabilitated property that would otherwise result from the
15 qualified rehabilitation expenditures shall be reduced by the
16 amount of the credit computed under this section.
17 Sec. 4. Section 404A.3, Code 2014, is amended by striking
18 the section and inserting in lieu thereof the following:
19 **404A.3 Application and registration — agreement —**
20 **compliance and audit.**
21 1. *Application and fees.*
22 *a.* An eligible taxpayer seeking historic preservation and
23 cultural and entertainment district tax credits provided in
24 section 404A.2 shall make application to the department in the
25 manner prescribed by the department.
26 *b.* The department may accept applications on a continuous
27 basis or may accept applications, or one or more components of
28 an application, during an annual application period.
29 *c.* The application shall include any information deemed
30 necessary by the department to evaluate the eligibility under
31 the program of the applicant and the rehabilitation project,
32 the amount of projected qualified rehabilitation expenditures
33 of a rehabilitation project, and the amount and source of all
34 funding for a rehabilitation project. An applicant shall have
35 the burden of proof to demonstrate to the department that

S.F. 2281

1 the applicant is an eligible taxpayer and the project is a
2 qualified rehabilitation project under the program.
3 *d.* The department may establish criteria for the use of
4 electronic or other alternative filing or submission methods
5 for any application, document, or payment requested or
6 required under this program. Such criteria may provide for the
7 acceptance of a signature in a form other than the handwriting
8 of a person.
9 *e.* (1) The department may charge application and other fees
10 to eligible taxpayers who apply to participate in the program.
11 The amount of such fees shall be determined based on the costs
12 of the department associated with administering the program.
13 (2) Fees collected by the department pursuant to this
14 paragraph shall be deposited with the department pursuant to
15 section 303.9, subsection 1.
16 2. *Registration.*
17 *a.* Upon review of the application, the department may
18 register a qualified rehabilitation project under the program.
19 If the department registers the project, the department shall
20 make a preliminary determination as to the amount of tax
21 credits for which the project qualifies.
22 *b.* After registering the qualified rehabilitation project,
23 the department shall notify the eligible taxpayer of successful
24 registration under the program. The notification shall include
25 the amount of tax credits under section 404A.2 for which the
26 qualified rehabilitation project has received a tentative award
27 and a statement that the amount is a preliminary determination
28 only.
29 3. *Agreement.*
30 *a.* Upon successful registration of a qualified
31 rehabilitation project, the eligible taxpayer shall enter into
32 an agreement with the department for the successful completion
33 of all requirements of the program.
34 *b.* The agreement shall contain, at a minimum, the following
35 provisions:

S.F. 2281

1 (1) The amount of the tax credit award. An eligible
2 taxpayer has no right to receive a tax credit certificate or
3 claim a tax credit until all requirements of the agreement and
4 subsections 4 and 5 have been satisfied. The amount of tax
5 credit included on a tax credit certificate issued under this
6 section shall be contingent upon verification by the department
7 of the amount of final qualified rehabilitation expenditures.
8 (2) The rehabilitation work to be performed.
9 (3) The budget of the qualified rehabilitation project,
10 including the projected qualified rehabilitation expenditures
11 and the source and amount of all funding received or
12 anticipated to be received.
13 (4) The commencement date of the qualified rehabilitation
14 project, which shall not be later than the end of the fiscal
15 year in which the agreement is entered into.
16 (5) The completion date of the qualified rehabilitation
17 project, which shall be within thirty-six months of the
18 commencement date.
19 4. *Compliance.*
20 *a.* The eligible taxpayer shall, for the length of the
21 agreement, annually certify to the department compliance with
22 the requirements of the agreement. The certification shall
23 be made at such time as the department shall determine in the
24 agreement.
25 *b.* The eligible taxpayer shall have the burden of proof
26 to demonstrate to the department that all requirements of
27 the agreement are satisfied. The taxpayer shall notify
28 the department in a timely manner of any changes in the
29 qualification of the rehabilitation project or in the
30 eligibility of the taxpayer to claim the tax credit provided
31 under this chapter, or of any other change that may have
32 a negative impact on the eligible taxpayer's ability to
33 successfully complete any requirement under the agreement.
34 *c.* If after entering into the agreement the eligible
35 taxpayer or the qualified rehabilitation project no longer

S.F. 2281

1 meets the requirements of the agreement, the department may
2 find the taxpayer in default under the agreement and may
3 revoke the tax credit award. The department of revenue,
4 upon notification by the department of a default, shall seek
5 repayment of the value of any such tax credit already claimed,
6 and the failure to make such a repayment may be treated by the
7 department of revenue in the same manner as a failure to pay
8 the tax shown due or required to be shown due with the filing of
9 a return or deposit form.
10 5. *Audit.*
11 *a.* Upon completion of the qualified rehabilitation project,
12 an audit of the project completed by an independent certified
13 public accountant licensed in this state shall be submitted to
14 the department along with a statement of the amount of final
15 qualified rehabilitation expenditures and any other information
16 deemed necessary by the department or the department of revenue
17 in order to verify that all requirements of the agreement have
18 been satisfied.
19 *b.* Notwithstanding paragraph *"a"*, the department may waive
20 the audit requirement in this subsection if all the following
21 requirements are satisfied:
22 (1) The final qualified rehabilitation expenditures of
23 the qualified rehabilitation project, as verified by the
24 department, do not exceed one hundred thousand dollars.
25 (2) The qualified rehabilitation project is funded
26 exclusively by private funding sources.
27 *c.* Upon review of the audit, if applicable, the department
28 shall verify that all requirements of the agreement have been
29 satisfied and shall verify the amount of final qualified
30 rehabilitation expenditures. After consultation with the
31 department of revenue, the department may issue a tax credit
32 certificate to the eligible taxpayer stating the amount of tax
33 credit under section 404A.2 the eligible taxpayer may claim.
34 The department shall issue the tax credit certificate not later
35 than 60 days following the completion of the audit review, if

S.F. 2281

1 applicable, and the verifications and consultation required
2 under this paragraph.
3 6. Notwithstanding any other provision of this chapter to
4 the contrary, the amount of tax credit issued on a tax credit
5 certificate to an eligible taxpayer shall not exceed the amount
6 of tax credit award provided for in the agreement.
7 Sec. 5. Section 404A.4, Code 2014, is amended by striking
8 the section and inserting in lieu thereof the following:
9 **404A.4 Aggregate tax credit award limit.**
10 1. Except as provided in subsections 2 and 3, the department
11 shall not award in any one fiscal year an amount of tax credits
12 provided in section 404A.2 in excess of forty-five million
13 dollars.
14 2. *a.* The amount of a tax credit that is awarded during
15 a fiscal year beginning on or after July 1, 2016, and that is
16 irrevocably declined or revoked on or before June 30 of the
17 next fiscal year may be awarded under section 404A.3 during the
18 fiscal year in which the declination or revocation occurs.
19 *b.* The amount of a tax credit that was reserved prior to
20 the effective date of this Act under section 404A.4, Code 2014,
21 for use in a fiscal year beginning before July 1, 2016, that
22 is irrevocably declined or revoked on or after the effective
23 date of this Act, but before July 1, 2016, may be awarded under
24 section 404A.3 during the fiscal year in which such declination
25 or revocation occurs. Such tax credits awarded shall not be
26 claimed by a taxpayer in a fiscal year that is earlier than the
27 fiscal year for which the tax credits were originally reserved.
28 *c.* The amount of a tax credit that was available for
29 approval by the state historical preservation office of the
30 department under section 404A.4, Code 2014, in a fiscal year
31 beginning on or after July 1, 2010, but before July 1, 2014,
32 that was required to be allocated to new projects with final
33 qualified rehabilitation costs of five hundred thousand dollars
34 or less, or seven hundred fifty thousand dollars or less, as
35 the case may be, and that was not finally approved by the state

S.F. 2281

1 historical preservation office, may be awarded under section
2 404A.3 during the fiscal years beginning on or after July 1,
3 2014, but before July 1, 2016.
4 *d.* Tax credits awarded pursuant to this subsection shall
5 not be considered for purposes of calculating the aggregate tax
6 credit award limit in subsection 1.
7 3. *a.* If during the fiscal year beginning July 1, 2016, or
8 any fiscal year thereafter, the department awards an amount of
9 tax credits that is less than the maximum aggregate tax credit
10 award limit specified in subsection 1, the difference between
11 the amount so awarded and the amount specified in subsection 1,
12 not to exceed ten percent of the amount specified in subsection
13 1, may be carried forward to the succeeding fiscal year and
14 awarded during that fiscal year.
15 *b.* Tax credits awarded pursuant to this subsection shall
16 not be considered for purposes of calculating the aggregate tax
17 credit award limit in subsection 1.
18 Sec. 6. Section 404A.5, Code 2014, is amended to read as
19 follows:
20 **404A.5 Economic impact — recommendations.**
21 1. The department ~~of cultural affairs~~, in consultation with
22 the department of revenue, shall be responsible for keeping
23 the general assembly and the legislative services agency
24 informed on the overall economic impact to the state of ~~the~~
25 ~~rehabilitation of eligible properties~~ qualified rehabilitation
26 projects.
27 2. An annual report shall be filed which shall include
28 but is not limited to data on the number and potential value
29 of qualified rehabilitation projects begun during the latest
30 twelve-month period, the total historic preservation and
31 cultural and entertainment district tax credits originally
32 ~~granted~~ awarded or tax credit certificates originally issued
33 during that period, the potential reduction in state tax
34 revenues as a result of all awarded or issued tax credits still
35 ~~unused~~ unclaimed and eligible for refund, and the potential

S.F. 2281

1 increase in local property tax revenues as a result of the
2 qualified rehabilitated projects.
3 3. The department ~~of cultural affairs~~, to the extent it
4 is able, shall provide recommendations on whether ~~a~~ the limit
5 on tax credits should be ~~established~~ changed, the need for a
6 broader or more restrictive definition of ~~eligible property~~
7 qualified rehabilitation project, and other adjustments to the
8 tax credits under this chapter.
9 Sec. 7. NEW SECTION. **404A.6 Rules.**
10 The department and the department of revenue shall each
11 adopt rules to jointly administer this chapter.
12 Sec. 8. Section 422.11D, Code 2014, is amended by striking
13 the section and inserting in lieu thereof the following:
14 **422.11D Historic preservation and cultural and entertainment**
15 **district tax credit.**
16 The taxes imposed under this division, less the credits
17 allowed under section 422.12, shall be reduced by a historic
18 preservation and cultural and entertainment district tax credit
19 allowed under section 404A.2.
20 Sec. 9. Section 422.33, subsection 10, Code 2014, is amended
21 by striking the subsection and inserting in lieu thereof the
22 following:
23 10. The taxes imposed under this division shall be reduced
24 by a historic preservation and cultural and entertainment
25 district tax credit allowed under section 404A.2.
26 Sec. 10. Section 422.60, subsection 4, Code 2014, is amended
27 by striking the subsection and inserting in lieu thereof the
28 following:
29 4. The taxes imposed under this division shall be reduced by
30 a historic preservation and cultural and entertainment district
31 tax credit allowed under section 404A.2.
32 Sec. 11. Section 432.12A, Code 2014, is amended by striking
33 the section and inserting in lieu thereof the following:
34 **432.12A Historic preservation and cultural and entertainment**
35 **district tax credit.**

S.F. 2281

1 The taxes imposed under this chapter shall be reduced by a
2 historic preservation and cultural and entertainment district
3 tax credit allowed under section 404A.2.
4 Sec. 12. APPLICABILITY. Unless otherwise provided in
5 this Act, this Act applies to agreements entered into by the
6 department and an eligible taxpayer on or after the effective
7 date of this Act, and rehabilitation projects for which a
8 project application was approved and tax credits reserved prior
9 to the effective date of this Act shall be governed by sections
10 404A.1 through 404A.5, Code 2014.
11 EXPLANATION
12 The inclusion of this explanation does not constitute agreement with
13 the explanation's substance by the members of the general assembly.
14 This bill changes the historic preservation and cultural
15 and entertainment district tax credit program (program)
16 administered pursuant to Code chapter 404A.
17 Under current law, a taxpayer may receive a tax credit in
18 an amount equal to 25 percent of the qualified rehabilitation
19 costs incurred in rehabilitating properties eligible to be
20 listed on the national register of historic places, historic
21 properties in areas eligible to be designated local historic
22 districts, local landmarks, or barns constructed prior to 1937.
23 The credit is available against the individual and corporate
24 income tax, the franchise tax, and the insurance companies
25 tax. To be eligible for the tax credit, the rehabilitation
26 costs must exceed certain threshold amounts depending on the
27 type of property involved. The aggregate amount of tax credits
28 that may be approved per fiscal year is $45 million, a certain
29 amount of which is required to be allocated between projects
30 with final qualified rehabilitation costs of $750,000 or less,
31 projects located in certified cultural and entertainment
32 districts or associated with Iowa great places agreements,
33 disaster recovery projects, and projects that involve the
34 creation of more than 500 new permanent jobs.
35 Under current law, a taxpayer is also required to

S.F. 2281

1 apply to and receive approval from the state historic
2 preservation office of the department of cultural affairs for a
3 rehabilitation project. The project must meet the statutory
4 requirements and the criteria established in administrative
5 rules by the historic preservation office. Tax credits
6 for an approved rehabilitation project may be reserved by a
7 taxpayer for up to three years, but such reservations shall not
8 exceed an aggregate of $45 million per fiscal year. Approved
9 rehabilitation projects must be started and completed within
10 a certain time period. Upon completion of the rehabilitation
11 project a certificate of completion is obtained from the state
12 historic preservation office and a tax credit certificate is
13 issued. Tax credits are refundable and may be transferred to
14 another person.
15 Under the bill, an eligible taxpayer may receive a tax
16 credit not to exceed 25 percent of the qualified rehabilitation
17 expenditures of a qualified rehabilitation project.
18 A "qualified rehabilitation project" is defined in the bill
19 as a project for the rehabilitation of property that meets
20 three requirements. First, it must be property listed on the
21 national register of historic places, historic property in an
22 area eligible to be designated a local historic district, a
23 local landmark, or a barn constructed prior to 1937. Second,
24 the property must meet the physical criteria and standards
25 for rehabilitation established by the department of cultural
26 affairs (department) by administrative rule. To the extent
27 applicable, such criteria and standards are required to be
28 consistent with United States secretary of the interior's
29 standards for rehabilitation. Third, the project must have
30 qualified rehabilitation expenditures that, in the case of
31 commercial property, equal or exceed the lesser of at least
32 $50,000 or 50 percent of the assessed value of the property,
33 excluding the land, prior to rehabilitation; or in the case of
34 all other property, must equal the lesser of at least $25,000
35 or 25 percent of the assessed value, excluding the land, prior

S.F. 2281

1 to rehabilitation.
2 "Qualified rehabilitation expenditures" means the same as
3 defined in section 47 of the Internal Revenue Code (IRC).
4 However, the bill provides that if the eligible taxpayer is
5 a nonprofit corporation, an expenditure will be considered a
6 "qualified rehabilitation expenditure" if it is one made for
7 structural components, as defined in 26 C.F.R. §1.48-1(e)(2),
8 or if it is an architectural or engineering fee, site survey
9 fee, legal expense, insurance premium, or development
10 fee. "Qualified rehabilitation expenditures" may include
11 expenditures incurred prior to the date the agreement is
12 entered into by the eligible taxpayer and the department, but
13 excludes expenditures financed by federal, state, or local
14 government grants, forgivable loans, or other forms of public
15 financial assistance that do not require repayment. "Eligible
16 taxpayer" and "nonprofit corporation" are both defined in the
17 bill.
18 Under the bill, an eligible taxpayer seeking the tax credit
19 must apply to the department. The department may prescribe
20 the timing, form, content, and method of application, and may
21 also establish criteria for the use of electronic or other
22 alternative filing methods for applications, documents, or
23 payments. The application must contain certain information as
24 specified in the bill and the taxpayer making the application
25 has the burden of proof to demonstrate eligibility under the
26 program. The department is allowed to charge application or
27 other fees based on the costs of the department associated with
28 the program.
29 If the project in the application meets the definition of a
30 qualified rehabilitation project, the department may register
31 it under the program. The bill requires the department to
32 notify the eligible taxpayer of successful registration under
33 the program and of the amount of tax credits for which the
34 project has received a tentative award.
35 The bill requires the agreement to cover a number of

S.F. 2281

1 provisions, including the amount of the tax credit award,
2 the rehabilitation work to be performed, the budget of
3 the qualified rehabilitation project, and the project's
4 commencement and completion dates. The commencement date shall
5 not be later than the end of the fiscal year in which the
6 agreement is entered into, and the completion date, which is
7 the date the property is placed in service, must be within 36
8 months of the commencement date. The agreement shall provide
9 that an eligible taxpayer has no right to receive a tax credit
10 certificate or claim a tax credit until all requirements of the
11 agreement and the program have been satisfied, and that the
12 amount of tax credit included on a tax credit certificate shall
13 be contingent upon verification by the department of the amount
14 of final qualified rehabilitation expenditures. The program
15 requires that the eligible taxpayer annually certify to the
16 department the eligible taxpayer's continuing compliance with
17 the agreement, and timely notify the department of any changes
18 that may negatively impact eligibility under the program. The
19 eligible taxpayer will have the burden of proof to demonstrate
20 that all requirements of the agreement are satisfied. The
21 department may find the eligible taxpayer in default if any of
22 the requirements are not met, and may revoke the tax credit
23 award. Upon default, the department of revenue is required
24 to seek recovery of any tax credit claimed. Finally, upon
25 completion of the qualified rehabilitation project, the
26 program requires the eligible taxpayer to submit an audit of
27 the project from a certified public accountant licensed in
28 this state. The department is allowed to waive the audit
29 requirement if the final qualified rehabilitation expenditures
30 do not exceed $100,000 and the project is exclusively funded by
31 private funding sources.
32 After reviewing the audit, if applicable, the department
33 shall verify the final qualified rehabilitation expenditures
34 and that all requirements of the agreement were satisfied.
35 Following that, the department may issue within 60 days a tax

S.F. 2281

1 credit certificate stating the amount of tax credit that may be
2 claimed, but such amount shall not exceed the amount of the tax
3 credit award provided for in the agreement.
4 The bill prohibits the department from awarding more
5 than $45 million in tax credits per fiscal year, with four
6 exceptions. First, any tax credit that is awarded during a
7 fiscal year beginning on or after July 1, 2016, and that is
8 irrevocably declined or revoked on or before June 30 of the
9 next fiscal year, may be awarded during the fiscal year in
10 which the declination or revocation occurs without regard to
11 the $45 million cap. Second, any tax credit that was reserved
12 under current law before the effective date of the bill for use
13 in a fiscal year beginning before July 1, 2016, and that is
14 irrevocably declined or revoked on or after the effective date
15 of the bill, but before July 1, 2016, may be awarded during
16 the fiscal year in which the declination or revocation occurs,
17 without regard to the $45 million cap. However, such credits
18 shall not be claimed before the fiscal year for which they were
19 originally reserved. Third, any amount of tax credit that
20 was available for approval under current law during fiscal
21 years 2010-2011, 2011-2012, 2012-2013, or 2013-2014, that was
22 required to be allocated to new projects with final qualified
23 rehabilitation costs of $500,000 or less, or $750,000 or less,
24 as the case may be, and that was not finally approved, may be
25 awarded during fiscal years 2014-2015 and 2015-2016 without
26 regard to the $45 million cap. Fourth, if the department
27 awards during fiscal year 2016-2017, or any fiscal year
28 thereafter, an amount of tax credits that is less than the $45
29 million cap, the department may carry forward the difference
30 between the amount so awarded and the $45 million cap, not to
31 exceed 10 percent of the cap, to the succeeding fiscal year
32 for award during that fiscal year, without regard to the $45
33 million cap.
34 The bill makes several technical changes to Code section
35 404A.5, which governs the department's reporting and

S.F. 2281

recommendation duties, to reference qualified rehabilitation projects and to properly reflect that tax credits will be awarded instead of granted and tax credit certificates issued.

The bill requires the department and the department of revenue to adopt rules to jointly administer the program.

Unless otherwise provided in the bill, the bill applies to agreements entered into by the department and an eligible taxpayer on or after the effective date of the bill, and rehabilitation projects for which a project application was approved and tax credits reserved prior to the effective date of the bill shall be governed by current law.

Senate File 2282 - Introduced

SENATE FILE 2282
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SF 2108)

A BILL FOR

1 An Act providing for the issuance of Sullivan brothers' award
2 of valor special motor vehicle registration plates, and
3 providing fees.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5891SV (1) 85
dea/tm

S.F. 2282

1 Section 1. Section 321.34, Code 2014, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 27. *Sullivan brothers' award of valor*
4 *plates.*
5 *a.* An owner referred to in subsection 12 who was awarded
6 the Sullivan brothers' award of valor, or is the spouse of a
7 person who received the award, may order special registration
8 plates bearing a Sullivan brothers' award of valor processed
9 emblem upon written application to the department and
10 presentation of satisfactory supporting documentation as
11 determined by the department. The Sullivan brothers' award
12 of valor distinguishing processed emblem shall be designed by
13 the department in cooperation with the commissioner of public
14 safety. The special plate fees collected by the director under
15 subsection 12, paragraphs *"a"* and *"c"*, from the issuance and
16 annual validation of letter-number designated and personalized
17 Sullivan brothers' award of valor plates shall be paid monthly
18 to the treasurer of state and deposited in the road use tax
19 fund. The treasurer of state shall transfer monthly from the
20 statutory allocations fund created under section 321.145,
21 subsection 2, to the special olympics fund created in section
22 8.8 the amount of the special fees collected under subsection
23 12, paragraph *"a"*, in the previous month for Sullivan brothers'
24 award of valor plates.
25 *b.* The surviving spouse of a person who received the
26 Sullivan brothers' award of valor may continue to use or apply
27 for and use the special plates subject to registration of the
28 special plates in the surviving spouse's name and upon payment
29 of the annual five-dollar special plate fee and the regular
30 annual registration fee for the vehicle. If the surviving
31 spouse remarries, the surviving spouse shall return the special
32 plates to the department and the department shall issue regular
33 registration plates to the surviving spouse.
34 Sec. 2. Section 321.145, subsection 2, paragraph b,
35 subparagraph (3), Code 2014, is amended to read as follows:

S.F. 2282

(3) The amounts required to be transferred pursuant to section 321.34 from revenues available under this subsection shall be transferred and credited as provided in section 321.34, subsections 7, 10, 10A, 11, 11A, 11B, 13, 16, 17, 18, 19, 20, 20A, 20B, 20C, 21, 22, 23, 24, 25, ~~and~~ 26, and 27 for the various purposes specified in those subsections.

EXPLANATION

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

This bill provides for the issuance of special Sullivan brothers' award of valor motor vehicle registration plates. The department of transportation, in cooperation with the commissioner of public safety, is directed to design a Sullivan brothers' award of valor distinguishing processed emblem. Special plates bearing the emblem will be available to a person who was awarded the Sullivan brothers' award of valor and to the spouse of a person who received the award. The fee for issuance of the special plates is $25, and the annual renewal fee is $5. Both fees are in addition to the regular annual registration fee for the vehicle. The special plate fees are credited to the road use tax fund, but an equivalent amount is to be transferred from the statutory allocations fund to the special olympics fund. The special Sullivan brothers' award of valor plates will also be available as personalized plates, subject to the additional $25 personalized plate fee and the $5 annual renewal fee for those plates.

The bill provides that the surviving spouse of a person who was awarded the Sullivan brothers' award of valor may also apply for the special plates or may continue to use the special plates issued to the deceased spouse. Upon remarriage, the surviving spouse must return the plates to the department.

Senate File 2283 - Introduced

SENATE FILE 2283
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB 3195)

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 6133SV (1) 85
rn/sc

S.F. 2283

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

S.F. 2283

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

S.F. 2283

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

S.F. 2283

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 File 2284 - Introduced

SENATE FILE 2284
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO SF 401)
(SUCCESSOR TO SF 235)

A BILL FOR

1 An Act relating to retail motor fuel sites, by requiring
2 standards and practices to assist disabled individuals
3 obtaining motor fuel, providing for enforcement by the
4 department of agriculture and land stewardship, and
5 including effective date provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1630SZ (3) 85
da/nh

S.F. 2284

1 Section 1. Section 214.1, Code 2014, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 01. *"Americans with Disabilities Act*
4 *of 1990"* includes Tit. III of the federal Americans with
5 Disabilities Act of 1990, as provided in 42 U.S.C. §12181 et
6 seq., its implementing regulations, including 28 C.F.R. pt. 36,
7 and the 2010 standards for accessible design published by the
8 United States department of justice.
9 Sec. 2. NEW SECTION. **214.12 Accessibility of motor fuel**
10 **pumps — rules.**
11 1. A retail dealer operating a retail motor fuel site shall
12 comply with the applicable requirements of the Americans with
13 Disabilities Act of 1990.
14 2. *a.* In addition to the requirements provided in
15 subsection 1, a retail dealer's retail motor fuel site shall
16 comply with all of the following:
17 (1) Offer refueling assistance upon the request of a
18 customer who is a person with a disability. However, such
19 assistance is not required to be provided at any time that the
20 retail motor fuel site is operating on a remote control basis
21 with less than two employees on duty at the retail motor fuel
22 site.
23 (2) Display a sign which notifies customers of the hours
24 that refueling assistance is available under subparagraph (1).
25 (3) Provide at least one large call button that is
26 accessible by a customer who is a person with a disability to
27 request refueling assistance as provided in subparagraph (1).
28 The call button must be placed near the motor fuel pump, be
29 located within the reach of an individual who is inside a motor
30 vehicle, and be capable of being operated by a closed hand.
31 *b.* This subsection applies regardless of the date when a
32 retail motor fuel site was ready for public accommodation or
33 when a motor fuel pump was installed at a retail motor fuel
34 site.
35 3. A customer shall not incur any additional expense for

S.F. 2284

1 requesting refueling assistance as provided in this section.
2 4. The department shall adopt rules to provide standards
3 for retail dealers operating retail motor fuel sites in
4 implementing the provisions of this section.
5 Sec. 3. NEW SECTION. **214.13 Accessibility of motor fuel**
6 **pumps — enforcement.**
7 1. During its regular inspection of motor fuel pumps at
8 a retail motor fuel site as provided in section 214.11, the
9 department shall determine whether a retail dealer is in
10 compliance with section 214.12, including rules adopted by the
11 department under that section.
12 2. Upon determining that a violation of section 214.12
13 requires corrective action, the department shall notify the
14 retail dealer. The retail motor fuel site or the retail
15 dealer's practices, as applicable, shall be modified to
16 correct the violation within six months after the retail dealer
17 receives such notice.
18 3. The department shall inspect a retail motor fuel site
19 if it determines on the basis of the receipt of three or more
20 complaints that a violation of section 214.12 may require
21 corrective action.
22 4. Upon determining that a retail dealer has violated
23 section 214.12, and has failed to comply with a notice for
24 corrective action as provided in this section, the department
25 may suspend one or more licenses issued under this chapter
26 to operate motor fuel pumps located at the retail motor site
27 where the violation is occurring. The department shall suspend
28 the license until it determines that the violation has been
29 corrected.
30 Sec. 4. EFFECTIVE DATES.
31 1. Except as provided in subsection 2, this Act takes effect
32 July 1, 2014.
33 2. The provisions of this Act enacting section 214.12,
34 subsection 2, paragraph "a", subparagraphs (2) and (3)
35 requiring that a sign and call button be placed on or near a

S.F. 2284

1 motor fuel pump take effect January 1, 2015.
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 GENERAL. This bill provides that a retail dealer of motor
6 fuel who sells gasoline or diesel fuel at a motor fuel pump
7 must comply with the federal Americans with Disabilities Act.
8 In addition, the bill requires the retail dealer to comply
9 with additional state requirements as provided in the bill.
10 The bill is administered and enforced by the department of
11 agriculture and land stewardship (DALS).
12 ASSISTANCE TO CUSTOMERS WITH DISABILITIES. The bill
13 requires a retail dealer to provide assistance to a disabled
14 customer in obtaining motor fuel from a motor fuel pump without
15 charging an additional fee. The bill requires a retail dealer
16 to post a sign stating the hours that refueling assistance
17 is available and to install a call button near a motor fuel
18 pump that allows a disabled individual to request refueling
19 assistance. The retail dealer is not required to provide such
20 assistance when the motor fuel pump is operating on a remote
21 control basis and fewer than two employees are on duty.
22 ENFORCEMENT. The bill requires DALS to determine if a retail
23 dealer is in compliance with the provisions of the bill during
24 its regular inspections of motor fuel pumps or upon receipt of
25 three or more complaints. Upon determining that a violation
26 exists, DALS must deliver a notice to the retail dealer. The
27 retail dealer is provided six months from the date of receiving
28 a notice to take corrective action. If no corrective action is
29 taken within that period, DALS may suspend the retail dealer's
30 license to operate motor fuel pumps at the retail motor fuel
31 site.
32 EFFECTIVE DATE. The bill takes effect on July 1, 2014,
33 except for those provisions requiring a sign or call button
34 which take effect January 1, 2015.

Senate File 2285 - Introduced

SENATE FILE 2285
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SF 2144)

A BILL FOR

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

TLSB 5718SV (2) 85
jp/rj

S.F. 2285

1 Section 1. NEW SECTION. **135.181 Iowa healthiest children**
2 **initiative.**
3 1. The Iowa healthiest children initiative is established
4 in the department. The purpose of the initiative is to develop
5 and implement a plan for Iowa children to become the healthiest
6 children in the nation by January 1, 2020. The areas of focus
7 addressed by the initiative shall include improvement of
8 physical, dental, emotional, and mental health; access to basic
9 needs such as food security, housing, stable home environments,
10 and safe, quality child care settings; and promotion of healthy
11 behaviors such as tobacco-free and drug abuse-free living,
12 engagement in physical fitness, and adhering to a healthy diet.
13 2. The department shall create a task force to develop an
14 implementation plan to achieve the purpose of the initiative.
15 The implementation plan, including findings, recommendations,
16 performance benchmarks, data collection provisions, budget
17 needs, and other implementation provisions shall be submitted
18 to the governor and general assembly on or before December 15,
19 2014.
20 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
21 immediate importance, takes effect upon enactment.
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 establishes the Iowa healthiest children
26 initiative in the department of public health.
27 The purpose of the initiative is to develop and implement
28 a plan for Iowa children to become the healthiest children in
29 the nation by January 1, 2020. The health status areas of
30 focus addressed by the initiative are to include physical,
31 dental, emotional, and mental health; access to basic needs;
32 and promotion of healthy behaviors. The department is required
33 to create a task force to develop an implementation plan to
34 achieve the purpose of the initiative. The implementation
35 plan, including findings, recommendations, performance

S.F. 2285

1 benchmarks, data collection provisions, budget needs, and other
2 implementation provisions is required to be submitted to the
3 governor and general assembly on or before December 15, 2014.
4 The bill takes effect upon enactment.

Senate File 2286 - Introduced

SENATE FILE 2286
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 3048)

A BILL FOR

1 An Act establishing a fine arts standards task force and
2 including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5316SV (2) 85
kh/rj

S.F. 2286

1 Section 1. FINE ARTS STANDARDS TASK FORCE.
2 1. A fine arts standards task force is established to
3 review and make recommendations relating to the inclusion of
4 fine arts in the statewide academic standards for students in
5 kindergarten through grade twelve, including but not limited
6 to music, visual art, drama and theater, and other fine and
7 applied arts.
8 a. The task force shall consist of nine members who shall
9 be appointed by the director of the department of education as
10 follows:
11 (1) One member from nominees submitted by an organization
12 representing the boards of Iowa school districts.
13 (2) One member from nominees submitted by an organization
14 representing Iowa school administrators.
15 (3) One member from nominees submitted by the largest
16 statewide certified employee organization representing Iowa
17 teachers.
18 (4) One member representing the department of education.
19 (5) One member representing arts education organizations.
20 (6) One member representing approved practitioner
21 preparation programs.
22 (7) One member representing the team responsible for
23 writing the fine arts alignment with the Iowa core universal
24 constructs documents.
25 (8) One member of the business community.
26 (9) One member representing the general public.
27 b. The member representing the department of education
28 shall convene the initial meeting, at which the members shall
29 elect a chairperson. Administrative support and staffing
30 for the task force shall be provided by the department of
31 education.
32 2. The task force shall submit its findings and
33 recommendations in a report to the state board of education,
34 the governor, and the general assembly by January 15, 2015.
35 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of

S.F. 2286

1 immediate importance, takes effect upon enactment.
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 establishes a fine arts standards task force to
6 review and make recommendations relating to the inclusion of
7 fine arts in the statewide academic standards for students
8 in kindergarten through grade 12, including but not limited
9 to music, visual art, drama and theater, and other fine and
10 applied arts.
11 The task force shall consist of nine members who shall be
12 appointed by the director of the department of education to
13 represent the boards of Iowa school districts, an organization
14 representing Iowa school administrators, the largest statewide
15 certified employee organization representing Iowa teachers, the
16 department, arts education organizations, approved practitioner
17 preparation programs, the team responsible for writing the
18 fine arts alignment with the Iowa core universal constructs
19 documents, the business community, and the general public.
20 Administrative support and staffing for the task force shall
21 be provided by the department.
22 The task force shall submit its findings and recommendations
23 in a report to the state board of education, the governor, and
24 the general assembly by January 15, 2015.
25 The bill takes effect upon enactment.

Senate File 2287 - Introduced

SENATE FILE 2287
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 3192)

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 6152SV (1) 85
dea/nh

S.F. 2287

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:

S.F. 2287

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

S.F. 2287

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

S.F. 2287

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

S.F. 2287

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

S.F. 2287

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

S.F. 2287

1 rubberized tracks, dune buggies, golf carts, go-carts, or
2 minitrucks.

Senate File 2288 - Introduced

SENATE FILE 2288
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 3193)

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 6155SV (1) 85
dea/nh

S.F. 2288

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 File 2289 - Introduced

SENATE FILE 2289
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 3191)

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 6157SV (1) 85
dea/nh

S.F. 2289

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 File 2290 - Introduced

SENATE FILE 2290
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SF 2135)

A BILL FOR

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

TLSB 5713SV (1) 85
dea/nh

S.F. 2290

1 Section 1. NEW SECTION. **327F.32 Railroad employee**
2 **credentials.**
3 An engineer, conductor, brake operator, or any other member
4 of the crew of a locomotive or railroad train operated upon a
5 railroad track, including a railroad track intersecting with a
6 street or highway at a railroad grade crossing, is not required
7 to provide a driver's license to a law enforcement officer in
8 connection with the operation of the locomotive or railroad
9 train.
10 EXPLANATION
11 **The inclusion of this explanation does not constitute agreement with**
12 **the explanation's substance by the members of the general assembly.**
13 This bill provides that an engineer, conductor, brake
14 operator, or other crew member of a locomotive or railroad
15 train is not required to provide a driver's license to a law
16 enforcement officer in connection with the operation of the
17 locomotive or train. The provision applies anywhere the train
18 is operated, including at a railroad grade crossing.

Senate File 2291 - Introduced

SENATE FILE 2291
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 3136)

A BILL FOR

1 An Act providing an exemption from registration fees for
2 certain new completed motor vehicles purchased by an
3 equipment dealer for modification and resale.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5660SV (1) 85
dea/tm

S.F. 2291

1 Section 1. Section 321.48, Code 2014, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 3A. A transferee of a new completed motor
4 vehicle shall obtain a certificate of title for the vehicle
5 but is not required to pay the annual registration fee for the
6 vehicle, provided all of the following apply:
7 *a.* The transferee is an equipment dealer licensed as a motor
8 vehicle dealer under chapter 322.
9 *b.* The transferee purchases the vehicle at retail for
10 the purpose of modifying the vehicle as provided in section
11 321.105A, subsection 2, paragraph *"c"*, subparagraph (31), prior
12 to selling it as a used vehicle to a business or government
13 entity.
14 *c.* The transferee operates the vehicle only for purposes
15 incidental to a resale.
16 *d.* The transferee displays a dealer plate on the vehicle or
17 does not drive the vehicle or permit it to be driven upon the
18 highways.
19 Sec. 2. Section 321.105A, subsection 2, paragraph c, Code
20 2014, is amended by adding the following new subparagraph:
21 NEW SUBPARAGRAPH. (31) (a) A new completed motor vehicle
22 purchased at retail by an equipment dealer who is licensed as a
23 motor vehicle dealer under chapter 322, provided that all of
24 the following apply:
25 (i) The equipment dealer modifies the vehicle as provided
26 in subparagraph division (b), subparagraph subdivision (i) or
27 (ii).
28 (ii) The total value of the work performed and the equipment
29 installed on the vehicle equals or exceeds eighty percent of
30 the purchase price paid for the new vehicle.
31 (iii) Notwithstanding section 322.3, the equipment dealer
32 sells the modified vehicle as a used vehicle to a purchaser
33 that is a business or government entity, and not an individual
34 consumer.
35 (b) For purposes of this subparagraph, *"equipment dealer"*

S.F. 2291

means a person who does at least one of the following:

(i) Rebuilds new completed motor vehicles by fabricating, altering, adding, or replacing essential parts, components, or equipment for the purpose of building an ambulance, rescue vehicle, fire vehicle, or towing or recovery vehicle.

(ii) Installs cranes, hook loaders, buckets, aerial ladders, tanks, or special equipment on new completed motor trucks with a gross vehicle weight rating of fourteen thousand five hundred pounds or more.

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, an equipment dealer who rebuilds or installs equipment on new vehicles can be licensed as a wholesaler in order to acquire new vehicles without having to title and register the vehicles or pay the fee for new registration. However, after such a vehicle has been modified, the retail sale of the modified vehicle must be completed through a franchised dealer of the vehicle's line make.

This bill establishes an alternative process for an equipment dealer with a motor vehicle dealer's license to acquire a new completed motor vehicle without owing the fee for new registration and, after modifying the vehicle, sell it directly to a business or government entity as a used vehicle. Under the bill, a new completed motor vehicle purchased at retail by an equipment dealer licensed to sell motor vehicles is exempt from the fee for new registration, provided that three requirements are met:

1. The equipment dealer either rebuilds the new completed motor vehicle by fabricating, altering, adding, or replacing essential parts, components, or equipment for the purpose of building an ambulance, rescue vehicle, fire vehicle, or towing or recovery vehicle; or installs cranes, hook loaders, buckets, aerial ladders, tanks, or special equipment on the new completed motor truck having a gross vehicle weight rating of

S.F. 2291

fourteen thousand five hundred pounds or more.

2. The total value of the work performed and the equipment installed on the vehicle equals or exceeds 80 percent of the purchase price paid for the new vehicle.

3. The equipment dealer sells the modified vehicle as a used vehicle to a purchaser that is a business or government entity, and not an individual consumer.

Because the equipment dealer´s acquisition of a new completed motor vehicle would be through a retail sale, the equipment dealer would be required to obtain a certificate of title and registration for the vehicle under the bill. However, the bill exempts the equipment dealer from annual registration fees, provided that the equipment dealer operates the vehicle only for purposes incidental to a resale and displays a dealer plate on the vehicle or does not drive the vehicle or permit it to be driven upon the highways.

Senate File 2292 - Introduced

SENATE FILE 2292
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SF 2076)

A BILL FOR

1 An Act establishing an Iowa employment rides initiative in the
2 department of transportation and making appropriations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5122SV (1) 85
je/sc

S.F. 2292

1 Section 1. NEW SECTION. **324A.8 Iowa employment rides**
2 **initiative — grant program.**
3 1. As used in this section, unless the context otherwise
4 requires, *"employment transportation"* means an urban or
5 rural program or service that provides an individual with
6 transportation solely to or from a workplace, including but not
7 limited to the following programs and services:
8 *a.* Expanding or sustaining existing transportation services
9 or service hours.
10 *b.* Coordinating ride share services, including car pool or
11 van pool services.
12 *c.* Shuttle services.
13 2. The Iowa employment rides initiative is established in
14 the department to provide funds to public transit systems for
15 programs and services that provide employment transportation
16 to Iowans.
17 3. The department shall award funds from the initiative
18 on a competitive grant basis. A grant shall not exceed one
19 hundred fifty thousand dollars. A grant application shall
20 contain a commitment from the public transit system of at least
21 a dollar-for-dollar match of the grant funds awarded. Moneys
22 charged to individuals receiving employment transportation
23 services cannot be used as matching funds. Grant funds shall
24 be used only for operational costs directly associated with
25 providing employment transportation and shall not be used for
26 capital expenditures or construction.
27 4. A public transit system may coordinate with other local,
28 state, or federal governmental agencies and private nonprofit
29 organizations in the administration of a program or service
30 receiving a grant under the initiative and in expenditure of
31 grant funds.
32 5. The department shall submit an annual report on the
33 outcomes of the initiative, including the grant amount, the
34 type of program or service receiving funds, and the number of
35 individuals served for each grant awarded by the initiative to

S.F. 2292

the general assembly by January 1 each year. As a condition of having received a grant from the initiative, a public transit system shall provide the department with information on any program or service for which the public transit system is awarded a grant from the initiative.

6. The department shall adopt rules to administer the initiative, including but not limited to an application process and grant award criteria.

7. There is appropriated from the general fund of the state to the department, for the following fiscal years, the following amounts, to be used for grants from the initiative:

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

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

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

EXPLANATION

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

This bill establishes an Iowa employment rides initiative in the department of transportation to provide funds to public transit systems for programs and services that provide employment transportation to Iowans.

The bill defines "employment transportation" as an urban or rural program or service that provides an individual with transportation solely to or from a workplace, including but not limited to expanding or sustaining existing transportation services or service hours; coordinating ride share services, including car pool or van pool services; and shuttle services.

A "public transit system" is defined under Code section 324A.1 as an urban or regional transit system providing transit services accessible to the general public and receiving federal, state, or local tax support.

The department shall award funds from the initiative on a

S.F. 2292

1 competitive grant basis. A grant cannot exceed $150,000. A
2 grant application must contain a commitment from the public
3 transit system of at least a dollar-for-dollar match of the
4 grant funds awarded. Moneys charged to individuals receiving
5 employment transportation services cannot be used as matching
6 funds. Grant funds can only be used for operational costs
7 directly associated with providing employment transportation
8 and cannot be used for capital expenditures or construction.
9 The bill permits a public transit system to coordinate
10 with other local, state, or federal governmental agencies and
11 private nonprofit organizations in the administration of a
12 program or service receiving a grant under the initiative and
13 in expenditure of grant funds awarded.
14 As a condition of receiving a grant from the initiative,
15 a public transit system must provide the department with
16 information on any program or service for which the public
17 transit system is awarded a grant. The bill requires the
18 department to submit an annual report on the outcomes of the
19 initiative, including the grant amount, the type of program
20 or service receiving funds, and the number of individuals
21 served for each grant awarded by the initiative to the general
22 assembly by January 1 each year.
23 The bill requires the department to adopt administrative
24 rules to administer the initiative, including but not limited
25 to an application process and grant award criteria.
26 The bill appropriates $1 million to the department per year
27 for fiscal years 2014-2015, 2015-2016, and 2016-2017, to be
28 used for Iowa employment rides initiative grants.

Senate File 2293 - Introduced

SENATE FILE 2293
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 3053)

A BILL FOR

1 An Act relating to the findings of an examining physician
2 assistant for a person believed to be seriously mentally
3 impaired in an emergency situation.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5422SV (2) 85
rh/nh

S.F. 2293

1 Section 1. Section 229.22, subsection 2, paragraph a,
2 subparagraph (4), Code 2014, is amended to read as follows:
3 (4) If the examining physician, examining physician
4 assistant, or examining psychiatric advanced registered
5 nurse practitioner finds that there is reason to believe that
6 the person is seriously mentally impaired, and because of
7 that impairment is likely to physically injure the person's
8 self or others if not immediately detained, the examining
9 physician, examining physician assistant, or examining
10 psychiatric advanced registered nurse practitioner shall at
11 once communicate with the nearest available magistrate as
12 defined in section 801.4, subsection 10. ~~For purposes of this~~
13 ~~subparagraph, the findings of the examining physician assistant~~
14 ~~must be approved by the examining physician assistant's~~
15 ~~supervising physician before the examining physician assistant~~
16 ~~communicates with the nearest available magistrate.~~
17 EXPLANATION
18 **The inclusion of this explanation does not constitute agreement with**
19 **the explanation's substance by the members of the general assembly.**
20 Under existing law in Code section 229.22, if a person is
21 believed to have a mental illness, and due to that illness,
22 is believed likely to physically injure the person's self or
23 others if not immediately detained, a peace officer or another
24 person may take the person without a warrant or court order to
25 a hospital or a community facility licensed to care for persons
26 with mental illness or a substance-related disorder. This
27 procedure is only used when it appears that the person should
28 be immediately detained due to serious mental impairment,
29 but an involuntary commitment application has not been filed
30 with the court and the person cannot be ordered into immediate
31 custody and detained.
32 Upon delivery of the person to the facility or hospital,
33 if the examining physician, examining physician assistant, or
34 examining psychiatric advanced registered nurse practitioner
35 finds that there is reason to believe that the person is

S.F. 2293

1 seriously mentally impaired, and because of that impairment
2 is likely to physically injure the person's self or others if
3 not immediately detained, the examining physician, examining
4 physician assistant, or examining psychiatric advanced
5 registered nurse practitioner is required to contact the
6 nearest available magistrate. The findings of the examining
7 physician assistant must be approved by the examining physician
8 assistant's supervising physician before the examining
9 physician assistant communicates with the nearest available
10 magistrate. The bill eliminates the requirement that the
11 findings of the examining physician assistant be approved by
12 the examining physician assistant's supervising physician
13 before the examining physician assistant communicates with the
14 nearest available magistrate in these circumstances.

Senate File 2294 - Introduced

SENATE FILE 2294
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 3182)

A BILL FOR

1 An Act relating to the possession, sale, transfer, purchase,
2 and use of fireworks and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5491SV (1) 85
aw/nh

S.F. 2294

1 Section 1. Section 100.1, Code 2014, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 8. To order the suspension of the use
4 of consumer fireworks, display fireworks, or novelties, as
5 described in section 727.2, if the fire marshal determines that
6 the use of such devices would constitute a threat to public
7 safety.
8 Sec. 2. Section 101A.1, subsection 3, Code 2014, is amended
9 to read as follows:
10 3. *"Explosive"* means any chemical compound, mixture
11 or device, the primary or common purpose of which is to
12 function by explosion with substantially instantaneous
13 release of gas and heat, unless such compound, mixture, or
14 device is otherwise specifically classified by the United
15 States department of transportation. The term *"explosive"*
16 includes all materials which are classified as a class 1,
17 division 1.1, 1.2, 1.3, or 1.4 explosive by the United States
18 department of transportation, under 49 C.F.R. § 173.50, and
19 all materials classified as explosive materials under 18
20 U.S.C. § 841, and includes, but is not limited to, dynamite,
21 black powder, pellet powders, initiating explosives, blasting
22 caps, electric blasting caps, safety fuse, fuse lighters, fuse
23 igniters, squibs, cordeau detonative fuse, instantaneous fuse,
24 igniter cord, igniters, smokeless propellant, cartridges for
25 propellant-actuated power devices, cartridges for industrial
26 guns, and overpressure devices, but does not include ~~*"fireworks"*~~
27 ~~as~~ *"consumer fireworks"*, *"display fireworks"*, or *"novelties"* as
28 those terms are defined in section 727.2 or ammunition or small
29 arms primers manufactured for use in shotguns, rifles, and
30 pistols. Commercial explosives are those explosives which are
31 intended to be used in commercial or industrial operations.
32 Sec. 3. Section 331.301, Code 2014, is amended by adding the
33 following new subsection:
34 NEW SUBSECTION. 17. The board of supervisors may by
35 resolution suspend the use of consumer fireworks, display

S.F. 2294

fireworks, or novelties, as described in section 727.2, if the board determines that the use of such devices would constitute a threat to public safety.

Sec. 4. Section 331.304, subsection 9, Code 2014, is amended to read as follows:

9. The board, upon application, may grant permits for the ~~display~~ use of display fireworks as provided in section 727.2.

Sec. 5. Section 364.2, Code 2014, is amended by adding the following new subsection:

NEW SUBSECTION. 6. A city council may by resolution suspend the use of consumer fireworks, display fireworks, or novelties, as described in section 727.2, if the city council determines that the use of such devices would constitute a threat to public safety.

Sec. 6. Section 461A.42, subsection 2, Code 2014, is amended to read as follows:

2. The use of consumer fireworks, display fireworks, and novelties, as defined in section 727.2, in state parks and preserves is prohibited except as authorized by a permit issued by the department. The commission shall establish, by rule adopted pursuant to chapter 17A, a fireworks permit system which authorizes the issuance of a limited number of permits to qualified persons to use or display fireworks in selected state parks and preserves.

Sec. 7. Section 727.2, Code 2014, is amended to read as follows:

727.2 Fireworks.

1. For purposes of this section:

a. "Consumer fireworks" includes all consumer fireworks enumerated in chapter 3 of the American pyrotechnics association's standard 87-1, and that comply with the labeling regulations promulgated by the United States consumer product safety commission.

b. ~~The term *"fireworks"*~~ *"Display fireworks"* includes any explosive composition, or combination of explosive substances,

S.F. 2294

or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and includes ~~blank cartridges, firecrackers, torpedoes, skyrockets, roman candles, or other fireworks of like construction and~~ fireworks containing any explosive or flammable compound, or other device containing any explosive substance. ~~The term *"fireworks"*~~ *"Display fireworks"* does not include ~~goldstar-producing sparklers on wires which contain no magnesium or chlorate or perchlorate, flitter sparklers in paper tubes that do not exceed one-eighth of an inch in diameter, toy snakes which contain no mercury, or caps used in cap pistols~~ novelties or consumer fireworks enumerated in chapter 3 of the American pyrotechnics association's standard 87-1.

c. "Novelties" includes all novelties enumerated in chapter 3 of the American pyrotechnics association's standard 87-1, and that comply with the labeling regulations promulgated by the United States consumer product safety commission.

2. A person, firm, partnership, or corporation who offers for sale, exposes for sale, sells at retail, or uses or explodes any display fireworks, commits a simple misdemeanor~~. In addition to any other penalties, the punishment imposed for a violation of this section shall include assessment of~~, punishable by a fine of not less than two hundred fifty dollars. However, ~~the~~ a city council ~~of a city~~ or a county board of supervisors may, upon application in writing, grant a permit for the display of display fireworks by municipalities, fair associations, amusement parks, and other organizations or groups of individuals approved by the city or the county board of supervisors when the display fireworks ~~display~~ will be handled by a competent operator, but no such permit shall be required for the display of display fireworks at the Iowa state fairgrounds by the Iowa state fair board, at incorporated county fairs, or at district fairs receiving state aid. Sales of display fireworks for such display may be made for that

S.F. 2294

1 purpose only.
2 3. *a.* A person who uses or explodes display fireworks while
3 the use of such devices is suspended by a resolution adopted
4 by the county or city in which the firework is used commits a
5 simple misdemeanor, punishable by a fine of not less than two
6 hundred fifty dollars.
7 *b.* A person who uses or explodes display fireworks while the
8 use of such devices is suspended by an order of the state fire
9 marshal commits a simple misdemeanor, punishable by a fine of
10 not less than two hundred fifty dollars.
11 4. *a.* A person who is at least eighteen years of age or
12 a firm, partnership, or corporation may possess or transfer,
13 offer for sale, expose for sale, or sell at retail to a person
14 who is eighteen years of age or older novelties or consumer
15 fireworks. A person who is eighteen years of age or older may
16 use or explode novelties or consumer fireworks.
17 *b.* A person, firm, partnership, or corporation who transfers
18 or sells novelties or consumer fireworks to a person who is
19 less than eighteen years of age commits a simple misdemeanor,
20 punishable by a fine of not less than two hundred fifty
21 dollars. A person who is less than eighteen years of age who
22 purchases, possesses, uses, or explodes novelties or consumer
23 fireworks commits a simple misdemeanor, punishable by a fine of
24 not less than two hundred fifty dollars.
25 *c.* (1) A person who uses or explodes novelties or consumer
26 fireworks while the use of such devices is suspended by a
27 resolution adopted by the county or city in which the firework
28 is used commits a simple misdemeanor, punishable by a fine of
29 not less than two hundred fifty dollars.
30 (2) A person who uses or explodes novelties or consumer
31 fireworks while the use of such devices is suspended by an
32 order of the state fire marshal commits a simple misdemeanor,
33 punishable by a fine of not less than two hundred fifty
34 dollars.
35 ~~3.~~ 5. *a.* This section does not prohibit the sale by a

S.F. 2294

1 resident, dealer, manufacturer, or jobber of such fireworks as
2 are not prohibited by this section, or the sale of any kind
3 of fireworks if they are to be shipped out of the state, or
4 the sale or use of blank cartridges for a show or the theater,
5 or for signal purposes in athletic sports or by railroads
6 or trucks, for signal purposes, or by a recognized military
7 organization.
8 *b.* This section does not apply to any substance or
9 composition prepared and sold for medicinal or fumigation
10 purposes.
11 *c.* This section does not apply to goldstar-producing
12 sparklers on wires which contain no magnesium or chlorate or
13 perchlorate, flitter sparklers in paper tubes that do not
14 exceed one-eighth of an inch in diameter, toy snakes which
15 contain no mercury, or caps used in cap pistols.
16 EXPLANATION
17 **The inclusion of this explanation does not constitute agreement with**
18 **the explanation's substance by the members of the general assembly.**
19 This bill provides for the legal sale and use of novelties
20 and consumer fireworks within the state.
21 Current law provides that a person, firm, partnership, or
22 corporation who offers for sale, exposes for sale, sells at
23 retail, or uses or explodes any fireworks, commits a simple
24 misdemeanor. Current law, however, also provides that a county
25 board of supervisors or the department of natural resources may
26 grant a permit for the display of fireworks if the fireworks
27 display will be handled by a competent operator. Current
28 law further provides that the term "fireworks" includes any
29 explosive composition, or combination of explosive substances,
30 or article prepared for the purpose of producing a visible
31 or audible effect by combustion, explosion, deflagration,
32 or detonation, including blank cartridges, firecrackers,
33 torpedoes, skyrockets, roman candles, or other fireworks of
34 like construction and fireworks containing any explosive or
35 flammable compound, or other device containing any explosive

S.F. 2294

1 substance with limited exceptions.
2 The bill maintains these restrictions for display fireworks
3 and provides that the term "display fireworks" shall not
4 include novelties or consumer fireworks. The bill provides
5 that the terms "novelties" and "consumer fireworks" each
6 respectively include all novelties or consumer fireworks
7 enumerated in chapter 3 of the American pyrotechnics
8 association's standard 87-1, which comply with the labeling
9 regulations promulgated by the United States consumer product
10 safety commission.
11 The bill provides that a person who is at least 18 years
12 of age or a firm, partnership, or corporation may possess, or
13 transfer, offer for sale, expose for sale, or sell at retail
14 any novelties or consumer fireworks to any person who is at
15 least 18 years of age. The bill provides that any person who
16 is at least 18 years of age may use or explode novelties or
17 consumer fireworks.
18 The bill provides that a person, firm, partnership, or
19 corporation who transfers or sells novelties or any consumer
20 firework to a person who is less than 18 years of age commits
21 a simple misdemeanor. A person who is less than 18 years of
22 age who purchases, possesses, uses, or explodes novelties or
23 any consumer fireworks commits a simple misdemeanor. A simple
24 misdemeanor is generally punishable by confinement for no more
25 than 30 days or a fine of at least $65 but not more than $625 or
26 by both, but the bill provides for a fine of a least $250.
27 The bill provides that the state fire marshal may order
28 the suspension of the use of consumer fireworks, display
29 fireworks, or novelties if the fire marshal determines that
30 the use of such devices would constitute a threat to public
31 safety. The bill further provides that a county board of
32 supervisors or city council may by ordinance suspend the use
33 of consumer fireworks, display fireworks, or novelties if the
34 board or council determines that the use of such devices would
35 constitute a threat to public safety. The bill provides that a

S.F. 2294

1 person who violates such an order or ordinance commits a simple
2 misdemeanor, punishable by a fine of at least $250.
3 The bill maintains current exemptions for goldstar-producing
4 sparklers on wires which contain no magnesium or chlorate or
5 perchlorate, flitter sparklers in paper tubes that do not
6 exceed one-eighth of an inch in diameter, toy snakes which
7 contain no mercury, and caps used in cap pistols.

Senate File 2295 - Introduced

SENATE FILE 2295
BY COMMITTEE ON LABOR AND
BUSINESS RELATIONS

(SUCCESSOR TO SF 191)

A BILL FOR

1 An Act relating to wage payment collection issues arising
2 between employers and individuals who provide services to
3 employers, providing penalties and remedies, and including
4 effective date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1215SV (2) 85
je/rj

S.F. 2295

1 Section 1. Section 91A.5, subsection 1, unnumbered
2 paragraph 1, Code 2014, is amended to read as follows:
3 An employer shall have the burden to establish that a
4 deduction from employee wages is lawful. An employer shall not
5 withhold or divert any portion of an employee's wages unless:
6 Sec. 2. Section 91A.5, subsection 1, paragraph b, Code 2014,
7 is amended to read as follows:
8 *b.* The employer ~~has~~ obtains advance written authorization
9 from the employee to so deduct for any lawful purpose accruing
10 to the benefit of the employee.
11 Sec. 3. Section 91A.6, subsection 1, Code 2014, is amended
12 to read as follows:
13 1. An employer shall ~~after being notified by the~~
14 ~~commissioner pursuant to subsection 2~~ do the following:
15 *a.* Notify its employees in writing at the time of hiring
16 what wages and regular paydays are designated by the employer.
17 *b.* Notify its employees in writing whose wages are
18 determined based on a task, piece, mile, or load basis about
19 the method used to calculate wages and when the wages are
20 earned by the employees.
21 ~~*b.*~~ *c.* Notify, at least one pay period prior to the
22 initiation of any changes, its employees of any changes in
23 the arrangements specified in this subsection ~~1~~ that reduce
24 wages or alter the regular paydays. The notice shall either
25 be in writing or posted at a place where employee notices are
26 routinely posted.
27 ~~*c.*~~ *d.* Make available to its employees upon written request,
28 a written statement enumerating employment agreements and
29 policies with regard to vacation pay, sick leave, reimbursement
30 for expenses, retirement benefits, severance pay, or other
31 comparable matters with respect to wages. Notice of such
32 availability shall be given to each employee in writing or by a
33 notice posted at a place where employee notices are routinely
34 posted.
35 ~~*d.*~~ *e.* Establish, maintain, and preserve for three

S.F. 2295

1 calendar years the payroll records showing the hours worked,
2 wages earned, and deductions made for each employee and
3 any employment agreements entered into between an employer
4 and employee. Failure to do so shall raise a rebuttable
5 presumption that the employer did not pay the required minimum
6 wage under section 91D.1.
7 Sec. 4. Section 91A.6, subsection 2, Code 2014, is amended
8 by striking the subsection.
9 Sec. 5. Section 91A.6, subsection 4, Code 2014, is amended
10 by striking the subsection and inserting in lieu thereof the
11 following:
12 4. *a.* On each regular payday, the employer shall send to
13 each employee by mail or shall provide at the employee's normal
14 place of employment during normal employment hours a statement
15 showing the wages earned by the employee, the deductions made
16 for the employee, and the following information, as applicable:
17 (1) For each employee paid in whole or in part on an hourly
18 basis, the statement shall show the hours the employee worked.
19 (2) For each employee paid based on a percentage of sales or
20 based on a percentage of revenue generated for the employer,
21 the statement shall include a list of the amount of each sale
22 or the amount of revenue during the pay period.
23 (3) For each employee whose pay is based on the number
24 of miles or loads performed, the statement shall include the
25 applicable number performed during the pay period.
26 *b.* An employer who provides each employee access to view an
27 electronic statement of the employee's earnings and provides
28 the employee free and unrestricted access to a printer to print
29 the employee's statement of earnings, if the employee chooses,
30 is in compliance with this subsection.
31 Sec. 6. Section 91A.8, Code 2014, is amended to read as
32 follows:
33 **91A.8 Damages recoverable by an employee.**
34 When it has been shown that an employer has ~~intentionally~~
35 failed to pay an employee wages or reimburse expenses pursuant

S.F. 2295

to section 91A.3, whether as the result of a wage dispute or otherwise, the employer shall be liable to the employee for ~~any~~ the unpaid wages or unreimbursed expenses ~~that are so intentionally failed to be paid or reimbursed~~, plus liquidated damages, court costs, and any ~~attorney's~~ attorney fees incurred in recovering the unpaid wages or unreimbursed expenses and determined to have been usual and necessary. ~~In other instances the employer shall be liable only for unpaid wages or expenses, court costs and usual and necessary attorney's fees incurred in recovering the unpaid wages or expenses.~~

Sec. 7. Section 91A.10, subsection 5, Code 2014, is amended to read as follows:

~~5. An employer shall not discharge or in any other manner discriminate against any employee because the employee has filed a complaint, assigned a claim, or brought an action under this section or has cooperated in bringing any action against an employer.~~

5. *a.* An employer or other person shall not discharge or in any other manner discriminate or retaliate against any of the following:

(1) An employee or other person for exercising any right provided under this chapter or any rules adopted pursuant to this chapter.

(2) Another employee or person for providing assistance to an employee or providing information regarding the employee or person.

(3) Another employee or person for testifying or planning to testify in any investigation or proceeding regarding the employee or person.

b. Taking adverse action against an employee or other person within ninety days of an employee's or other person's engaging in any of the activities in paragraph "*a*" raises a presumption that such action was retaliation, which may be rebutted by evidence that such action was taken for other permissible reasons.

S.F. 2295

1 *c.* Any employee may file a complaint with the commissioner
2 alleging discharge, ~~or~~ discrimination, or retaliation within
3 thirty days after such violation occurs. Upon receipt of the
4 complaint, the commissioner shall cause an investigation to be
5 made to the extent deemed appropriate. If the commissioner
6 determines from the investigation that the provisions of this
7 subsection have been violated, the commissioner shall bring
8 an action in the appropriate district court against such
9 person. The district court shall have jurisdiction, for cause
10 shown, to restrain violations of this subsection and order all
11 appropriate relief including rehiring or reinstatement of the
12 employee to the former position with back pay.
13 Sec. 8. Section 91A.10, Code 2014, is amended by adding the
14 following new subsection:
15 NEW SUBSECTION. 6. A civil action to enforce subsection 5
16 may also be maintained in any court of competent jurisdiction
17 by the commissioner or by any party injured by a violation
18 of subsection 5. An employer or other person who retaliates
19 against an employee or other person in violation of subsection
20 5 shall be required to pay the employee or other person
21 an amount set by the commissioner or a court sufficient to
22 compensate the employee or other person and to deter future
23 violations, but not less than one hundred fifty dollars for
24 each day that the violation occurred.
25 Sec. 9. NEW SECTION. **91A.15 Commissions earned date.**
26 An employer shall not require that a person be a current
27 employee to be paid a commission that the person otherwise
28 earned.
29 Sec. 10. EFFECTIVE DATE. This Act takes effect January 1,
30 2015.
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 employers and individuals who perform
35 labor and wage payment collection.

S.F. 2295

1 Code section 91A.5 is amended to provide that the employer
2 has the burden to establish that a deduction from employees'
3 wages is lawful and that the employer must obtain written
4 authorization for the deduction from the employee in advance.
5 Code section 91A.6(1) is amended to remove the requirement
6 that an employer be notified by the division of labor services
7 of the department of workforce development before the employer
8 is required to fulfill the requirements in subsection 1
9 relating to employee wage and benefit information. In new
10 Code section 91A.6(1)(b), the employer is required to notify
11 employees in writing whose wages are determined based on
12 a task, piece, mile, or load basis about the method used
13 to calculate wages, when wages are earned. Code section
14 91A.6(1)(e) is amended to establish a rebuttable presumption
15 that an employer did not pay the minimum wage if the employer
16 does not maintain proper payroll records.
17 Current Code section 91A.6(2), setting out certain employer
18 compliance procedures, is stricken.
19 Code section 91A.6(4) is amended so that the employer
20 must send to each employee by mail, or at the place of
21 business during the employee's working hours a statement of
22 the employee's earnings, deductions made, and as applicable
23 the following: for an employee paid hourly, the number of
24 hours worked during the pay period; for an employee paid on a
25 percentage of sales or revenue generated, a list of sales or
26 amount of revenue during the pay period; and for an employee
27 paid based on the number of miles or loads performed, the
28 applicable number performed during the pay period. An employer
29 who provides an electronic statement and gives employees free
30 and unrestricted access to print out the statement is in
31 compliance with the Code section.
32 In Code section 91A.8, when any specified violation of Code
33 chapter 91A occurs, even if unintentional, an employer shall be
34 liable for unpaid wages or expenses plus liquidated damages,
35 court costs, and attorney fees incurred in recovering wages.

S.F. 2295

1 Code section 91A.10(5), which covers retaliatory actions
2 by employers or others, is expanded to cover persons other
3 than employees who act under Code chapter 91A with respect
4 to an employee. A 90-day period is established during which
5 any action against an employee or other person is rebuttably
6 presumed to be retaliatory. New subsection 6 is created in
7 Code section 91A.10 to allow the commissioner or any injured
8 party to maintain a civil action in any court of proper
9 jurisdiction. An employer who retaliates against an employee
10 or other person shall compensate the injured party an amount
11 set by the commissioner or the court, but not less than $150
12 for each day of the violation.
13 In new Code section 91A.15, an employer shall not require
14 that an individual be a current employee to be paid an earned
15 commission.
16 The bill takes effect January 1, 2015.

Senate File 2296 - Introduced

SENATE FILE 2296
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 2151)

A BILL FOR

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

TLSB 6071SV (1) 85
jm/rj

S.F. 2296

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

S.F. 2296

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

Senate File 2297 - Introduced

SENATE FILE 2297
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3196)

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 5088SV (1) 85
pf/nh

S.F. 2297

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.

S.F. 2297

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

S.F. 2297

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.

S.F. 2297

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

S.F. 2297

other practitioner who orders the test of the convicted or alleged offender, the convicted or alleged offender, the victim counselor or person requested by the victim to provide the counseling regarding the HIV-related test and results who shall disclose the results to the petitioner, the physician of the victim, if requested by the victim, and the county attorney who ~~may use the results as evidence in the prosecution of the sexual assault or in the prosecution of the offense of criminal transmission of HIV under chapter 709C~~ filed the petition for HIV-related testing under section 915.42.

Sec. 9. REPEAL. Chapter 709C, Code 2014, is repealed.

Sec. 10. SEX OFFENDER REGISTRY — EXPUNGEMENT OF RECORD.

1. The division of criminal investigation in the department of public safety shall expunge the registration of a registrant who was required to register on the state's sex offender registry pursuant to chapter 692A, Code 2014, on the basis of having been convicted of the aggravated offense of criminal transmission of human immunodeficiency virus in violation of section 709C.1, subsection 1, paragraph "a", Code 2014, provided the registrant has been convicted of no other offense requiring registration.

2. The department of public safety shall also remove the relevant information of such a person specified in subsection 1 from the sex offender registry internet site provided the person has been convicted of no other offense requiring registration. Upon removal of the relevant information from the sex offender registry internet site, the relevant information of the person shall no longer be displayed on the sex offender registry internet site unless the person is convicted of another offense that requires registration.

Sec. 11. EFFECTIVE DATE. 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.

S.F. 2297

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

S.F. 2297

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,

S.F. 2297

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.

Senate File 2298 - Introduced

SENATE FILE 2298
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3176)

A BILL FOR

1 An Act relating to transfer of guardianship in child in need of
2 assistance proceedings.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5635SV (1) 85
ad/nh

S.F. 2298

1 Section 1. NEW SECTION. **232.101A Transfer of guardianship**
2 **to custodian.**
3 1. After a dispositional hearing the court may enter an
4 order transferring guardianship of the child to a custodian if
5 all of the following conditions are met:
6 *a.* The person receiving guardianship meets the definition
7 of custodian in section 232.2.
8 *b.* The person receiving guardianship has assumed
9 responsibility for the child for at least the six consecutive
10 months prior to filing of the petition under this division and
11 has maintained placement of the child since the filing of the
12 petition under this division.
13 *c.* The parent of the child does not appear at the
14 dispositional hearing, or the parent appears at the
15 dispositional hearing, does not object to the transfer of
16 guardianship, and agrees to waive the requirement for making
17 reasonable efforts as defined in section 232.102.
18 2. If the court transfers guardianship pursuant to
19 subsection 1, the court may close the child in need of
20 assistance case by transferring jurisdiction over the child's
21 guardianship to the probate court. The court shall inform the
22 proposed guardian of the guardian's reporting duties under
23 section 633.669 and other duties under chapter 633. Upon
24 transferring jurisdiction, the court shall direct the probate
25 clerk, once the proposed guardian has filed an oath of office
26 and identification in accordance with section 602.6111, to
27 issue letters of appointment for guardianship and docket the
28 case in probate. Records contained in the probate case file
29 that were copied or transferred from the juvenile court file
30 concerning the case shall be subject to section 232.147 and
31 other confidentiality provisions of this chapter for cases not
32 involving juvenile delinquency.
33 Sec. 2. Section 633.675, subsection 2, Code 2014, is amended
34 to read as follows:
35 2. Notwithstanding subsection 1, paragraphs "*a*" through

S.F. 2298

1 "d", if the court appointed a guardian for a minor child for
2 whom the court's jurisdiction over the child's guardianship
3 was established pursuant to transfer of the child's case in
4 accordance with section 232.101A or 232.104, the court shall
5 not enter an order terminating the guardianship before the
6 child becomes age eighteen unless the court finds by clear
7 and convincing evidence that the best interests of the child
8 warrant a return of custody to the child's parent.
9 Sec. 3. Section 633.679, subsection 2, Code 2014, is amended
10 to read as follows:
11 2. Unless the child or guardian dies or other exceptional
12 circumstances arise, if the court has appointed a guardian
13 for a minor child for whom the court's jurisdiction over the
14 child's guardianship was established pursuant to transfer
15 of the child's case in accordance with section 232.101A
16 or 232.104, a petition shall not be filed asking that the
17 guardianship be terminated or modified until at least six
18 months has elapsed from the date the order was entered
19 appointing the guardian.
20 EXPLANATION
21 The inclusion of this explanation does not constitute agreement with
22 the explanation's substance by the members of the general assembly.
23 This bill relates to transfer of guardianship in child in
24 need of assistance proceedings. Currently, a court must enter
25 the least restrictive disposition that is appropriate following
26 a hearing on the child in need of assistance petition. These
27 dispositions include a suspended judgment, the retention of
28 custody by a parent, and the transfer of legal custody of the
29 child. The bill adds another disposition: the transfer of
30 guardianship of the child. The bill allows the transfer of
31 guardianship of a child to a custodian after the dispositional
32 hearing if the person receiving guardianship meets the
33 statutory definition of a custodian, the person receiving
34 guardianship has assumed responsibility for the child for six
35 consecutive months prior to the filing of the child in need

S.F. 2298

of assistance petition and has maintained responsibility for the child after the filing of the petition, and the parent of the child either does not appear at the dispositional hearing or the parent appears and does not object to the transfer of guardianship and agrees to waive the requirement for making reasonable efforts to prevent or eliminate the need for removal of the child from the child's home.

The bill also states that if the court transfers guardianship pursuant to the bill, the court may close the child in need of assistance case by transferring the case to probate court. The court has the responsibility to inform the guardian of the statutory reporting requirements and other duties of the guardianship.

The bill makes conforming changes.

Senate File 2299 - Introduced

SENATE FILE 2299
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SF 2103)

A BILL FOR

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

TLSB 5315SV (1) 85
rh/nh

S.F. 2299

1 Section 1. Section 321J.2, subsection 3, paragraph d, Code
2 2014, is amended by striking the paragraph.
3 Sec. 2. Section 321J.2, subsection 4, paragraph c, Code
4 2014, is amended by striking the paragraph.
5 Sec. 3. Section 321J.2, subsection 5, paragraph c, Code
6 2014, is amended by striking the paragraph.
7 Sec. 4. Section 321J.4, Code 2014, is amended by striking
8 the section and inserting in lieu thereof the following:
9 **321J.4 Revocation of license — ignition interlock devices —**
10 **conditional temporary restricted license.**
11 1. *Revocation.* If a defendant is convicted of a violation
12 of section 321J.2, the defendant's driver's license or
13 nonresident operating privileges shall be revoked as follows:
14 *a. First offense.* If the defendant has had no previous
15 conviction or revocation under this chapter and the defendant's
16 driver's license or nonresident operating privilege has not
17 been revoked under section 321J.9 or 321J.12 for the occurrence
18 from which the arrest arose, the department shall revoke the
19 defendant's driver's license or nonresident operating privilege
20 for the following periods of time:
21 (1) Test result. One hundred eighty days if the defendant
22 submitted to chemical testing.
23 (2) Refusal to submit. One year if the defendant refused
24 to submit to chemical testing.
25 *b. Second offense.* If the defendant has had a previous
26 conviction or revocation under this chapter and the defendant's
27 driver's license or nonresident operating privilege has not
28 been revoked under section 321J.9 or 321J.12 for the occurrence
29 from which the arrest arose, the department shall revoke the
30 defendant's driver's license or nonresident operating privilege
31 for the following periods of time:
32 (1) Test result. One year if the defendant submitted to
33 chemical testing.
34 (2) Refusal to submit. Two years if the defendant refused
35 to submit to chemical testing.

S.F. 2299

1 *c. Third or subsequent offense.* Upon a plea or verdict
2 of guilty of a third or subsequent violation of section
3 321J.2, the department shall revoke the defendant's driver's
4 license or nonresident operating privilege for a period of six
5 years. The defendant shall not be eligible for a temporary
6 restricted license for one year after the effective date of the
7 revocation.
8 *d. Offense involving personal injury.* Upon a plea or
9 verdict of guilty of a violation of section 321J.2 which
10 involved a personal injury, the court shall determine in open
11 court, from consideration of the information in the file and
12 any other evidence the parties may submit, whether a serious
13 injury was sustained by any person other than the defendant
14 and, if so, whether the defendant's conduct in violation of
15 section 321J.2 caused the serious injury. If the court so
16 determines, the court shall order the department to revoke the
17 defendant's driver's license or nonresident operating privilege
18 for a period of one year in addition to any other period of
19 suspension or revocation. The defendant shall surrender to the
20 court any Iowa license or permit and the court shall forward it
21 to the department with a copy of the order for revocation.
22 *e. Offense involving a death.* Upon a plea or verdict of
23 guilty of a violation of section 321J.2 which involved a death,
24 the court shall determine in open court, from consideration of
25 the information in the file and any other evidence the parties
26 may submit, whether a death occurred and, if so, whether the
27 defendant's conduct in violation of section 321J.2 caused the
28 death. If the court so determines, the court shall order
29 the department to revoke the defendant's driver's license or
30 nonresident operating privilege for a period of six years. The
31 defendant shall not be eligible for any temporary restricted
32 license for at least two years after the revocation. The
33 defendant shall surrender to the court any Iowa license or
34 permit and the court shall forward it to the department with a
35 copy of the order for revocation.

S.F. 2299

1 2. *Revocation or denial period.* If a license or permit
2 to operate a motor vehicle is revoked or denied under this
3 section or section 321J.9 or 321J.12, the period of revocation
4 or denial shall be the period provided for such a revocation
5 or until the defendant reaches the age of eighteen whichever
6 period is longer.
7 3. *Ignition interlock device.*
8 *a.* Upon a conviction for or as a condition of a deferred
9 judgment for a violation of section 321J.2, the court may
10 order the defendant to install ignition interlock devices
11 of a type approved by the commissioner of public safety on
12 all motor vehicles owned or operated by the defendant which,
13 without tampering or the intervention of another person, would
14 prevent the defendant from operating the motor vehicle with an
15 alcohol concentration greater than a level set by rule of the
16 commissioner of public safety.
17 *b.* The commissioner of public safety shall adopt rules to
18 approve certain ignition interlock devices and the means of
19 installation of the devices, and shall establish the level of
20 alcohol concentration beyond which an ignition interlock device
21 will not allow operation of the motor vehicle in which it is
22 installed.
23 *c.* The order to install ignition interlock devices shall
24 remain in effect for a period of time as determined by the
25 court which shall not exceed the maximum term of imprisonment
26 which the court could have imposed according to the nature of
27 the violation. While the order is in effect, the defendant
28 shall not operate a motor vehicle which does not have an
29 approved ignition interlock device installed. This may be in
30 addition to any period of time the defendant is required to
31 install and maintain an approved ignition interlock device
32 under section 321J.17 or 321J.20.
33 *d.* If the defendant's driver's license or nonresident
34 operating privilege has been revoked, the department shall not
35 issue a temporary permit or a driver's license to the person

S.F. 2299

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

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

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

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

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

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

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

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

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

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

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

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

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

S.F. 2299

1 the person's driver's license or operating privilege for ~~a~~
2 ~~period of sixty~~ the following periods of time:
3 *a. First offense.* Sixty days if the person has had no
4 previous revocation under this chapter~~, and for a period of~~
5 ~~ninety~~.
6 *b. Second or subsequent offense.* Ninety days if the person
7 has had a previous revocation under this chapter.
8 Sec. 10. Section 321J.17, subsection 1, Code 2014, is
9 amended to read as follows:
10 1. If the department revokes a person's driver's license
11 or nonresident operating privilege under this chapter, the
12 department shall assess the person a civil penalty of two
13 hundred dollars. The money collected by the department under
14 this section shall be transmitted to the treasurer of state
15 who shall deposit one-half of the money in the separate fund
16 established in section 915.94 and one-half of the money in the
17 general fund of the state. ~~A temporary restricted license~~
18 ~~shall not be issued unless an ignition interlock device has~~
19 ~~been installed pursuant to section 321J.4.~~ Except as provided
20 in section 321.210B, a temporary restricted license shall
21 not be issued or a driver's license or nonresident operating
22 privilege reinstated until the civil penalty has been paid.
23 A person assessed a penalty under this section may remit the
24 civil penalty along with a processing fee of five dollars to a
25 county treasurer authorized to issue driver's licenses under
26 chapter 321M, or the civil penalty may be paid directly to the
27 department.
28 Sec. 11. Section 321J.17, subsection 3, Code 2014, is
29 amended to read as follows:
30 3. *a.* The department shall also require certification of
31 installation of an ignition interlock device of a type approved
32 by the commissioner of public safety on all motor vehicles
33 owned or operated by any person seeking reinstatement following
34 a ~~second or subsequent~~ revocation under section 321J.4, 321J.9,
35 or 321J.12. ~~The~~ Unless a longer period of time is required by

S.F. 2299

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

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

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

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

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

S.F. 2299

1 shall not grant reinstatement unless the person certifies
2 installation of an ignition interlock device as required in
3 this subsection.
4 Sec. 12. Section 321J.17, Code 2014, is amended by adding
5 the following new subsection:
6 NEW SUBSECTION. 4. *a.* The department shall adopt rules
7 pursuant to chapter 17A requiring a provider of an approved
8 ignition interlock device to submit electronic reports to the
9 department regarding the installation, maintenance, and use
10 of an approved ignition interlock device of a type approved
11 by the commissioner of public safety on all motor vehicles
12 owned or operated by the person seeking reinstatement including
13 instances of tampering, circumvention, or removal of the
14 ignition interlock device. The reports shall include but not
15 be limited to results indicating that the ignition interlock
16 device had detected a level of alcohol concentration beyond
17 which the ignition interlock device will not allow operation of
18 the motor vehicle in which it is installed.
19 *b.* Notwithstanding the provisions of subsection 3, a person
20 seeking reinstatement following a revocation under section
21 321J.4, 321J.9, or 321J.12 shall install and maintain an
22 approved ignition interlock device of a type approved by the
23 commissioner of public safety on all motor vehicles owned or
24 operated by the person seeking reinstatement until the results
25 reported to the department pursuant to paragraph *"a"* indicate
26 all of the following:
27 (1) The person has adequately maintained and used any
28 required ignition interlock device.
29 (2) For the three-month period immediately preceding the
30 person's application to remove the ignition interlock device
31 or to remove any ignition interlock device restriction on the
32 person's driver's license, the person has not had an event in
33 which the ignition interlock device detected a level of alcohol
34 concentration beyond which the ignition interlock device would
35 not allow the operation of the motor vehicle in which it is

S.F. 2299

installed.

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

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

321J.20 Temporary restricted license — ignition interlock devices.

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

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

S.F. 2299

or *"e"*.

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

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

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

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

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

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

S.F. 2299

1 ~~of ineligibility for a temporary restricted license provided~~
2 ~~for under section 321.560, 321J.4, 321J.9, or 321J.12,~~ issue a
3 temporary restricted license to a person whose noncommercial
4 driver's license has either been revoked under this chapter, or
5 revoked or suspended under chapter 321 solely for violations
6 of this chapter, or who has been determined to be a habitual
7 offender under chapter 321 based solely on violations of
8 this chapter or on violations listed in section 321.560,
9 subsection 1, paragraph "*b*", and who is not eligible for a
10 temporary restricted license under subsection 1. However,
11 the department may not issue a temporary restricted license
12 under this subsection for a violation of section 321J.2A ~~or~~
13 ~~to a person under the age of twenty-one whose license is~~
14 ~~revoked under section 321J.4, 321J.9, or 321J.12~~. A temporary
15 restricted license issued under this subsection may allow the
16 person to drive to and from the person's home and specified
17 places at specified times which can be verified by the
18 department and which are required by the person's full-time or
19 part-time employment; continuing education while enrolled in an
20 educational institution on a part-time or full-time basis and
21 while pursuing a course of study leading to a diploma, degree,
22 or other certification of successful educational completion;
23 or substance abuse treatment.
24 3. The department shall not issue a temporary restricted
25 license under this section until any applicable minimum
26 period of ineligibility for a temporary restricted license has
27 expired. If the applicant is under the age of twenty-one, the
28 applicant shall not be eligible for a temporary restricted
29 license for at least sixty days after the effective date of
30 revocation or suspension.
31 ~~*b.*~~ 4. ~~A~~ The department shall not issue a temporary
32 restricted license ~~issued~~ under this ~~subsection shall~~
33 ~~not be issued~~ section until the applicant installs an
34 ~~approved~~ ignition interlock device of a type approved by the
35 commissioner of public safety on all motor vehicles owned

S.F. 2299

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

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

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

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

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

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

S.F. 2299

license or nonresident operating privileges.

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

EXPLANATION

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

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

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

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

S.F. 2299

1 The bill makes a change to Code section 321J.4 allowing a
2 court to increase the period of time during which a defendant
3 must maintain an ignition interlock device on all vehicles
4 owned or operated by the defendant in addition to any time an
5 ignition interlock device is required for reinstatement under
6 Code section 321J.17 or for a temporary restricted license
7 under Code section 321J.20.
8 TEMPORARY RESTRICTED LICENSES AND IGNITION INTERLOCK DEVICES
9 — GENERAL PROVISIONS. The bill strikes certain provisions
10 relating to temporary restricted licenses and the installation
11 of ignition interlock devices currently contained in Code
12 sections 321J.4, 321J.9, and 321J.12 and consolidates these
13 provisions into Code sections 321J.17 and 321J.20.
14 REINSTATEMENT REQUIREMENTS. Currently, Code section 321J.17
15 contains provisions relating to reinstatement of a person's
16 driver's license or nonresident operating privileges after
17 revocation for any OWI offense under Code chapter 321J (based
18 on either administrative or criminal action). The person must
19 pay a civil penalty fine, present proof of completion of a
20 course for drinking drivers and a substance abuse evaluation
21 and treatment, and if applicable, present proof of financial
22 responsibility. In addition, following a second or subsequent
23 license revocation, a person applying for reinstatement must
24 install a department-approved ignition interlock device on all
25 vehicles owned or operated by the person for one year, unless a
26 longer period of time is otherwise required.
27 The bill retains the current requirements for reinstatement,
28 but in regard to ignition interlock devices, requires all
29 persons (not just repeat offenders) applying for reinstatement
30 to install an ignition interlock device on all vehicles owned
31 or operated by the person for the following periods of time
32 depending on the nature of the offense: for a first offense
33 (no previous revocations), at least six months from the date
34 of reinstatement; for a second or subsequent offense (previous
35 revocations), at least one year from the date of reinstatement;

S.F. 2299

1 and if the offense involved a death, at least one year from the
2 date of reinstatement regardless of whether the person has had
3 a previous revocation.
4 The bill provides that the period of time a person is
5 required to maintain an ignition interlock device shall be
6 reduced by any period of time the person held a valid temporary
7 restricted license during the revocation for the occurrence
8 from which the arrest arose, subject to any additional time
9 required. The person shall not operate any motor vehicle which
10 is not equipped with an approved ignition interlock device
11 during the period in which an ignition interlock device must be
12 maintained, and the department shall not grant reinstatement
13 unless the person certifies installation of an ignition
14 interlock device.
15 The bill requires the department of transportation to adopt
16 rules pursuant to Code chapter 17A requiring a provider of
17 an approved ignition interlock device to submit electronic
18 reports to the department regarding the operation of an
19 approved ignition interlock device on all motor vehicles owned
20 or operated by the person seeking reinstatement including
21 instances of tampering, circumvention, or removal of the
22 ignition interlock device. The reports shall include but not
23 be limited to results indicating that the ignition interlock
24 device had detected a level of alcohol concentration beyond
25 which the ignition interlock device will not allow operation
26 of the motor vehicle in which it is installed. A person
27 seeking reinstatement following a license revocation is
28 required to install and maintain an approved ignition interlock
29 device until the results reported to the department indicate
30 the person has adequately maintained and used any required
31 ignition interlock device and that, for the three-month period
32 immediately preceding the person's application to remove the
33 ignition interlock device or to remove any ignition interlock
34 device restriction on the person's driver's license, the person
35 has not had an event in which the ignition interlock device

S.F. 2299

1 detected a level of alcohol concentration beyond which the
2 ignition interlock device would not allow the operation of
3 a motor vehicle in which it is installed. The bill further
4 provides that the time periods for installation of an ignition
5 interlock device shall be extended indefinitely until the
6 person completes at least a three-month period free from events
7 in which a required ignition interlock device detected a level
8 of alcohol concentration beyond which the ignition interlock
9 device would not allow the operation of a motor vehicle in
10 which it is installed.
11 TEMPORARY RESTRICTED LICENSES. The bill amends Code section
12 321J.20 to provide that a person whose noncommercial driver's
13 license is revoked may receive a temporary restricted license
14 to drive for any lawful purpose. Current law restricts the
15 issuance of a temporary restricted license for specified
16 reasons including employment, medical appointments, and
17 educational purposes. Certain driving restrictions are
18 maintained for persons whose licenses are revoked for third or
19 subsequent OWI convictions, for offenses involving a death, and
20 for habitual offenders.

Senate File 2300 - Introduced

SENATE FILE 2300
BY COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SSB 3179)

A BILL FOR

1 An Act relating to the regulation of snowmobiles, and making
2 penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6088SV (3) 85
dea/nh

S.F. 2300

Section 1. Section 321G.3, Code 2014, is amended to read as follows:

321G.3 ~~Registration~~ Resident registration and user permit required — farm exemption — penalties.

1. Each snowmobile used by a resident on public land, public ice, or a designated snowmobile trail of this state shall be currently registered in this state pursuant to section 321G.4. A ~~person~~ resident shall not operate, maintain, or give permission for the operation or maintenance of a snowmobile on public land, public ice, or a designated snowmobile trail unless the snowmobile is registered in accordance with this chapter ~~or applicable federal laws or in accordance with an approved numbering system of another state and the evidence of registration is in full force and effect~~. ~~A~~ The owner of a snowmobile must also ~~be issued~~ obtain a user permit in accordance with ~~this chapter~~ section 321G.4A.

2. The owner of a snowmobile that is exempt from regular registration under section 321G.8, subsection 2, for which a certificate of title has been issued, shall apply for a special farm registration certificate which shall be issued without payment of a registration fee, upon payment of a writing fee as provided in section 321G.27 and an administrative fee established by the commission. A registration decal shall not be issued for the snowmobile and the special farm registration shall not expire so long as the snowmobile remains exempt from regular registration.

~~2.~~ 3. A violation of subsection 1 is punishable as a scheduled violation under section 805.8B, subsection 2, paragraph *"a"*. When the scheduled fine is paid, the violator shall submit proof to the department that a valid registration and user permit have been obtained by providing a copy of the registration and user permit to the department within thirty days of the date the fine is paid. A person who violates this subsection is guilty of a simple misdemeanor.

Sec. 2. Section 321G.4, subsection 4, Code 2014, is amended

S.F. 2300

to read as follows:

4. Notwithstanding subsections 1 and 2, a snowmobile ~~that is more than thirty years old~~ manufactured prior to 1984 may be registered as an antique snowmobile for a one-time fee of twenty-five dollars, which shall exempt the owner from annual registration and fee requirements for that snowmobile. However, if ownership of ~~such a~~ an antique snowmobile is transferred, the new owner shall register the snowmobile and pay the one-time fee as required under this subsection. A snowmobile may be registered under this section with only a signed bill of sale as evidence of ownership.

Sec. 3. NEW SECTION. **321G.4B Nonresident requirements — penalties.**

1. A nonresident wishing to operate a snowmobile on public land, public ice, or a designated snowmobile trail of this state shall obtain a user permit in accordance with section 321G.4A. In addition to obtaining a user permit, a nonresident shall display a current registration decal or other evidence of registration or numbering required by the owner's state of residence unless the owner resides in a state that does not register or number snowmobiles.

2. A violation of subsection 1 is punishable as a scheduled violation under section 805.8B, subsection 2, paragraph *"a"*. When the scheduled fine is paid, the violator shall submit proof to the department that a user permit has been obtained and provide evidence of registration or numbering as required by the owner's state of residence, if applicable, to the department within thirty days of the date the fine is paid. A person who violates this section is guilty of a simple misdemeanor.

Sec. 4. Section 321G.8, subsection 2, Code 2014, is amended to read as follows:

2. Snowmobiles used exclusively as farm implements, except as provided in section 321G.3, subsection 2.

Sec. 5. Section 321G.20, Code 2014, is amended by striking

S.F. 2300

the section and inserting in lieu thereof the following:

321G.20 Operation by persons under sixteen.

A person under sixteen years of age shall not operate a snowmobile on a designated snowmobile trail, public land, or public ice unless the operation is under the direct supervision of a parent, legal guardian, or another person of at least eighteen years of age authorized by the parent or guardian, who is experienced in snowmobile operation and who possesses a valid driver's license, as defined in section 321.1, or an education certificate issued under this chapter.

Sec. 6. Section 321G.24, subsection 1, Code 2014, is amended to read as follows:

1. A person ~~under eighteen~~ twelve through seventeen years of age shall not operate a snowmobile on public land, public ice, a designated snowmobile trail, or land purchased with snowmobile registration funds in this state without obtaining ~~a valid~~ an education certificate approved by the department and having the certificate in the person's possession, unless the person is accompanied on the same snowmobile by a responsible person of at least eighteen years of age who is experienced in snowmobile operation and possesses a valid driver's license, as defined in section 321.1, or an education certificate issued under this chapter.

Sec. 7. Section 805.8B, subsection 2, paragraph a, Code 2014, is amended to read as follows:

a. For registration or user permit violations under section 321G.3, subsection 1, or section 321G.4B, the scheduled fine is fifty dollars.

EXPLANATION

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

This bill contains provisions relating to the registration and operation of snowmobiles.

The bill separates requirements for residents from requirements for nonresidents. Pursuant to current law, the

S.F. 2300

1 owner of a snowmobile who is a resident of this state is
2 required to register the snowmobile and obtain a user permit.
3 That requirement is retained in Code section 321G.3. In
4 addition, that Code section is amended to provide for the
5 issuance of a special farm registration certificate for a
6 snowmobile that is exempt from registration but is titled.
7 The applicant for the special farm registration certificate
8 is required to pay a writing fee and an administrative fee,
9 but not a registration fee. The special farm registration is
10 nonexpiring, so long as the snowmobile retains the exemption
11 from regular registration.
12 The bill moves current requirements and penalty provisions
13 for nonresidents into new Code section 321G.4B. A nonresident
14 who operates a snowmobile on public land, public ice, or a
15 designated snowmobile trail in this state must obtain a user
16 permit in this state. In addition, a nonresident must display
17 a current registration decal or other evidence of registration
18 or numbering required by the owner's state of residence, if
19 required by that state.
20 Pursuant to current law, the penalty for a violation of
21 registration or user permit requirements by a resident or a
22 nonresident is punishable by a scheduled fine of $50. Within
23 30 days after payment of the fine, a resident or nonresident
24 must submit proof that a user permit and registration,
25 if applicable, have been obtained. A violation of that
26 requirement is a simple misdemeanor.
27 The bill provides that a snowmobile manufactured prior
28 to 1984 may be registered as an antique snowmobile for a
29 one-time fee of $25, which provides an exemption from annual
30 registration and fee requirements for that snowmobile. Current
31 law allows the one-time fee registration for snowmobiles that
32 are more than 30 years old. If ownership of the snowmobile is
33 transferred, the new owner must register the snowmobile and pay
34 the one-time fee as required under this subsection. The bill
35 also provides that an antique snowmobile may be registered with

S.F. 2300

only a signed bill of sale as evidence of ownership.

Currently, a person under 12 years of age is not permitted to operate a snowmobile on a designated snowmobile trail, public land, or public ice unless accompanied on the same snowmobile by a responsible person who is at least 18 years of age, is experienced in snowmobile operation, and possesses a valid driver´s license or a snowmobile education certificate. A person age 12 through 15 must have a snowmobile education certificate and be under the direct supervision of a parent, guardian, or another adult authorized by the parent or guardian who is experienced in snowmobile operation and possesses a valid driver´s license or a snowmobile education certificate. The bill eliminates the requirement that a person under 12 years of age be accompanied on the same snowmobile, and amends the direct supervision requirement to apply to every person under 16 years of age.

Current law prohibits a person under 18 years of age but over the age of 15 from operating a snowmobile on or across a public highway without a snowmobile education certificate in the person´s possession. That provision is stricken, but the bill retains the current requirement that every person age 12 through 17 have an education certificate in order to operate a snowmobile on a designated trail, public land, or public ice unless the person is accompanied on the same snowmobile by a responsible person at least 18 years of age who is experienced in snowmobile operation and possesses a valid driver´s license or a snowmobile education certificate.

The bill makes a conforming amendment to Code section 805.8B to reflect the new location of the penalty provision for nonresidents.

Senate File 2301 - Introduced

SENATE FILE 2301
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 3131)

A BILL FOR

1 An Act relating to the administration of elections and voter
2 registration by modifying the close of registration prior
3 to a primary election, modifying the deadline for receipt
4 of absentee ballots by the commissioner, and allowing for
5 changes to the envelopes provided to absentee voters.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5683SV (3) 85
aw/sc

S.F. 2301

Section 1. Section 48A.9, subsection 1, Code 2014, is amended to read as follows:

1. Registration closes at 5:00 p.m. eleven days before each election except ~~primary and~~ general elections. For ~~primary and~~ general elections, registration closes at 5:00 p.m. ten days before the election. An eligible elector may register during the time registration is closed in the elector's precinct but the registration shall not become effective until registration opens again in the elector's precinct, except as otherwise provided in section 48A.7A.

Sec. 2. Section 48A.26, subsection 3, Code 2014, is amended to read as follows:

3. If the registration form is missing required information pursuant to section 48A.11, subsection 8, the acknowledgment shall advise the applicant what additional information is required. The commissioner shall enclose a new registration form for the applicant to use. If the registration form has no address, the commissioner shall make a reasonable effort to determine where the acknowledgment should be sent. If the incomplete registration form is received during the period in which registration is closed pursuant to section 48A.9 but by 5:00 p.m. on the Saturday before the election for general ~~and primary~~ elections or by 5:00 p.m. on the Friday before the election for all other elections, the commissioner shall send a notice advising the applicant of election day and in-person absentee registration procedures under section 48A.7A.

Sec. 3. Section 50.20, Code 2014, is amended to read as follows:

50.20 Notice of number of provisional ballots.

The commissioner shall compile a list of the number of provisional ballots cast under section 49.81 in each precinct. The list shall be made available to the public as soon as possible, but in no case later than 9:00 a.m. on the second day following the election. Any elector may examine the list during normal office hours, and may also examine the

S.F. 2301

1 ~~affidavit~~ affidavits on the envelopes ~~bearing~~ containing the
2 ballots of challenged electors until the reconvening of the
3 special precinct board as required by this chapter. Only those
4 persons so permitted by section 53.23, subsection 4, shall have
5 access to the affidavits while that board is in session. Any
6 elector may present written statements or documents, supporting
7 or opposing the counting of any provisional ballot, at the
8 commissioner's office until the reconvening of the special
9 precinct board.
10 Sec. 4. Section 53.2, subsection 6, Code 2014, is amended
11 to read as follows:
12 6. If an application for an absentee ballot is received
13 from an eligible elector who is not a registered voter
14 the commissioner shall send the eligible elector a voter
15 registration form and another absentee ballot application form.
16 If the application is received after the time registration
17 closes pursuant to section 48A.9 but by 5:00 p.m. on the
18 Saturday before the election for general ~~and primary~~ elections
19 or by 5:00 p.m. on the Friday before the election for all other
20 elections, the commissioner shall notify the applicant by
21 mail of the election day and in-person absentee registration
22 provisions of section 48A.7A. In addition to notification
23 by mail, the commissioner shall also attempt to contact the
24 applicant by any other method available to the commissioner.
25 Sec. 5. Section 53.8, subsection 1, Code 2014, is amended
26 to read as follows:
27 1. *a.* Upon receipt of an application for an absentee ballot
28 and immediately after the absentee ballots are printed, the
29 commissioner shall mail an absentee ballot to the applicant
30 within twenty-four hours, except as otherwise provided in
31 subsection 3. The absentee ballot shall be sent to the
32 registered voter by one of the following methods:
33 (1) The absentee ballot shall be enclosed in an unsealed
34 envelope ~~bearing~~ marked with a serial number and affidavit.
35 The absentee ballot and ~~unsealed~~ affidavit envelope shall

S.F. 2301

be enclosed in or with ~~a~~ an unsealed return envelope marked postage paid which bears the same serial number as the ~~unsealed~~ affidavit envelope. The absentee ballot, ~~unsealed~~ affidavit envelope, and return envelope shall be enclosed in a third envelope to be sent to the registered voter. If the ballot cannot be folded so that all of the votes cast on the ballot will be hidden, the commissioner shall also enclose a secrecy envelope with the absentee ballot.

(2) The absentee ballot shall be enclosed in an unsealed return envelope marked with a serial number and affidavit and marked postage paid. The absentee ballot and return envelope shall be enclosed in a second envelope to be sent to the registered voter. If the ballot cannot be folded so that all of the votes cast on the ballot will be hidden, the commissioner shall also enclose a secrecy envelope with the absentee ballot.

b. The affidavit shall be marked on the appropriate envelope in a form prescribed by the state commissioner of elections.

Sec. 6. Section 53.10, subsection 2, Code 2014, is amended to read as follows:

2. Each person who wishes to vote by absentee ballot at the commissioner's office shall first sign an application for a ballot including the following information: name, current address, and the election for which the ballot is requested. The person may report a change of address or other information on the person's voter registration record at that time. The registered voter shall immediately mark the ballot; enclose the ballot in a secrecy envelope, if necessary, and seal it in ~~an affidavit~~ the envelope marked with the affidavit; subscribe to the affidavit on the reverse side of the envelope; and return the absentee ballot to the commissioner. The commissioner shall record the numbers appearing on the application and affidavit envelope along with the name of the registered voter.

Sec. 7. Section 53.16, Code 2014, is amended to read as follows:

S.F. 2301

53.16 Subscribing to affidavit.

After marking the ballot, the voter shall make and subscribe to the affidavit on the ~~reverse side of the~~ affidavit envelope or on the return envelope marked with the affidavit, and fold the ballot or ballots, separately, so as to conceal the markings on them, and deposit them in the envelope, and securely seal the envelope.

Sec. 8. Section 53.17, subsection 1, unnumbered paragraph 1, Code 2014, is amended to read as follows:

~~The~~ If the commissioner mailed the ballot pursuant to section 53.8, subsection 1, paragraph *"a"*, subparagraph (1), the sealed affidavit envelope containing the absentee ballot shall be enclosed in a return envelope which shall be securely sealed. If the commissioner mailed the ballot pursuant to section 53.8, subsection 1, paragraph *"a"*, subparagraph (2), the absentee ballot shall be enclosed in the return envelope which shall be securely sealed. The sealed return envelope shall be returned to the commissioner by one of the following methods:

Sec. 9. Section 53.17, subsection 2, Code 2014, is amended to read as follows:

2. In order for the ballot to be counted, the return envelope must be received in the commissioner's office before the polls close on election day or be ~~clearly postmarked by~~ received by the commissioner through an officially authorized postal service not later than 5:00 p.m. on the day ~~before~~ after the election ~~and received by the commissioner not later than noon on the Monday following the election~~.

Sec. 10. Section 53.17, subsection 3, Code 2014, is amended by striking the subsection.

Sec. 11. Section 53.17, subsection 4, paragraph f, Code 2014, is amended to read as follows:

f. A statement that the completed absentee ballot will be delivered to the commissioner's office within seventy-two hours of retrieving it from the voter or before the closing of

S.F. 2301

the polls on election day, whichever is earlier, or that the completed absentee ballot will be mailed to the commissioner within seventy-two hours of retrieving it from the voter ~~or within time to be postmarked not later than the day before the election, whichever is earlier~~.

Sec. 12. Section 53.18, subsections 2 and 3, Code 2014, are amended to read as follows:

2. If the commissioner receives the return envelope containing the completed absentee ballot by 5:00 p.m. on the Saturday before the election for general ~~and primary~~ elections and by 5:00 p.m. on the Friday before the election for all other elections, the commissioner shall review the affidavit marked on the return envelope, if applicable, for completeness or shall open the return envelope to review the affidavit for completeness. If the affidavit is incomplete, the commissioner shall, within twenty-four hours of the time the envelope was received, notify the voter of that fact and that the voter may complete the affidavit in person at the office of the commissioner by 5:00 p.m. on the day before the election, vote a replacement ballot in the manner and within the time period provided in subsection 3, or appear at the voter's precinct polling place on election day and cast a ballot in accordance with section 53.19, subsection 3.

3. If the affidavit envelope or the return envelope marked with the affidavit contains a defect that would cause the absentee ballot to be rejected by the absentee and special voters precinct board, the commissioner shall immediately notify the voter of that fact and that the voter's absentee ballot shall not be counted unless the voter requests and returns a replacement ballot in the time permitted under section 53.17, subsection 2. The voter may request a replacement ballot in person, in writing, or over the telephone. The same serial number that was assigned to the records of the original absentee ballot application shall be used on the envelope and records of the replacement ballot.

S.F. 2301

1 The ~~affidavit~~ envelope marked with the affidavit and containing
2 the completed replacement ballot shall be marked "Replacement
3 ballot". The ~~affidavit~~ envelope marked with the affidavit and
4 containing the original ballot shall be marked "Defective" and
5 the replacement ballot shall be attached to ~~the affidavit~~ such
6 envelope containing the original ballot and shall be stored in
7 a secure place until they are delivered to the absentee and
8 special voters precinct board, notwithstanding sections 53.26
9 and 53.27.
10 Sec. 13. Section 53.21, subsection 2, paragraph b, Code
11 2014, is amended to read as follows:
12 *b.* The voter shall enclose one copy of the above statement
13 in the return envelope along with the affidavit envelope, if
14 the voter was mailed a separate affidavit envelope, and shall
15 retain a copy for the voter's records.
16 Sec. 14. Section 53.23, subsection 3, paragraph b,
17 subparagraph (1), Code 2014, is amended to read as follows:
18 (1) The commissioner may direct the board to meet on the day
19 before the election for the purpose of reviewing the absentee
20 voters' affidavits appearing on the sealed ~~affidavit~~ envelopes.
21 If in the commissioner's judgment this procedure is necessary
22 due to the number of absentee ballots received, the members of
23 the board may open the sealed affidavit envelopes and remove
24 the secrecy envelope containing the ballot, but under no
25 circumstances shall a secrecy envelope or a return envelope
26 marked with an affidavit be opened before the board convenes
27 on election day, except as provided in paragraph "*c*". If the
28 affidavit envelopes are opened before election day pursuant
29 to this paragraph "*b*", two observers, one appointed by each
30 of the two political parties referred to in section 49.13,
31 subsection 2, shall witness the proceedings. The observers
32 shall be appointed by the county chairperson or, if the
33 county chairperson fails to make an appointment, by the state
34 chairperson. However, if either or both political parties fail
35 to appoint an observer, the commissioner may continue with the

S.F. 2301

1 proceedings.
2 Sec. 15. Section 53.23, subsection 5, Code 2014, is amended
3 to read as follows:
4 5. The special precinct election board shall preserve
5 the secrecy of all absentee and provisional ballots. After
6 the affidavits on the envelopes have been reviewed and the
7 qualifications of the persons casting the ballots have been
8 determined, those that have been accepted for counting shall
9 be opened. The ballots shall be removed from the affidavit
10 envelopes or return envelopes marked with the affidavit, as
11 applicable, without being unfolded or examined, and then shall
12 be thoroughly intermingled, after which they shall be unfolded
13 and tabulated. If secrecy folders or envelopes are used with
14 provisional paper ballots, the ballots shall be removed from
15 the secrecy folders after the ballots have been intermingled.
16 Sec. 16. Section 53.25, Code 2014, is amended to read as
17 follows:
18 **53.25 Rejecting ballot.**
19 1. If the absentee voter's affidavit lacks the voter's
20 signature, if the applicant is not a duly registered voter on
21 election day in the precinct where the absentee ballot was
22 cast, if the ~~affidavit~~ envelope marked with the affidavit
23 contains more than one ballot of any one kind, or if the
24 voter has voted in person, such vote shall be rejected by the
25 absentee and special voters precinct board. If the affidavit
26 envelope or return envelope marked with the affidavit is
27 open, or has been opened and resealed, or if the ballot is
28 not enclosed in ~~the affidavit~~ such envelope, and an affidavit
29 envelope or return envelope marked with the affidavit with
30 the same serial number and marked "Replacement ballot" is
31 not attached as provided in section 53.18, the vote shall be
32 rejected by the absentee and special voters precinct board.
33 2. If the absentee ballot is rejected prior to the opening
34 of the affidavit envelope or return envelope marked with the
35 affidavit, the voter casting the ballot shall be notified by a

S.F. 2301

precinct election official by the time the canvass is completed of the reason for the rejection on a form prescribed by the state commissioner of elections.

Sec. 17. Section 53.27, Code 2014, is amended to read as follows:

53.27 Rejection of ballot — return of envelope.

If the ballot is rejected, the ~~affidavit~~ envelope~~,~~ marked with the affidavit ~~of~~, with the ~~voter endorsed~~ voter's endorsement thereon, shall be returned with the rejected ballot in the envelope endorsed "Defective ballots".

Sec. 18. Section 53.30, Code 2014, is amended to read as follows:

53.30 Ballots, ballot envelopes, and other information preserved.

At the conclusion of each meeting of the absentee and special voter's precinct board, the board shall securely seal all ballots counted by them in the manner prescribed in section 50.12. The ballot envelopes, including the affidavit envelope ~~having the registered voter's affidavit on it~~ if an affidavit envelope was provided, the return envelope, and secrecy envelope bearing the signatures of precinct election officials, as required by section 53.23, shall be preserved. All applications for absentee ballots, ballots rejected without being opened, absentee ballot logs, and any other documents pertaining to the absentee ballot process shall be preserved until such time as the documents may be destroyed pursuant to section 50.19.

Sec. 19. Section 53.32, Code 2014, is amended to read as follows:

53.32 Ballot of deceased voter.

When it shall be made to appear by due proof to the precinct election officials that any elector, who has so marked and forwarded a ballot, has died before the ~~affidavit~~ envelope marked with the affidavit is opened, then the ballot of such deceased voter shall be endorsed, "Rejected because voter is

S.F. 2301

1 dead", and be returned to the commissioner~~; but the~~. The
2 casting of the ballot of a deceased voter shall not invalidate
3 the election.
4 Sec. 20. Section 53.38, Code 2014, is amended to read as
5 follows:
6 **53.38 What constitutes registration.**
7 Whenever a ballot is requested pursuant to section 53.39 or
8 53.45 on behalf of a voter in the armed forces of the United
9 States, the affidavit upon the ~~affidavit~~ envelope marked
10 with the affidavit of such voter, if the voter is found to
11 be an eligible elector of the county to which the ballot is
12 submitted, shall constitute a sufficient registration under
13 chapter 48A. A completed federal postcard registration and
14 federal absentee ballot request form submitted by such eligible
15 elector shall also constitute a sufficient registration under
16 chapter 48A. The commissioner shall place the voter's name
17 on the registration record as a registered voter if it does
18 not already appear there. The identification requirements of
19 section 48A.8 and the verification requirements of section
20 48A.25A do not apply to persons who register to vote under this
21 division.
22 Sec. 21. Section 53.40, subsection 3, Code 2014, is amended
23 to read as follows:
24 3. If the affidavit on the ~~affidavit~~ envelope marked
25 with the affidavit shows that the affiant is not a qualified
26 voter on the day of the election at which the ballot is
27 offered for voting, the envelope shall not be opened, but
28 the envelope and ballot contained in the envelope shall be
29 preserved and returned by the precinct election officials to
30 the commissioner, who shall preserve them for the period of
31 time and under the conditions provided for in sections 50.12,
32 50.13, 50.15, and 50.19.
33 Sec. 22. Section 53.44, Code 2014, is amended to read as
34 follows:
35 **53.44 Affidavit to be signed and returned.**

S.F. 2301

1. The affidavit on the ~~affidavit~~ envelope marked with the affidavit used in connection with voting by absentee ballot under this division by members of the armed forces of the United States need not be notarized or witnessed, but the affidavit on such envelope shall be completed and signed by the voter.

2. Absentee ballots issued under this division shall be returned in the same manner and within the same time limits specified in section 53.17, except that in order for an absentee ballot under this division to be counted, it must be received by the commissioner not later than noon on the Monday following the election.

Sec. 23. REPEAL. Sections 53.13 and 53.14, Code 2014, are repealed.

EXPLANATION

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

This bill relates to the administration of elections and voter registration.

Under current law, voter registration closes at 5:00 p.m. 10 days prior to a general or primary election and 11 days prior to all other elections. The bill requires that voter registration close 11 days prior to primary elections.

Relating to completed absentee ballots mailed to the commissioner, the bill provides that in order for an absentee ballot to be counted, the return envelope must be received in the commissioner's office by 5:00 p.m. on the day after the election. Under current law, in order to be counted, the absentee ballot must be received before the polls close on election day or must be postmarked not later than the day before the election and received by the county commissioner of elections no later than 12:00 p.m. on the Monday following that election. The bill does, however, maintain the 12:00 p.m. Monday deadline for the receipt of ballots from certain military and overseas voters.

S.F. 2301

1 Relating to the envelopes provided to absentee voters, under
2 current law, absentee ballots mailed to a voter are required
3 to be enclosed in an unsealed envelope bearing a serial number
4 and an affidavit, which are then required to be enclosed in or
5 with a return envelope, all of which are then required to be
6 enclosed in a third envelope to be sent to the registered voter
7 requesting an absentee ballot.
8 The bill allows for an affidavit to be marked on the return
9 envelope. If a return envelope marked with the affidavit
10 is used, absentee ballots mailed to a voter are required to
11 be enclosed in the unsealed return envelope marked with the
12 affidavit which is required to be enclosed in a second envelope
13 to be sent to the registered voter requesting an absentee
14 ballot. The bill allows a county commissioner of elections to
15 continue sending absentee ballots as provided under current law
16 or to send absentee ballots utilizing a return envelope marked
17 with the affidavit. The bill makes additional conforming
18 changes.
19 The bill also repeals Code section 53.14 which requires that
20 the affidavit designate the voter´s party affiliation if the
21 ballot enclosed is a primary election ballot.

Senate File 2302 - Introduced

SENATE FILE 2302
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 3163)

(COMPANION TO HF 2348 BY
COMMITTEE ON STATE GOVERNMENT)

A BILL FOR

1 An Act modifying provisions relating to the appointment of
2 the executive director of the Iowa telecommunications and
3 technology commission.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5317SV (2) 85
rn/nh

S.F. 2302

Section 1. Section 8D.4, Code 2014, is amended to read as follows:

8D.4 Executive director appointed.

The commission, in consultation with the ~~director of the department of administrative services and the~~ chief information officer, shall appoint an executive director of the commission, subject to confirmation by the senate. Such individual shall not serve as a member of the commission. The executive director shall serve at the pleasure of the commission. The executive director shall be selected primarily for administrative ability and knowledge in the field, without regard to political affiliation. The governor shall establish the salary of the executive director within range nine as established by the general assembly. The salary and support of the executive director shall be paid from funds deposited in the Iowa communications network fund.

EXPLANATION

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

This bill modifies provisions relating to the appointment of the executive director of the Iowa telecommunications and technology commission.

Currently, the executive director of the Iowa telecommunications and technology commission, which supervises and administers the network, is appointed by the commission, in consultation with the director of the department of administrative services and the chief information officer. The bill deletes the requirement that the director of the department of administrative services be consulted in appointing the executive director of the commission.

Senate File 2303 - Introduced

SENATE FILE 2303
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SF 2137)

A BILL FOR

1 An Act providing for the establishment of a uniform statewide
2 emergency outdoor warning system task force.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5345SV (2) 85
rn/nh

S.F. 2303

1 Section 1. UNIFORM STATEWIDE EMERGENCY OUTDOOR WARNING
2 SYSTEM — TASK FORCE ESTABLISHED.
3 1. a. The director of the department of homeland security
4 and emergency management, or the director's designee, shall
5 convene a task force that includes members representing the
6 departments of homeland security and emergency management,
7 public defense, public safety, and education, private sector
8 meteorologists, local emergency management commissions
9 including a commission which utilizes an outdoor warning system
10 that supports a nuclear power generation facility, and cities,
11 counties, townships, and unincorporated areas of varying
12 populations and geographic areas of the state. The objective
13 of the task force shall be to establish common guidelines
14 across the state for the activation of emergency outdoor
15 warning systems.
16 b. The task force shall collect and analyze data relating to
17 the criteria for emergency outdoor warning system activation
18 and the extent to which the criteria varies, and the varying
19 procedures for activation of emergency outdoor warning
20 systems. Based on this analysis, the task force shall develop
21 recommendations for standardizing emergency outdoor warning
22 system activation, and a set of best practices regarding the
23 operation and maintenance of such systems.
24 2. The task force shall submit a report summarizing its
25 findings and recommendations to the governor and the general
26 assembly by January 1, 2015.
27 EXPLANATION

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

30 This bill establishes a uniform statewide emergency outdoor
31 warning system task force.
32 The bill requires the director of the department of homeland
33 security and emergency management, or the director's designee,
34 to convene a task force that includes members representing the
35 departments of homeland security and emergency management,

S.F. 2303

1 public defense, public safety, and education, private sector
2 meteorologists, local emergency management commissions
3 including a commission which utilizes an outdoor warning
4 system that supports a nuclear power generation facility,
5 and cities, counties, townships, and unincorporated areas of
6 varying populations and geographic areas of the state. The
7 bill provides that the objective of the task force shall be to
8 establish common guidelines across the state for the activation
9 of emergency outdoor warning systems.
10 The task force is charged with collecting and analyzing data
11 relating to the criteria for emergency outdoor warning system
12 activation and the extent to which the criteria varies, and the
13 varying procedures for activation of emergency outdoor warning
14 systems. Based on this analysis, the bill requires the task
15 force to develop recommendations for standardizing emergency
16 outdoor warning system activation, and a set of best practices
17 regarding the operation and maintenance of such systems.
18 The bill requires the task force to submit a report
19 summarizing its findings and recommendations to the governor
20 and the general assembly by January 1, 2015.

Senate File 2304 - Introduced

SENATE FILE 2304
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 3068)

A BILL FOR

1 An Act relating to the authority of cities to regulate and
2 restrict the occupancy of residential rental property and
3 including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5567SV (2) 85
aw/sc

S.F. 2304

Section 1. NEW SECTION. **414.33 Residential rental property.**

1. A council may, in accordance with this chapter, adopt an ordinance to regulate and restrict use or occupancy of property based upon familial and nonfamilial status.

2. An ordinance adopted under this section shall require the following:

a. That the board of adjustment make a special exception to the ordinance, pursuant to section 414.12, if the owner of an owner-occupied property petitions for such a special exception and if making the special exception would not be contrary to the public interest.

b. That the board of adjustment grant a variance from the terms of the ordinance, pursuant to section 414.12, if the owner of an owner-occupied property makes an appeal for such a variance and if granting the variance would not be contrary to the public interest.

Sec. 2. EFFECTIVE DATE. This Act takes effect January 1, 2015.

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 authority of cities to regulate and restrict the occupancy of residential rental property.

The bill provides that a city council may adopt an ordinance to regulate and restrict use or occupancy of property based upon familial and nonfamilial status. The bill further provides that such an ordinance adopted shall require that the board of adjustment make a special exception to the ordinance if the owner of an owner-occupied property petitions for such a special exception and if making the special exception would not be contrary to the public interest. The bill also provides that the ordinance must require that the board of adjustment grant a variance from the terms of the ordinance if the owner of an owner-occupied property makes an appeal for such a variance and if granting the variance would not be contrary to

S.F. 2304

1 the public interest.
2 The bill takes effect January 1, 2015.

Senate File 2305 - Introduced

SENATE FILE 2305
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 3102)

(COMPANION TO LSB 5241HV BY
COMMITTEE ON PUBLIC SAFETY)

A BILL FOR

1 An Act relating to emergency management assistance in a
2 disaster emergency concerning mutual aid arrangements and
3 agreements.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5241SV (3) 85
ec/sc

S.F. 2305

1 Section 1. Section 29C.6, subsection 7, Code 2014, is
2 amended to read as follows:
3 7. On behalf of this state, enter into mutual aid
4 arrangements with other states, including mutual aid
5 arrangements with other states that extend the terms and
6 conditions set forth in the interstate emergency management
7 assistance compact described in section 29C.21 to situations in
8 which an emergency or disaster proclamation has not been made
9 by the governor of an affected state, and to coordinate mutual
10 aid plans between political subdivisions of this state.
11 Sec. 2. Section 29C.8, subsection 3, paragraph f,
12 subparagraph (1), Code 2014, is amended to read as follows:
13 (1) A member of a homeland security and emergency response
14 team acting under this section upon the directive of the
15 director or pursuant to a governor's disaster emergency
16 proclamation as provided in section 29C.6 shall be considered
17 an employee of the state for purposes of section 29C.21 and
18 chapter 669 and shall be afforded protection as an employee
19 of the state under section 669.21. Disability, workers'
20 compensation, and death benefits for team members working under
21 the authority of the director or pursuant to the provisions of
22 section 29C.6 shall be paid by the state in a manner consistent
23 with the provisions of chapter 85, 410, or 411 as appropriate,
24 depending on the status of the member, provided that the member
25 is registered with the department as a member of an approved
26 team and is participating as a team member in a response or
27 recovery operation initiated by the director or governor
28 pursuant to this section or in a training or exercise activity
29 approved by the director.
30 EXPLANATION
31 **The inclusion of this explanation does not constitute agreement with**
32 **the explanation's substance by the members of the general assembly.**
33 This bill concerns the department of homeland security and
34 emergency management as it relates to disaster emergencies.
35 Code section 29C.6, concerning the proclamation of a

S.F. 2305

1 disaster emergency by the governor, is amended to provide
2 that the governor's authority to enter into mutual aid
3 arrangements with other states may include arrangements that
4 extend the terms and conditions of the interstate emergency
5 management assistance compact to situations in which a disaster
6 proclamation of an affected state has not been made by that
7 state's governor.
8 Code section 29C.8(3) is amended to provide that the
9 reference to the governor's proclamation as provided in Code
10 section 29C.6 is for a disaster emergency.

Senate File 2306 - Introduced

SENATE FILE 2306
BY CHELGREN

A BILL FOR

1 An Act providing for the manufacture and sale of cheese
2 manufactured using raw milk, and making penalties
3 applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5406XS (6) 85
da/sc

S.F. 2306

1 Section 1. Section 159.6, subsection 7, Code 2014, is
2 amended to read as follows:
3 7. Regulation and inspection of foods, drugs, and other
4 articles, as provided in Title V, subtitle 4, but chapter 205
5 of that subtitle shall be enforced as provided in that chapter.
6 Except as expressly authorized in subtitle 4, the department
7 shall not regulate the production, processing, labeling, or
8 marketing of a cheese produced using raw milk as an ingredient.
9 Sec. 2. Section 191.2, subsection 5, unnumbered paragraph
10 1, Code 2014, is amended to read as follows:
11 ~~All~~ Except as provided in subsection 5A, bottles,
12 containers, and packages enclosing milk or milk products shall
13 be conspicuously labeled or marked with:
14 Sec. 3. Section 191.2, Code 2014, is amended by adding the
15 following new subsection:
16 NEW SUBSECTION. 5A. A person who operates a dairy farm as
17 provided in chapter 192 and who sells cheese produced using raw
18 milk as an ingredient in accordance with section 192.144 shall
19 label the package containing the cheese as required by the
20 department. The department shall require a label that notifies
21 consumers that the cheese is manufactured using raw milk.
22 However, the label shall neither promote nor discourage the
23 consumption of the cheese, and the label shall conform with any
24 applicable federal requirements, including 7 C.F.R. §58.439.
25 Sec. 4. NEW SECTION. **191.9A Exception for on-farm sale of**
26 **cheese produced using raw milk.**
27 A person who operates a dairy farm as provided in chapter
28 192 and who sells cheese produced using raw milk as an
29 ingredient in accordance with section 192.144 shall label the
30 package containing the cheese as required by the department in
31 conformance with federal law, including 7 C.F.R. §58.439.
32 Sec. 5. Section 192.103, Code 2014, is amended to read as
33 follows:
34 **192.103 Sale of grade "A" milk to final consumer —**
35 **impoundment of adulterated or misbranded milk.**

S.F. 2306

1 1. Only grade "A" pasteurized milk and milk products
2 shall be sold to the final consumer, or to restaurants, soda
3 fountains, grocery stores, or similar establishments~~;~~, except
4 ~~in~~ as follows:
5 *a.* In an emergency, the sale of pasteurized milk and milk
6 products which have not been graded, or the grade of which is
7 unknown, may be authorized by the secretary, in which case,
8 such products shall be labeled "ungraded".
9 *b.* A person who operates a dairy farm may sell cheese
10 produced using raw milk as an ingredient to an individual in
11 compliance with section 192.144.
12 2. No person shall within the state produce, provide, sell,
13 offer, or expose for sale, or have in possession with intent
14 to sell, any milk or milk product which is adulterated or
15 misbranded; except, in an emergency, the sale of pasteurized
16 milk and milk products which have not been graded, or the grade
17 of which is unknown, may be authorized by the secretary, in
18 which case such products shall be labeled "ungraded".
19 3. Any adulterated or misbranded milk or milk product
20 may be impounded by the secretary or authorized municipal
21 corporation and disposed of in accordance with applicable laws
22 or regulations.
23 Sec. 6. NEW SECTION. **192.144 Exception for on-farm sale of**
24 **cheese produced using raw milk.**
25 1. A person may manufacture cheese using raw milk that
26 has not been pasteurized in accordance with subsection 2,
27 notwithstanding any of the following:
28 *a.* Any other provision of this chapter, including rules
29 adopted by the department pursuant to section 192.102 or other
30 provisions of this chapter.
31 *b.* Any applicable federal requirement for producing,
32 holding, distributing, or selling milk or a milk product that
33 has not been pasteurized, including as provided in 21 C.F.R.
34 §1240.61.
35 2. A person may produce, store, distribute, and sell raw

S.F. 2306

1 milk for the manufacture of cheese, and the person may store,
2 distribute, or sell the cheese. The person may distribute or
3 sell the cheese on a retail or wholesale basis. However, the
4 person must do all of the following:
5 *a.* Operate a dairy farm regulated under this chapter.
6 *b.* Manufacture the cheese from raw milk originating from the
7 dairy farm operated by the person or a neighboring dairy farm
8 located within twenty-five miles from the person's dairy farm.
9 *c.* Manufacture a variety of cheese identified by standards
10 adopted by the United States food and drug administration
11 pursuant to 21 C.F.R. pt. 133.
12 *d.* Comply with requirements for curing the cheese variety as
13 specified in 21 C.F.R. pt. 133.
14 Sec. 7. NEW SECTION. **194.22 On-farm sale of cheese produced**
15 **using raw milk.**
16 The department shall establish standards for the grading of
17 raw milk used in the manufacture of cheese pursuant to section
18 192.144.
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 BILL'S PROVISIONS. This bill relates to the processing
23 of milk and the manufacture of milk products on dairy farms.
24 The bill provides that the department of agriculture and land
25 stewardship (DALS) cannot regulate the production, processing,
26 labeling, or marketing of cheese produced using raw milk as an
27 ingredient, except as provided in the bill. The bill provides
28 that a person may produce, store, distribute, and sell raw
29 milk for the manufacture of cheese. It also provides that the
30 person may store, distribute, or sell the cheese on a retail
31 or wholesale basis. However, certain conditions apply. The
32 person must operate a dairy farm, the person must manufacture
33 the cheese from raw milk originating from the person's own
34 dairy farm or a neighboring dairy farm, and the type of cheese
35 manufactured must be regulated by the United States food and

S.F. 2306

1 drug administration (FDA). The cheese must also be labeled as
2 required by DALS. The label cannot promote or discourage a
3 purchase. DALS must establish standards for the grading of raw
4 milk used in the manufacture of cheese.
5 BACKGROUND — STATE REGULATION. DALS regulates dairy farms,
6 including the production and grading of milk (Code section
7 159.6). Generally, statutory provisions and departmental rules
8 regulating milk are based on uniform regulations referred to
9 as the "Grade 'A' Pasteurized Milk Ordinance" (Code section
10 192.102). Under state law, food offered or exposed for sale
11 must be labeled (Code section 191.1). This includes the
12 labeling of milk or milk products (Code section 191.2). All
13 milk must be sold on the basis of grade (Code section 194.10)
14 and only grade "A" pasteurized milk and milk products can be
15 sold to the final consumer (Code section 192.103), although
16 grade "B" milk may be sold for manufacturing purposes (21 IAC
17 68.2). All dairy farms selling grade "A" or grade "B" milk
18 must be issued a permit (21 IAC 68.2).
19 BACKGROUND — FEDERAL REGULATION. FDA requires mandatory
20 pasteurization for all milk and milk products in final package
21 form intended for human consumption (21 C.F.R. §1240.61). One
22 exception applies to a list of enumerated cheeses. A cheese
23 included on the list may be manufactured using raw milk using
24 aging as an alternative process. The cheese has to be aged for
25 at least 60 days at a temperature of not less than 35 degrees
26 Fahrenheit (21 C.F.R. pt. 133). The United States department
27 of agriculture has adopted a similar provision relating to
28 labeling (7 C.F.R. §58.439).
29 PENALTIES. A person who violates the bill's provisions is
30 guilty of a simple misdemeanor (Code section 189.21). A simple
31 misdemeanor is punishable by confinement for no more than 30
32 days or a fine of at least $65 but not more than $625 or by
33 both.

Senate File 2307 - Introduced

SENATE FILE 2307
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SF 335)

A BILL FOR

1 An Act concerning matters relating to the transportation of
2 railroad workers and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2300SV (2) 85
dea/nh

S.F. 2307

1 Section 1. Section 327F.39, subsection 1, Code 2014, is
2 amended by adding the following new paragraphs:
3 NEW PARAGRAPH. *0e. "Employee"*, when used in connection
4 with the transportation of railroad workers, means a driver
5 who performs a service for the railroad worker transportation
6 company, either for wages or as an independent contractor.
7 NEW PARAGRAPH. *00e. "Employer"*, when used in connection
8 with the transportation of railroad workers, means a railroad
9 worker transportation company.
10 Sec. 2. Section 327F.39, subsection 1, paragraph h, Code
11 2014, is amended to read as follows:
12 *h. "Railroad worker transportation company"* means a person,
13 other than a railroad ~~corporation~~ company, organized for the
14 purpose of or engaged in the business of transporting, for
15 hire, railroad workers to or from their places of employment or
16 in the course of their employment in motor vehicles designed
17 to carry seven or more persons but fewer than sixteen persons
18 including the driver.
19 Sec. 3. Section 327F.39, subsection 3, Code 2014, is amended
20 by adding the following new paragraphs:
21 NEW PARAGRAPH. *a.* An employer who owns or operates a
22 motor vehicle for the transportation of railroad workers
23 shall inspect the motor vehicle or cause the motor vehicle to
24 be inspected annually in compliance with 49 C.F.R. §396.17,
25 as amended, by a person qualified to perform the inspection
26 as provided in 49 C.F.R. §396.19, as amended. In addition,
27 the employer shall require each employee who drives a motor
28 vehicle for the transportation of railroad workers to complete
29 a written daily report as provided in 49 C.F.R. §396.11, as
30 amended.
31 NEW PARAGRAPH. *b.* An employer shall establish a maintenance
32 and repair program that provides for weekly inspection of each
33 motor vehicle operated by its employees for the transportation
34 of railroad workers to assure overall cleanliness of the motor
35 vehicle, that parts and accessories are in safe and operable

S.F. 2307

1 condition, and that the motor vehicle is equipped with all of
2 the following in good repair:
3 (1) Tires with sufficient tread as prescribed in 49 C.F.R.
4 §393.75, as amended.
5 (2) A fully inflated spare tire.
6 (3) A secure location for personal baggage, including
7 proper baggage restraints.
8 (4) Fully operational seatbelts for all passenger seats.
9 (5) If required by weather conditions, traction devices,
10 studs, or chains.
11 (6) A heater and air conditioner that are properly working
12 with properly working fans.
13 (7) An emergency road kit that contains, at a minimum, a
14 tire-inflating aerosol can, flares or reflective triangles,
15 jumper cables, and a fire extinguisher.
16 (8) A readily available first aid kit in compliance with
17 29 C.F.R. §1910.151, as amended, which includes the articles
18 described in appendix A of that section.
19 NEW PARAGRAPH. *c.* A motor vehicle used for the
20 transportation of railroad workers shall be equipped with an
21 operable amber flashing light mounted on the rear one-third
22 portion of the roof in order to provide warning to other
23 motorists whenever the vehicle has slowed or stopped on or near
24 the roadway.
25 NEW PARAGRAPH. *d.* A motor vehicle used for the
26 transportation of railroad workers shall not be operated in a
27 condition that is likely to cause an accident or a mechanical
28 breakdown.
29 NEW PARAGRAPH. *e.* An employer shall maintain records
30 relating to the maintenance and repair program for each motor
31 vehicle operated by its employees for the transportation of
32 railroad workers. The records shall include:
33 (1) Identifying information for the motor vehicle,
34 including the vehicle identification number; make, model, and
35 year of manufacture; and the railroad company's identification

S.F. 2307

1 number if provided.
2 (2) Owner information if the employer is not the owner of
3 the vehicle.
4 (3) The history of inspections, repairs, and maintenance
5 that describes each activity and the date the activity was
6 performed.
7 NEW PARAGRAPH. *f.* Records required under this section shall
8 be maintained by an employer at its principal place of business
9 for one year. If a motor vehicle leaves the employer's
10 control, the records pertaining to that vehicle shall be
11 maintained by the employer at the employer's principal place of
12 business for six months.
13 NEW PARAGRAPH. *g.* An employer and the employer's officers,
14 agents, and employees who are involved with the inspection or
15 maintenance of motor vehicles shall comply with the employer's
16 maintenance and repair program as provided under this section.
17 Sec. 4. Section 327F.39, Code 2014, is amended by adding the
18 following new subsections:
19 NEW SUBSECTION. 5A. *Driver qualifications.*
20 *a.* An employer shall maintain a driver qualification
21 file for each employee who drives a motor vehicle for the
22 transportation of railroad workers. The driver qualification
23 file shall include all of the following:
24 (1) A certificate of physical examination signed and dated
25 within the previous two years by a physician licensed under
26 chapter 148 certifying that the employee is physically able to
27 operate a motor vehicle.
28 (2) Documentation that the employer has reviewed the
29 driver's driving record within the previous twelve months.
30 (3) Documentation relating to the driver's violation of any
31 applicable motor vehicle laws or ordinances.
32 (4) Other documentation related to the driver's
33 qualification or ability to drive a motor vehicle.
34 (5) The driver's application for employment as provided by
35 49 C.F.R. §391.21, as amended.

S.F. 2307

1 (6) References from previous employers, if required by the
2 current employer.
3 (7) A copy of the driver's current class D driver's license
4 or an equivalent driver's license.
5 *b.* A person shall be disqualified from driving for an
6 employer if the driver is convicted of two or more serious
7 traffic violations committed within a three-year period in this
8 state or another state. For purposes of this section, *"serious*
9 *traffic violation"* means any violation committed while operating
10 a motor vehicle if the violation resulted in the suspension
11 or revocation of the person's driver's license, or any of the
12 following violations, whether or not the violation resulted in
13 license suspension or revocation:
14 (1) A violation of chapter 321J or an equivalent law of
15 another state.
16 (2) A seat belt violation.
17 (3) A violation of commercial motor vehicle laws.
18 (4) A speeding violation for a speed of fifteen miles per
19 hour or more over the legal limit.
20 (5) Negligent homicide.
21 (6) Using a motor vehicle in the commission of a felony.
22 (7) Evading arrest.
23 (8) Using a motor vehicle to flee law enforcement.
24 (9) Careless driving.
25 (10) Prohibited passing of another vehicle.
26 (11) Unlawfully passing a stopped school bus.
27 (12) Failure to obey an official traffic-control signal or
28 device.
29 (13) Failure to obey a railroad crossing gate.
30 (14) Driving while the person's driver's license or
31 operating privileges are suspended, canceled, or revoked.
32 (15) Driving the wrong way on a one-way street.
33 *c.* Prior to allowing a person to perform the duties of
34 a driver, an employer shall require the person to submit to
35 testing for alcohol and controlled substances as provided in

S.F. 2307

1 49 C.F.R. pts. 40 and 382, as amended. A person shall not be
2 allowed to perform the duties of a driver unless the alcohol
3 test result for the person indicates an alcohol concentration
4 of zero and the controlled substances test result from a
5 medical review officer, as defined in 49 C.F.R. §40.3, as
6 amended, indicates a verified negative.
7 *d.* (1) As soon as practicable following an accident
8 involving a motor vehicle owned or operated by an employer,
9 the employer shall test each surviving driver for alcohol and
10 controlled substances if any of the following apply:
11 (a) The accident involved the death of a person.
12 (b) The driver received a citation for a moving violation
13 arising from the accident and the accident involved bodily
14 injury to a person who immediately received medical treatment
15 after the accident.
16 (c) The driver received a citation for a moving violation
17 arising from the accident and the accident involved disabling
18 damage to one or more motor vehicles involved in the accident.
19 (2) Testing for the presence of alcohol shall be conducted
20 immediately following the accident or no later than eight hours
21 after the accident. Testing for the presence of controlled
22 substances shall be conducted immediately following the
23 accident or no later than thirty-two hours after the accident.
24 The test results shall be submitted to the department. The
25 employer shall maintain a record of the test results for five
26 years following the date of the accident.
27 *e.* Notwithstanding any other provision, a person shall be
28 disqualified from driving for the employer upon the occurrence
29 of any of the following:
30 (1) The person's alcohol and controlled substances test
31 results are not in compliance with paragraph "*c*".
32 (2) The person refuses to provide a specimen for alcohol
33 testing, testing for controlled substances, or both.
34 (3) The person submits an adulterated specimen, a dilute
35 positive specimen, or a substituted specimen for an alcohol

S.F. 2307

test or a test for controlled substances.

f. Testing of an employee for the presence of alcohol or a controlled substance under this subsection shall be performed in accordance with section 730.5.

NEW SUBSECTION. 5B. *Financial liability coverage.*

a. An employer shall maintain financial liability coverage in the amount of one million dollars per person, up to a maximum of five million dollars, for each motor vehicle owned or operated by the employer to transport railroad workers.

b. An employer shall maintain uninsured and underinsured motor vehicle coverage in the amount of one million dollars per motor vehicle occupant, up to a maximum of five million dollars, for each motor vehicle owned or operated by the employer to transport railroad workers.

Sec. 5. Section 327F.39, subsection 6, Code 2014, is amended to read as follows:

6. ~~*Rule violations*~~ *Violations.* When the administrator finds that a motor vehicle used to transport workers to and from their places of employment or during the course of their employment ~~violates~~ is not in compliance with this section or a rule adopted under this section, the administrator shall make, enter, and serve upon the owner of the motor vehicle an order as necessary to protect the safety of workers transported in the motor vehicle. The administrator may direct in the order, as a condition to the continued use of the motor vehicle for transporting workers to and from their places of employment or during the course of their employment, that additions, repairs, improvements, or changes be made and that safety devices and safeguards be furnished and used as required to satisfy the rules in the manner and within the time specified in the order. The order may also require that any driver of the motor vehicle satisfy the minimum standards for a driver under ~~the~~ this section or rules adopted under this section.

Sec. 6. Section 327F.39, Code 2014, is amended by adding the following new subsection:

S.F. 2307

1 NEW SUBSECTION. 6A. *Access provided to department.* An
2 employer shall provide the department, or an agent or employee
3 of the department, with access to the following:
4 *a.* A facility owned or controlled by the employer, for the
5 purpose of determining compliance with this section.
6 *b.* Records related to an accident involving a vehicle owned
7 or operated by the employer.
8 Sec. 7. Section 327F.39, subsection 7, Code 2014, is amended
9 to read as follows:
10 7. *Penalty.*
11 *a.* ~~Violation~~ Except as otherwise provided in this
12 subsection, a violation by the owner of a motor vehicle of this
13 section, a rule adopted under this section, or an order issued
14 under subsection 6, or willful failure to comply with such an
15 order is, upon conviction, subject to a schedule "one" penalty
16 as provided under section 327C.5.
17 *b.* A violation of subsection 5 or rules adopted pursuant
18 to subsection 5 by a railroad worker transportation company or
19 a railroad company is punishable as a schedule "one" penalty
20 under section 327C.5.
21 *c.* A railroad worker transportation company or a railroad
22 company that violates this section or a rule adopted pursuant
23 to this section may be subject to a civil penalty not to exceed
24 two thousand dollars in addition to any other penalty provided
25 by law.
26 *d.* Each violation of this section or a rule adopted pursuant
27 to this section constitutes a separate and distinct offense,
28 and for violations of a continuing nature, each day that a
29 violation continues constitutes a separate offense.
30 EXPLANATION

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

33 This bill contains provisions relating to companies
34 that operate motor vehicles and employ drivers for the
35 transportation of railroad workers.

S.F. 2307

1 Under the bill, the term "employer" means a railroad worker
2 transportation company. The term "employee" refers to a driver
3 who performs a service for a railroad worker transportation
4 company, either for wages or as an independent contractor.
5 The bill requires an employer to provide for annual
6 inspection of the employer's motor vehicles by a qualified
7 person. In addition, each employee who drives a motor vehicle
8 must complete a daily written vehicle report. An employer is
9 also required to establish a maintenance and repair program
10 that includes weekly inspection of each motor vehicle, with a
11 focus on cleanliness and the condition of vehicle parts and
12 accessories specified in the bill. An employer is required to
13 maintain records relating to vehicle maintenance and repair for
14 one year, or for a vehicle no longer in the employer's control,
15 for six months.
16 The bill requires an employer to maintain a driver
17 qualification file for each employee that includes specified
18 documentation relating to the employee's driving record
19 and employment record. The bill states that an employee
20 is disqualified from driving for an employer if the driver
21 is convicted of two or more serious traffic violations
22 committed within three years in Iowa or in any other state.
23 For purposes of the bill, "serious traffic violation" means
24 any violation committed while operating a motor vehicle
25 if the violation resulted in suspension or revocation of
26 the person's drivers license, or the following violations,
27 whether or not the violation resulted in license suspension
28 or revocation: operating while intoxicated, a seat belt
29 violation, a violation of commercial motor vehicle laws,
30 speeding more than 15 miles per hour over the limit, negligent
31 homicide, using a motor vehicle in commission of a felony,
32 evading arrest, using a motor vehicle to flee law enforcement,
33 careless driving, prohibited passing, unlawfully passing a
34 school bus, failure to obey a traffic control signal or device,
35 driving while suspended, and driving the wrong way on a one-way

S.F. 2307

1 street.
2 The bill requires drivers to be tested for the presence of
3 alcohol and controlled substances as a condition of employment.
4 In addition, an employer is required to have a driver tested
5 for alcohol and controlled substances following an accident
6 occurring in the course of the driver's employment if the
7 accident involved the death of a person, or if the accident
8 resulted in bodily injury to a person or disabling damage to a
9 motor vehicle and the driver received a citation for a moving
10 violation. Grounds for disqualification of a driver include
11 a test result indicating an alcohol concentration above zero
12 or a controlled substance test result other than a verified
13 negative; refusing to provide a specimen for testing; or
14 adulteration, dilution, or substitution of a specimen.
15 The bill requires an employer to maintain financial
16 liability coverage in the amount of $1 million per person, up
17 to a maximum of $5 million per motor vehicle owned or operated
18 by the employer and uninsured or underinsured motorist coverage
19 in the amount of $1 million per motor vehicle occupant, up to a
20 maximum of $5 million per motor vehicle.
21 The bill requires an employer to provide the department of
22 transportation with access to the employer's facilities and to
23 records relating to accidents involving the employer's motor
24 vehicles.
25 Pursuant to current law, a violation of the provisions
26 relating to the transportation of railroad workers is
27 punishable by a schedule "one" penalty, which is a fine of
28 $100. The bill allows an additional civil penalty of up to
29 $2,000 to be imposed for any violation of the provisions of the
30 bill by a railroad company or a railroad worker transportation
31 company. Each violation of the provisions relating to the
32 transportation of railroad workers constitutes a separate and
33 distinct offense, and for violations of a continuing nature,
34 each day that a violation continues constitutes a separate
35 offense.

Senate File 2308 - Introduced

SENATE FILE 2308
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SF 2101)

A BILL FOR

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

TLSB 5791SV (1) 85
dea/sc

S.F. 2308

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

4. For compressed natural gas used as a special fuel, the rate of tax that is equivalent to the motor fuel tax ~~shall be sixteen~~ is twenty-one cents per ~~hundred~~ gasoline gallon equivalent. A gasoline gallon equivalent of compressed natural gas is five and sixty-six hundredths pounds or one hundred twenty-six and sixty-seven hundredths cubic feet ~~adjusted to~~ measured at a base temperature of sixty degrees Fahrenheit and a pressure of fourteen and seventy-three hundredths pounds per square inch absolute.

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

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

EXPLANATION

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

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

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

S.F. 2308

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

Senate File 2309 - Introduced

SENATE FILE 2309
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3146)

A BILL FOR

1 An Act relating to the service of mandatory minimum sentences
2 by juveniles.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5456SV (2) 85
jm/rj

S.F. 2309

Section 1. Section 124.413, subsection 1, Code 2014, is amended to read as follows:

1. ~~A~~ Except as provided in section 901.5, subsection 15, a person sentenced pursuant to section 124.401, subsection 1, paragraph *"a"*, *"b"*, *"c"*, *"e"*, or *"f"*, shall not be eligible for parole until the person has served a minimum period of confinement of one-third of the maximum indeterminate sentence prescribed by law.

Sec. 2. Section 901.5, Code 2014, is amended by adding the following new subsection:

NEW SUBSECTION. 15. *a.* (1) *Juveniles.* For a defendant under eighteen years of age at the time the offense was committed, the court shall make an individualized determination in each case to determine whether section 124.413, 902.7, 902.8, 902.8A, 902.11, or 902.12 applies to the defendant's sentence.

(2) If the court makes an individualized determination, after considering the factors in paragraph *"c"*, that a section enumerated in subparagraph (1) applies to the defendant's sentence, the court shall state the reasons for the determination on the record at sentencing, and sentence the defendant as follows:

(a) To serve the minimum sentence prior to eligibility for parole as provided in that section enumerated in subparagraph (1).

(b) To serve only a portion of the minimum sentence prior to eligibility for parole as specified by the court as provided in that section enumerated in subparagraph (1).

(3) If the court makes an individualized determination, after considering the factors in paragraph *"c"*, that a section enumerated in subparagraph (1) does not apply to the defendant's sentence, the court shall state the reasons for the determination on the record at the sentencing, and the sentence shall be served as if that section enumerated in subparagraph (1) does not apply to the defendant's sentence.

S.F. 2309

1 *b.* (1) *Juvenile Class "A" felons.* For a class "A" felony
2 defendant under eighteen years of age at the time the offense
3 was committed under section 902.1, subsection 2, the defendant
4 shall not be eligible for parole as provided in section
5 902.1, subsection 2, if the court makes an individualized
6 determination as to the defendant's sentence pursuant to this
7 section.
8 (2) If the court makes an individualized determination,
9 after considering the factors in paragraph *"c"*, that the
10 defendant shall not be eligible for parole as provided in
11 section 902.1, subsection 2, the court shall state the reasons
12 for the determination on the record at sentencing, and sentence
13 the defendant as follows:
14 (a) To serve a term of confinement as specified by the court
15 prior to being eligible for parole.
16 (b) To serve a life sentence pursuant to section 902.1,
17 subsection 1.
18 *c. Factors.* In making an individualized determination, the
19 court shall consider the following factors:
20 (1) The age of the defendant, the level of maturity and
21 impulsiveness, and whether the defendant appreciated the risks
22 and consequences of the defendant's actions.
23 (2) The defendant's family history and current home
24 environment.
25 (3) The circumstances surrounding the offense, including
26 the extent of the defendant's involvement.
27 (4) The amount of family or peer pressure involved in the
28 offense.
29 (5) The defendant's ability to manage relations with
30 law enforcement, prosecutors, or defense counsel, or other
31 manifestations of the defendant's incapacity.
32 (6) The potential for rehabilitation.
33 (7) The defendant's remorse.
34 (8) The defendant's acceptance of responsibility for the
35 defendant's actions.

S.F. 2309

(9) A victim impact statement.

(10) Any other relevant information as the court determines.

Sec. 3. Section 902.1, subsection 2, Code 2014, is amended to read as follows:

2. *a.* Notwithstanding subsection 1, a person convicted of a class "A" felony, and who was under the age of eighteen at the time the offense was committed shall be eligible for parole ~~after serving a minimum term of confinement of twenty-five years~~, unless the court makes an individualized determination as to the person's sentence pursuant to section 901.5, subsection 15.

b. If a person is paroled pursuant to this subsection the person shall be subject to the same set of procedures set out in chapters 901B, 905, 906, and chapter 908, and rules adopted under those chapters for persons on parole.

~~*c.* A person convicted of murder in the first degree in violation of section 707.2 shall not be eligible for parole pursuant to this subsection.~~

Sec. 4. Section 902.7, Code 2014, is amended to read as follows:

902.7 Minimum sentence — use of a dangerous weapon.

~~At~~ Except as provided in section 901.5, subsection 15, the trial of a person charged with participating in a forcible felony, if the trier of fact finds beyond a reasonable doubt that the person is guilty of a forcible felony and that the person represented that the person was in the immediate possession and control of a dangerous weapon, displayed a dangerous weapon in a threatening manner, or was armed with a dangerous weapon while participating in the forcible felony the convicted person shall serve a minimum of five years of the sentence imposed by law. A person sentenced pursuant to this section shall not be eligible for parole until the person has served the minimum sentence of confinement imposed by this section.

S.F. 2309

1 Sec. 5. Section 902.8, Code 2014, is amended to read as
2 follows:
3 **902.8 Minimum sentence — habitual offender.**
4 An habitual offender is any person convicted of a class "C"
5 or a class "D" felony, who has twice before been convicted
6 of any felony in a court of this or any other state, or of
7 the United States. An offense is a felony if, by the law
8 under which the person is convicted, it is so classified at
9 the time of the person's conviction. ~~A~~ Except as provided in
10 section 901.5, subsection 15, a person sentenced as an habitual
11 offender shall not be eligible for parole until the person has
12 served the minimum sentence of confinement of three years.
13 Sec. 6. Section 902.8A, Code 2014, is amended to read as
14 follows:
15 **902.8A Minimum sentence for conspiring to manufacture, or**
16 **delivery of, amphetamine or methamphetamine to a minor.**
17 ~~A~~ Except as provided in section 901.5, subsection 15, a
18 person who has been convicted for a first violation under
19 section 124.401D shall not be eligible for parole until the
20 person has served a minimum term of confinement of ten years.
21 Sec. 7. Section 902.11, unnumbered paragraph 1, Code 2014,
22 is amended to read as follows:
23 A person serving a sentence for conviction of a felony, who
24 has a criminal record of one or more prior convictions for a
25 forcible felony or a crime of a similar gravity in this or any
26 other state, shall be denied parole or work release unless
27 the person has served at least one-half of the maximum term
28 of the defendant's sentence. However, the mandatory sentence
29 provided for by this section does not apply if ~~either~~ any of
30 the following apply:
31 Sec. 8. Section 902.11, Code 2014, is amended by adding the
32 following new subsection:
33 NEW SUBSECTION. 3. The court has made an individualized
34 determination pursuant to section 901.5, subsection 15, that
35 this section does not apply to the person's sentence.

S.F. 2309

1 Sec. 9. Section 902.12, unnumbered paragraph 1, Code 2014,
2 is amended to read as follows:
3 ~~A~~ Except as provided in section 901.5, subsection 15, a
4 person serving a sentence for conviction of the following
5 felonies, including a person serving a sentence for conviction
6 of the following felonies prior to July 1, 2003, shall be
7 denied parole or work release unless the person has served
8 at least seven-tenths of the maximum term of the person's
9 sentence:
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 the imposition of mandatory minimum
14 sentences for certain criminal offenses committed by juveniles.
15 The bill specifies that the following mandatory minimum
16 sentences are not applicable to the criminal sentencing and
17 subsequent incarceration if the person was under 18 years of
18 age at the time the underlying criminal offense was committed,
19 unless the court makes an individualized determination
20 that the mandatory minimum is applicable: Code sections
21 124.413 (mandatory minimum for drug offenses), 902.7 (use
22 of a dangerous weapon), 902.8 (habitual offender), 902.8A
23 (minimum sentence for conspiring to manufacture, or delivery
24 of, amphetamine or methamphetamine to a minor), 902.11 (prior
25 forcible felon), and 902.12 (70 percent sentences).
26 In making an individualized determination, the court
27 shall consider the following: the age of the person and
28 the level of maturity, the defendant's family history and
29 current home environment, the circumstances surrounding the
30 offense including the person's involvement in the crime, the
31 amount of family or peer pressure involved, the defendant's
32 ability to manage relations with the prosecution and defense,
33 the potential for rehabilitation, the person's remorse,
34 the person's acceptance of responsibility, a victim impact
35 statement, and any other relevant information.

S.F. 2309

1 Under the bill, if the court makes an individualized
2 determination that the mandatory minimum applies to the
3 defendant's sentence, the court shall sentence the person in
4 the following manner with respect to the mandatory minimum: to
5 serve the mandatory minimum sentence as provided by law, or to
6 serve a portion of the mandatory minimum sentence as specified
7 by the court prior to eligibility for parole.
8 The bill also specifies in Code section 902.1 that a person
9 who commits a class "A" felony including murder in the first
10 degree and who was under the age of 18 at the time the offense
11 was committed shall be eligible for parole unless the court
12 makes an individualized determination that the person should
13 not be eligible for parole. Current law specifies if the
14 person commits a class "A" felony other than murder in the
15 first degree the person shall serve a mandatory minimum of 25
16 years in prison prior to being eligible for parole. Current
17 law also specifies that if a person commits murder in the first
18 degree and is under 18 years of age at the time the offense was
19 committed the person is not eligible for parole. However, the
20 United States Supreme Court in a recent ruling in Miller v.
21 Alabama prohibited life sentences without the possibility of
22 parole for a juvenile who commits murder.
23 In making the individualized determination the court shall
24 consider the same aforementioned factors for the applicability
25 of mandatory minimum sentences.
26 Under the bill, if the court makes an individualized
27 determination that the person shall not be eligible for parole
28 as specified by Code section 902.1(2) in the bill, the court
29 shall sentence the person in the following manner with respect
30 to the class "A" felony: to serve a term of confinement as
31 specified by the court prior to being eligible for parole, or
32 to serve a life sentence without the possibility of parole
33 pursuant to Code section 902.1(1).

Senate File 2310 - Introduced

SENATE FILE 2310
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 2146)

A BILL FOR

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

TLSB 5618SV (2) 85
rh/nh

S.F. 2310

1 Section 1. Section 123.47, Code 2014, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 1A. *a.* Except for the purposes described
4 in subsection 2, a person who is the owner or lessee of, or who
5 otherwise has control over, property that is not a licensed
6 premises, shall not knowingly permit any person, knowing or
7 having reasonable cause to believe the person to be under legal
8 age, to consume or possess on such property any alcoholic
9 liquor, wine, or beer.
10 *b.* A person who violates this subsection commits the
11 following:
12 (1) For a first offense, a simple misdemeanor punishable as
13 a scheduled violation under section 805.8C, subsection 7A.
14 (2) For a second or subsequent offense, a simple misdemeanor
15 punishable by a fine of five hundred dollars.
16 Sec. 2. Section 123.47, subsection 2, Code 2014, is amended
17 to read as follows:
18 2. A person or persons under legal age shall not purchase or
19 attempt to purchase, consume, or individually or jointly have
20 alcoholic liquor, wine, or beer in their possession or control;
21 except in the case of liquor, wine, or beer given or dispensed
22 to a person under legal age within a private home and with the
23 knowledge, presence, and consent of the parent or guardian, for
24 beverage or medicinal purposes or as administered to the person
25 by either a physician or dentist for medicinal purposes and
26 except to the extent that a person under legal age may handle
27 alcoholic beverages, wine, and beer during the regular course
28 of the person's employment by a liquor control licensee, or
29 wine or beer permittee under this chapter.
30 Sec. 3. Section 123.47, subsection 3, paragraph a,
31 unnumbered paragraph 1, Code 2014, is amended to read as
32 follows:
33 A person who is eighteen, nineteen, or twenty years of
34 age, other than a licensee or permittee, who violates this
35 section regarding the purchase of, ~~or~~ attempt to purchase, or

S.F. 2310

consumption of alcoholic liquor, wine, or beer, or possessing or having control of alcoholic liquor, wine, or beer, commits the following:

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

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

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

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

Sec. 5. Section 232.52, subsection 2, paragraph a, subparagraph (4), subparagraph division (a), subparagraph subdivision (ii), Code 2014, is amended to read as follows:

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

Sec. 6. Section 232.52, subsection 2, paragraph a, subparagraph (4), subparagraph division (a), subparagraph subdivision (vi), Code 2014, is amended to read as follows:

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

Sec. 7. Section 805.8C, Code 2014, is amended by adding the following new subsection:

S.F. 2310

1 NEW SUBSECTION. 7A. *Unlicensed premises owner — underage*
2 *consumption or possession.* For first offense violations of
3 section 123.47, subsection 1A, the scheduled fine is two
4 hundred dollars.

5 EXPLANATION

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

8 This bill relates to the underage possession or consumption
9 of alcohol and provides penalties.
10 Under the bill, a person who is the owner or lessee of, or
11 who otherwise has control over, property that is not a licensed
12 premises, shall not knowingly permit an under legal age person
13 to consume or possess an alcoholic beverage on such property.
14 The bill provides that a person who violates this provision
15 commits a simple misdemeanor for a first offense, punishable
16 as a scheduled violation with a fine of $200, and a simple
17 misdemeanor for a second or subsequent offense, punishable by a
18 $500 fine.
19 The bill amends Code section 123.47 to specify that a person
20 under legal age (under 21) in Iowa is prohibited from consuming
21 alcoholic liquor, wine, or beer, subject to certain exceptions
22 (if consumed in a private home with the knowledge, presence,
23 and consent of the underage person's parent or guardian, for
24 beverage or medicinal purposes or as administered to the person
25 by either a physician or dentist for medicinal purposes, and to
26 the extent that a person under legal age may handle alcoholic
27 beverages, wine, and beer during the regular course of the
28 person's employment by a liquor control licensee, or wine
29 or beer permittee under Code chapter 123). The bill makes
30 conforming changes.
31 For a first offense, a person who is 18, 19, or 20 who
32 consumes alcoholic liquor, wine, or beer in violation of the
33 bill commits a simple misdemeanor punishable as a scheduled
34 violation under Code section 805.8C, subsection 7; for a second
35 offense a person commits a simple misdemeanor punishable by a

S.F. 2310

1 fine of $500; and for a third or subsequent offense the person
2 commits a simple misdemeanor punishable by a fine of $500 and
3 suspension of the person's motor vehicle operating privileges
4 for up to one year.

Senate File 2311 - Introduced

SENATE FILE 2311
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3169)

A BILL FOR

1 An Act relating to the criminal offenses of enticing a minor,
2 prostitution, sexual exploitation of a minor, and human
3 trafficking, providing for a fee, and including effective
4 date and applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6105SV (2) 85
rh/rj

S.F. 2311

1 Section 1. Section 80B.10, Code 2014, is amended to read as
2 follows:
3 **80B.10 Annual report.**
4 The council shall make an annual report to the governor,
5 the attorney general, and the commissioner of public safety
6 which shall include pertinent data regarding the standards
7 established and the degree of participation of agencies in
8 the training program. The report required by this section
9 shall specifically include data regarding law enforcement
10 resources devoted to training, staffing, and investigating
11 human trafficking cases.
12 Sec. 2. Section 602.8102, subsection 135A, Code 2014, is
13 amended to read as follows:
14 135A. Assess the surcharges provided by sections 911.1,
15 911.2, 911.2A, 911.3, and 911.4.
16 Sec. 3. Section 602.8108, subsection 2, Code 2014, is
17 amended to read as follows:
18 2. Except as otherwise provided, the clerk of the district
19 court shall report and submit to the state court administrator,
20 not later than the fifteenth day of each month, the fines and
21 fees received during the preceding calendar month. Except
22 as provided in subsections 3, 4, 5, 5A, 7, 8, 9, and 10, the
23 state court administrator shall deposit the amounts received
24 with the treasurer of state for deposit in the general fund of
25 the state. The state court administrator shall report to the
26 legislative services agency within thirty days of the beginning
27 of each fiscal quarter the amount received during the previous
28 quarter in the account established under this section.
29 Sec. 4. Section 602.8108, Code 2014, is amended by adding
30 the following new subsection:
31 NEW SUBSECTION. 5A. The clerk of the district court shall
32 remit all moneys collected from the assessment of the human
33 trafficking victim surcharge provided in section 911.2A to the
34 state court administrator no later than the fifteenth day of
35 each month for deposit in the human trafficking victim fund

S.F. 2311

created in section 915.95.

Sec. 5. Section 710.10, Code 2014, is amended by adding the following new subsection:

NEW SUBSECTION. 7. For purposes of this section, methods of enticement include but are not limited to personal contact and communication by any means including through the mail, telephone, internet, or any social media, and include text messages, instant messages, and electronic mail.

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

725.1 Prostitution.

1. ~~A~~ Except as provided in subsection 3, a person who sells or offers for sale the person's services as a partner in a sex act commits an aggravated misdemeanor. ~~, or~~

2. A person who purchases or offers to purchase ~~such~~ a person's services~~,~~ as a partner in a sex act commits an aggravated misdemeanor.

3. If the person who sells or offers for sale the person's services as a partner in a sex act pursuant to subsection 1 is under the age of eighteen, the county attorney may elect, in lieu of filing a petition alleging that the person has committed a delinquent act, to refer the person to the department of human services for the possible filing of a petition alleging that the person is a child in need of assistance.

Sec. 7. NEW SECTION. **802.2B Sexual exploitation of a minor.**

An information or indictment for sexual exploitation of a minor under section 728.12 committed on or with a person who is under the age of eighteen years shall be found within ten years after the person upon whom the offense is committed attains eighteen years of age, or if the person against whom the information or indictment is sought is identified through the use of a DNA profile, an information or indictment shall be found within three years from the date the person is identified by the person's DNA profile, whichever is later.

S.F. 2311

1 Sec. 8. Section 802.3, Code 2014, is amended to read as
2 follows:
3 **802.3 Felony — aggravated or serious misdemeanor.**
4 In all cases, except those enumerated in section 802.1,
5 802.2, 802.2A, 802.2B, or 802.10, an indictment or information
6 for a felony or aggravated or serious misdemeanor shall be
7 found within three years after its commission.
8 Sec. 9. Section 808B.3, Code 2014, is amended by adding the
9 following new subsection:
10 NEW SUBSECTION. 6. A felony offense involving human
11 trafficking in violation of chapter 710A.
12 Sec. 10. Section 902.9, subsection 2, Code 2014, is amended
13 to read as follows:
14 2. The surcharges required by sections 911.1, 911.2,
15 911.2A, and 911.3 shall be added to a fine imposed on a class
16 "C" or class "D" felon, as provided by those sections, and are
17 not a part of or subject to the maximums set in this section.
18 Sec. 11. Section 903.1, subsection 4, Code 2014, is amended
19 to read as follows:
20 4. The surcharges required by sections 911.1, 911.2,
21 911.2A, 911.3, and 911.4 shall be added to a fine imposed on a
22 misdemeanant as provided in those sections, and are not a part
23 of or subject to the maximums set in this section.
24 Sec. 12. NEW SECTION. **911.2A Human trafficking victim**
25 **surcharge.**
26 1. In addition to any other surcharge, the court or clerk
27 of the district court shall assess a human trafficking victim
28 surcharge of one thousand dollars if an adjudication of
29 guilt or a deferred judgment has been entered for a criminal
30 violation of section 725.1, subsection 2, or section 710A.2,
31 725.2, or 725.3.
32 2. In the event of multiple offenses, the surcharge shall be
33 imposed for each applicable offense.
34 3. The surcharge shall be remitted by the clerk of court as
35 provided in section 602.8108, subsection 5A.

S.F. 2311

1 Sec. 13. NEW SECTION. **915.95 Human trafficking victim fund.**
2 A fund is created as a separate fund in the state treasury.
3 Moneys deposited in the fund shall be administered by the
4 department and dedicated to and used for awarding moneys to
5 programs that provide services and support to victims of human
6 trafficking under section 710A.2, including public outreach
7 and awareness programs and service provider training programs.
8 Notwithstanding section 8.33, any balance in the fund on June
9 30 of any fiscal year shall not revert to the general fund of
10 the state.
11 Sec. 14. EFFECTIVE DATE. The section of this Act enacting
12 section 911.2A takes effect January 1, 2015.
13 Sec. 15. APPLICABILITY. The section of this Act enacting
14 section 911.2A applies to an adjudication of guilt or a
15 deferred judgment entered for a violation of section 725.1,
16 subsection 2, or section 710A.2, 725.2, or 725.3 on or after
17 January 1, 2015.
18 EXPLANATION
19 **The inclusion of this explanation does not constitute agreement with**
20 **the explanation's substance by the members of the general assembly.**
21 The bill relates to the criminal offenses of enticing a
22 minor, prostitution, sexual exploitation of a minor, and human
23 trafficking, provides for a fee, and includes effective date
24 and applicability provisions.
25 IOWA LAW ENFORCEMENT ACADEMY REPORT. The bill provides that
26 the Iowa law enforcement academy must include data regarding
27 law enforcement resources devoted to training, staffing, and
28 investigating human trafficking cases in the council's annual
29 report.
30 ENTICING A MINOR. The bill provides that for the criminal
31 offense of enticing a minor, methods of enticement include but
32 are not limited to personal contact and communication by any
33 means including through the mail, telephone, internet, or any
34 social media, and include text messages, instant messages, and
35 electronic mail.

S.F. 2311

1 PROSTITUTION — MINOR. The bill provides that if a person
2 who sells or offers for sale the person's services as a partner
3 in a sex act (prostitution) is under the age of 18, the county
4 attorney may elect, in lieu of filing a delinquency petition in
5 juvenile court, to refer the person to the department of human
6 services for the possible filing of a petition alleging that
7 the person is a child in need of assistance.
8 SEXUAL EXPLOITATION OF A MINOR — STATUTE OF LIMITATION. The
9 bill increases the statute of limitation period for the filing
10 of an information or indictment for the criminal offense of
11 sexual exploitation of a minor from three years to 10 years
12 after the person upon whom the offense is committed attains 18
13 years of age, or if the person against whom the information or
14 indictment is sought is identified through the use of a DNA
15 profile, an information or indictment shall be filed within
16 three years from the date the person is identified by the
17 person's DNA profile, whichever is later.
18 HUMAN TRAFFICKING SURCHARGE. The bill provides for the
19 assessment of a $1,000 human trafficking victim surcharge if an
20 adjudication of guilt or a deferred judgment has been entered
21 for a criminal violation of Code sections 725.1, subsection
22 2 (prostitution by a purchaser of sexual services) or 710A.2
23 (human trafficking), 725.2 (pimping), and 725.3 (pandering).
24 The surcharge shall be deposited into the human trafficking
25 victim fund created in the bill. The surcharge takes effect
26 January 1, 2015.
27 HUMAN TRAFFICKING VICTIM FUND. The bill creates a human
28 trafficking victim fund to be administered by the department of
29 justice to be used for awarding moneys to programs that provide
30 services and support to human trafficking victims, including
31 public outreach and awareness programs and service provider
32 training programs. Notwithstanding Code section 8.33, any
33 balance in the fund on June 30 of any fiscal year shall not
34 revert to the general fund of the state.
35 COMMUNICATIONS INVOLVING HUMAN TRAFFICKING. Under the bill,

S.F. 2311

1 the attorney general may prepare an application for a court
2 order authorizing the interception of wire, oral, or electronic
3 communications involving a felony human trafficking offense
4 under Code chapter 710A. The court, subject to Code chapter
5 808B, may grant such an order authorizing the interception
6 of oral, wire, or electronic communications by special state
7 agents of the department of public safety when the interception
8 of such communications may provide evidence of a felony offense
9 involving human trafficking.

Senate File 2312 - Introduced

SENATE FILE 2312
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3134)

A BILL FOR

1 An Act relating to the continued effect of terms, conditions,
2 covenants, and provisions contained in documents and
3 instruments creating or regulating multiple housing
4 cooperatives and horizontal property regimes and including
5 applicability provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5474SV (2) 85
rh/sc

S.F. 2312

1 Section 1. NEW SECTION. **499A.23 Effect of documents and**
2 **instruments.**
3 1. Unless amended or terminated by this chapter or by the
4 following documents or instruments, all terms, conditions,
5 covenants, and provisions contained in the following documents
6 or instruments shall remain in full force and effect as long as
7 the cooperative remains in existence:
8 *a.* The articles of incorporation of the cooperative and any
9 amendments thereto.
10 *b.* The bylaws of the cooperative and any amendments thereto.
11 *c.* Any proprietary leases, contracts, or other agreements
12 between the cooperative and a member of the cooperative or
13 between members of the cooperative.
14 *d.* Any property interests created by any documents or
15 instruments specified in paragraph *"a"*, *"b"*, or *"c"*.
16 2. A document or instrument specified in subsection 1, and
17 any property interests created by such document or instrument,
18 shall not be extinguished, limited, or impaired by application
19 of section 558.68 or 614.24.
20 Sec. 2. NEW SECTION. **499B.21 Effect of documents and**
21 **instruments.**
22 1. Unless amended or terminated by the following documents
23 or instruments, all terms, conditions, covenants, and
24 provisions contained in the following documents or instruments
25 shall remain in full force and effect as long as the horizontal
26 property regime remains in existence:
27 *a.* The declaration of the horizontal property regime and any
28 amendments thereto.
29 *b.* The articles of incorporation of the horizontal property
30 regime and any amendments thereto.
31 *c.* The bylaws of the horizontal property regime and any
32 amendments thereto.
33 *d.* Any rules and regulations adopted pursuant to the
34 declaration of the horizontal property regime and the bylaws of
35 the horizontal property regime.

S.F. 2312

e. Any property interests created by any documents or instruments specified in paragraphs *"a"*, *"b"*, *"c"*, or *"d"*.

2. A document or instrument specified in subsection 1, and any property interests created by such document or instrument, shall not be extinguished, limited, or impaired by application of section 558.68 or 614.24.

Sec. 3. Section 558.68, Code 2014, is amended by adding the following new subsection:

NEW SUBSECTION. 6. This section shall not extinguish, limit, or impair the validity of a document or instrument specified in section 499A.23 or 499B.21, or any property interests created by such document or instrument.

Sec. 4. Section 614.24, Code 2014, is amended by adding the following new subsection:

NEW SUBSECTION. 4. This section shall not extinguish, limit, or impair the validity of a document or instrument specified in section 499A.23 or 499B.21, or any property interests created by such document or instrument.

Sec. 5. APPLICABILITY. This Act applies to all multiple housing cooperatives and horizontal property regimes created prior to, and still in existence on, July 1, 2014, and created 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 the effect of terms, conditions, covenants, and provisions contained in documents and instruments creating or regulating multiple housing cooperatives and horizontal property regimes.

The bill provides that unless amended or terminated by Code chapter 499A (multiple housing cooperatives) or by the following documents or instruments, all terms, conditions, covenants, and provisions contained in the following documents or instruments, and any property interests created by any such documents or instruments, shall remain in full force and effect

S.F. 2312

as long as the cooperative remains in existence: the articles of incorporation and the bylaws of the cooperative and any amendments thereto and any proprietary leases, contracts, or other agreements between the cooperative and a member of the cooperative or between members of the cooperative.

The bill also provides that unless amended or terminated by Code chapter 499B (horizontal property regimes) or by the following documents or instruments, all terms, conditions, covenants, and provisions contained in the following documents or instruments, and any property interests created by any such documents or instruments, shall remain in full force and effect as long as the cooperative remains in existence: the declaration of the horizontal property regime and any amendments thereto and the articles of incorporation and the bylaws of the horizontal property regime and any amendments thereto and any rules and regulations adopted pursuant to the declaration or bylaws.

The bill provides that the rule against perpetuities and certain provisions relating to reversion or use restrictions on land shall not impair the validity of a document or instrument property interest specified in the bill.

The bill applies to all multiple housing cooperatives and horizontal property regimes created prior to, and still in existence on, July 1, 2014, and created on or after July 1, 2014.

Senate File 2313 - Introduced

SENATE FILE 2313
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3038)

A BILL FOR

1 An Act relating to the removal of clerks of the district court.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5324SV (3) 85
rh/rj

S.F. 2313

Section 1. Section 602.1215, subsection 1, Code 2014, is amended to read as follows:

1. Subject to the provisions of section 602.1209, subsection 3, the district judges of each judicial election district shall by majority vote appoint persons to serve as clerks of the district court within the judicial election district. The district judges of a judicial election district may appoint a person to serve as clerk of the district court for more than one but not more than four contiguous counties in the same judicial district. A person does not qualify for appointment to the office of clerk of the district court unless the person is at the time of application a resident of the state. A clerk of the district court may be removed from office for cause by ~~a majority vote of the district judges of~~ the chief judge of the judicial ~~election~~ district, after consultation with the district judges of the judicial election district. ~~Before~~ Prior to removal, the clerk of the district court shall be notified of the cause for removal.

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 clerks of the district court.

Under current law, a clerk of the district court is appointed and may be removed by a majority vote of all district judges in the judicial election district. The state court administrator must approve the appointment.

The bill allows the chief judge of the judicial district to remove a clerk of the district court for cause after consultation with the district judges of the judicial election district.

Senate File 2314 - Introduced

SENATE FILE 2314
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 2157)

A BILL FOR

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

TLSB 5715SV (2) 85
jm/rj

S.F. 2314

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

S.F. 2314

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

S.F. 2314

1 through a civil action.
2 The bill also specifies that any information obtained or
3 collected in violation of the bill shall not be admissible as
4 evidence in a criminal, civil, or administrative proceeding.

Senate File 2315 - Introduced

SENATE FILE 2315
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3115)

(COMPANION TO LSB 5475HV BY
COMMITTEE ON JUDICIARY)

A BILL FOR

1 An Act relating to the scope and nature of use restrictions on
2 land.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5475SV (2) 85
rh/sc

S.F. 2315

1 Section 1. Section 614.24, Code 2014, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 4. As used in this section, *"use*
4 *restrictions"* means a limitation or prohibition on the rights
5 of a landowner to make use of the landowner's real estate,
6 including but not limited to limitations or prohibitions
7 on commercial uses, rental use, parking and storage of
8 recreational vehicles and their attachments, ownership
9 of pets, outdoor domestic uses, construction and use of
10 accessory structures, building dimensions and colors, building
11 construction materials, and landscaping. As used in this
12 section, *"use restrictions"* does not include any of the
13 following:
14 *a.* An easement granting a person an affirmative right
15 to use land in the possession of another person including
16 but not limited to an easement for pedestrian or vehicular
17 access, reasonable ingress and egress, solar access, utilities,
18 supporting utilities, parking areas, bicycle paths, and water
19 flow.
20 *b.* An agreement between two or more parcel owners providing
21 for the sharing of costs and other obligations for real
22 estate taxes, insurance premiums, and for maintenance, repair,
23 improvements, services, or other costs related to two or more
24 parcels of real estate regardless of whether the parties to
25 the agreement are owners of individual lots or incorporated
26 or unincorporated lots or have ownership interests in common
27 areas in a horizontal property regime or residential housing
28 development.
29 *c.* An agreement between two or more parcel owners for
30 the joint use and maintenance of driveways, party walls,
31 landscaping, fences, wells, roads, common areas, waterways, or
32 bodies of water.
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. 2315

1 Iowa Code sections 614.24 through 614.28 (known as the
2 "stale uses and reversions Act") require the filing of a
3 verified claim with the county recorder in the county where the
4 real estate is located within 21 years after the recording of
5 a use restriction or the last verified claim to continue the
6 use restriction. If a verified claim is not timely filed, the
7 use restriction becomes unenforceable by operation of law 21
8 years after the recording of the last verified claim of use
9 restriction.
10 This bill defines the term "use restriction" for the
11 filing of a verified claim to include but not be limited to
12 limitations or prohibitions on uses specified in the bill. The
13 bill also provides that a use restriction does not include
14 easements granting a person an affirmative right to use
15 land in the possession of another person, certain agreements
16 providing for the sharing of costs and other obligations for
17 real estate taxes, insurance premiums, and maintenance, repair,
18 improvements, services, or other costs, and agreements between
19 two or more parcel owners for the joint use and maintenance
20 of driveways, party walls, landscaping, fences, wells, roads,
21 common areas, waterways, or bodies of water.

Senate File 2316 - Introduced

SENATE FILE 2316
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3111)

A BILL FOR

1 An Act relating to the grounds for termination of parental
2 rights.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5340SV (2) 85
pf/nh

S.F. 2316

1 Section 1. Section 600A.8, Code 2014, is amended to read as
2 follows:
3 **600A.8 Grounds for termination.**
4 The juvenile court shall base its findings and order under
5 section 600A.9 on clear and convincing proof. The following
6 shall be, either separately or jointly, grounds for ordering
7 termination of parental rights:
8 1. A parent has signed a release of custody pursuant to
9 section 600A.4 and the release has not been revoked.
10 2. A parent has petitioned for the parent's termination of
11 parental rights pursuant to section 600A.5.
12 3. The parent has abandoned the child. For the purposes of
13 this subsection, a parent is deemed to have abandoned a child
14 as follows:
15 *a.* (1) If the child is less than six months of age
16 when the termination hearing is held, a parent is deemed to
17 have abandoned the child unless the parent does all of the
18 following:
19 (a) Demonstrates a willingness to assume custody of the
20 child rather than merely objecting to the termination of
21 parental rights.
22 (b) Takes prompt action to establish a parental
23 relationship with the child.
24 (c) Demonstrates, through actions, a commitment to the
25 child.
26 (2) In determining whether the requirements of this
27 paragraph "*a*" are met, the court may consider all of the
28 following:
29 (a) The fitness and ability of the parent in personally
30 assuming custody of the child, including a personal and
31 financial commitment which is timely demonstrated.
32 (b) Whether efforts made by the parent in personally
33 assuming custody of the child are substantial enough to evince
34 a settled purpose to personally assume all parental duties.
35 (c) With regard to a putative father, whether the putative

S.F. 2316

1 father publicly acknowledged paternity or held himself out to
2 be the father of the child during the six continuing months
3 immediately prior to the termination proceeding.
4 (d) With regard to a putative father, whether the putative
5 father paid a fair and reasonable sum, in accordance with the
6 putative father's means, for medical, hospital, and nursing
7 expenses incurred in connection with the mother's pregnancy or
8 with the birth of the child, or whether the putative father
9 demonstrated emotional support as evidenced by the putative
10 father's conduct toward the mother.
11 (e) Any measures taken by the parent to establish legal
12 responsibility for the child.
13 (f) Any other factors evincing a commitment to the child.
14 *b.* If the child is six months of age or older when the
15 termination hearing is held, a parent is deemed to have
16 abandoned the child unless the parent maintains substantial and
17 continuous or repeated contact with the child as demonstrated
18 by contribution toward support of the child of a reasonable
19 amount, according to the parent's means, and as demonstrated
20 by any of the following:
21 (1) Visiting the child at least monthly when physically and
22 financially able to do so and when not prevented from doing so
23 by the person having lawful custody of the child.
24 (2) Regular communication with the child or with the person
25 having the care or custody of the child, when physically and
26 financially unable to visit the child or when prevented from
27 visiting the child by the person having lawful custody of the
28 child.
29 (3) Openly living with the child for a period of six
30 months within the one-year period immediately preceding the
31 termination of parental rights hearing and during that period
32 openly holding himself or herself out to be the parent of the
33 child.
34 *c.* The subjective intent of the parent, whether expressed
35 or otherwise, unsupported by evidence of acts specified in

S.F. 2316

paragraph *"a"* or *"b"* manifesting such intent, does not preclude a determination that the parent has abandoned the child. In making a determination, the court shall not require a showing of diligent efforts by any person to encourage the parent to perform the acts specified in paragraph *"a"* or *"b"*. In making a determination regarding a putative father, the court may consider the conduct of the putative father toward the child's mother during the pregnancy. Demonstration of a commitment to the child is not met by the putative father marrying the mother of the child after adoption of the child.

4. A parent has been ordered to contribute to the support of the child or financially aid in the child's birth and has failed to do so without good cause.

5. A parent does not object to the termination after having been given proper notice and the opportunity to object.

6. A parent does not object to the termination although every reasonable effort has been made to identify, locate and give notice to that parent as required in section 600A.6.

7. An adoptive parent requests termination of parental rights and the parent-child relationship based upon a showing that the adoption was fraudulently induced in accordance with the procedures set out in section 600A.9, subsection 3.

8. ~~Both of the following circumstances apply to a parent:~~

~~*a.* The parent has been determined to be a person with a substance-related disorder as defined in section 125.2 and the~~ The parent has ~~committed~~ been convicted of a second or subsequent domestic abuse assault pursuant to section 708.2A.

~~*b.*~~ 9. The parent has abducted the child, has improperly removed the child from the physical custody of the person entitled to custody without the consent of that person, or has improperly retained the child after a visit or other temporary relinquishment of physical custody.

~~9.~~ 10. The parent has been imprisoned for a crime against the child, the child's sibling, or another child in the household, or ~~the~~ has been convicted of a felony offense

S.F. 2316

that is a sex offense against a minor as defined in section 692A.101.

11. The parent has been convicted of first degree murder in the murder of the child's other parent.

12. The parent has been convicted of a crime of sexual abuse as defined in chapter 709.

13. The parent has been convicted of any other forcible felony of such a nature as to indicate the unfitness of the parent to provide adequate care and support to the extent necessary for the child's physical, mental, or emotional health and development.

14. The parent has been imprisoned and it is unlikely that the parent will be released from prison for a period of five or more years.

~~10. The parent has been convicted of a felony offense that is a sex offense against a minor as defined in section 692A.101, the parent is divorced from or was never married to the minor's other parent, and the parent is serving a minimum sentence of confinement of at least five years for that offense.~~

15. The parent has neglected the child or is unfit to be a parent. In determining whether the parent has neglected the child or is unfit, the court shall consider whether the parent has a consistent pattern of specific conduct or a specific condition directly relating to the parent-child relationship which is determined by the court to be of a duration or nature that renders the parent unable, for the reasonably foreseeable future, to provide the appropriate care and support for the ongoing physical, mental, or emotional needs of the child. The court shall consider at a minimum the following specific conduct or conditions which may result in neglect or diminished fitness as a parent:

a. A medically-verifiable emotional illness, mental illness, mental deficiency, or substance-related disorder as defined in section 125.2.

S.F. 2316

1 *b.* Prior conviction of child endangerment or neglect of the
2 child, the child's sibling, or another child in the household.
3 *c.* Repeated or continuous failure by the parent, although
4 physically and financially able, to provide the child with
5 adequate food, clothing, shelter, education, or other care
6 and support necessary for the child's physical, mental, or
7 emotional health and development.
8 *d.* The termination of the parent's parental rights to
9 another child.
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 the grounds for termination of parental
14 rights.
15 The bill amends the existing ground requiring that
16 the parent has both been determined to be a person with a
17 substance-related disorder as defined in Code section 125.2 and
18 has committed a second or subsequent domestic abuse assault,
19 to require only that the parent has been convicted of a second
20 or subsequent domestic abuse assault. The existence of a
21 substance-related disorder is later included in a ground
22 relating to the fitness of the parent.
23 The bill divides the existing ground which provides that
24 the parent has been imprisoned for a crime against the child,
25 the child's sibling, or another child in the household, or the
26 parent has been imprisoned and it is unlikely that the parent
27 will be released from prison for a period of five or more years
28 into two separate grounds.
29 The bill amends the existing ground which requires that the
30 parent has been convicted of a felony offense that is a sex
31 offense against a minor, the parent is divorced from or was
32 never married to the minor's other parent, and the parent is
33 serving a minimum sentence of confinement of at least five
34 years for that offense, by deleting the conditions that the
35 parent is divorced from or was never married to the minor's

S.F. 2316

1 other parent and that the parent is serving a minimum sentence
2 of confinement of at least five years, and instead combining
3 the ground that the parent has been convicted of a felony
4 offense that is a sex offense against a minor with other
5 divisible grounds that relate to crimes against a child.
6 The bill adds the following new grounds for termination
7 of parental rights: the parent has been convicted of first
8 degree murder in the murder of the child's other parent; the
9 parent has been convicted of a crime of sexual abuse as defined
10 in Code chapter 709; the parent has been convicted of any
11 other forcible felony of such a nature as to indicate the
12 unfitness of the parent to provide adequate care and support
13 to the extent necessary for the child's physical, mental, or
14 emotional health and development; and the parent has neglected
15 the child or is unfit to be a parent. The bill provides that
16 in determining whether the parent has neglected the child or
17 is unfit, the court shall consider whether the parent has a
18 consistent pattern of specific conduct or a specific condition
19 directly relating to the parent-child relationship which is
20 determined by the court to be of a duration or nature that
21 renders the parent unable, for the reasonably foreseeable
22 future, to provide the appropriate care and support for the
23 ongoing physical, mental, or emotional needs of the child.
24 The bill specifies certain conduct or conditions that the
25 court shall consider in determining neglect or diminished
26 fitness as a parent. Such conduct and conditions include:
27 a medically-verifiable emotional illness, mental illness,
28 mental deficiency, or substance-related disorder as defined in
29 Code section 125.2; prior conviction of child endangerment or
30 neglect of the child, the child's sibling, or another child in
31 the household repeated or continuous failure by the parent,
32 although physically and financially able, to provide the child
33 with adequate food, clothing, shelter, education, or other
34 care and support necessary for the child's physical, mental,
35 or emotional health and development; or the termination of the

S.F. 2316

1 parent's parental rights to another child.

Senate File 2317 - Introduced

SENATE FILE 2317
BY COMMITTEE ON ECONOMIC GROWTH

(SUCCESSOR TO SSB 3052)

A BILL FOR

1 An Act relating to the jobs training and apprenticeship
2 programs and making appropriations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5292SV (4) 85
ad/rj

S.F. 2317

1 Section 1. Section 15.108, subsection 6, paragraph a, Code
2 2014, is amended to read as follows:
3 *a.* Coordinate and perform the duties specified under the
4 Iowa industrial new jobs training Act in chapter 260E~~, the~~
5 ~~Iowa jobs training Act in chapter 260F, and the workforce~~
6 ~~development fund in section 15.341~~.
7 Sec. 2. NEW SECTION. **256.91 Workforce development fund**
8 **account.**
9 A workforce development fund account is established in
10 the office of the treasurer of state under the control of
11 the department. The account shall receive funds pursuant to
12 section 422.16A up to a maximum of eight million dollars per
13 year.
14 Sec. 3. NEW SECTION. **256.92 Workforce development fund.**
15 1. *a.* A workforce development fund is created as a
16 revolving fund in the state treasury under the control of the
17 department consisting of any moneys appropriated by the general
18 assembly for that purpose and any other moneys available to
19 and obtained or accepted by the department from the federal
20 government or private sources for placement in the fund. The
21 fund shall also include moneys appropriated to the fund from
22 the workforce development fund account established in section
23 256.91.
24 *b.* Notwithstanding section 8.33, moneys in the workforce
25 development fund at the end of each fiscal year shall not
26 revert to any other fund but shall remain in the workforce
27 development fund for expenditure for subsequent fiscal years.
28 2. The assets of the fund shall be used by the department
29 for the following programs and purposes:
30 *a.* Projects under chapter 260F.
31 *b.* Apprenticeship programs under chapter 260J.
32 3. Moneys in the workforce development fund shall be
33 allocated as follows:
34 *a.* Four million dollars shall be transferred and deposited
35 in the job training fund created in section 260F.6 to be used

S.F. 2317

for the purposes provided in chapter 260F.

b. Four million dollars shall be transferred and deposited in the apprenticeship training program fund created in section 260J.3 to be used for the purposes provided in chapter 260J.

Sec. 4. Section 260C.18A, subsection 2, paragraph b, Code 2014, is amended to read as follows:

b. Projects in which an agreement between a community college and a business meet all the requirements of the Iowa jobs training Act under chapter 260F. ~~However, projects funded by moneys provided by a local workforce training and economic development fund of a community college are not subject to the maximum advance or award limitations contained in section 260F.6, subsection 2, or the allocation limitations contained in section 260F.8, subsection 1.~~

Sec. 5. Section 260F.2, subsection 2, Code 2014, is amended by striking the subsection.

Sec. 6. Section 260F.2, subsections 4, 5, 10, and 11, Code 2014, are amended to read as follows:

4. *"Date of commencement of the project"* means the date of the ~~preliminary~~ signed agreement ~~or the date an application for assistance is received by the authority~~.

5. *"Eligible business"* or *"business"* means a business training employees which is engaged in interstate or intrastate commerce for the purpose of manufacturing, processing, or assembling products, conducting research and development, commercial construction, or providing services in interstate commerce including electronic commerce, but excludes retail, health, or professional services and which meets the other criteria established by the ~~authority~~ department. *"Eligible business"* does not include a business whose training costs can be economically funded under chapter 260E, a business which closes or substantially reduces its employment base in order to relocate substantially the same operation to another area of the state, or a business which is involved in a strike, lockout, or other labor dispute in Iowa.

S.F. 2317

1 10. *"Program services"* includes but is not limited to the
2 following:
3 *a.* Training of employees.
4 *b.* Adult basic education and job-related instruction.
5 *c.* Vocational and skill-assessment services and testing.
6 *d.* Training facilities, equipment, materials, and supplies.
7 *e.* Administrative expenses for the jobs training program, in
8 an amount not to exceed five percent of the total project cost.
9 *f.* Subcontracted services with institutions governed by the
10 state board of regents, private colleges or universities, or
11 other federal, state, or local agencies.
12 *g.* Contracted or professional services.
13 11. *"Project"* means a training arrangement which is the
14 subject of an agreement entered into between the community
15 college and a business to provide program services. ~~*"Project"*~~
16 ~~also means an authority-sponsored training arrangement which~~
17 ~~is sponsored by the authority and administered under sections~~
18 ~~260F.6A and 260F.6B.~~
19 Sec. 7. Section 260F.2, Code 2014, is amended by adding the
20 following new subsection:
21 NEW SUBSECTION. 4A. *"Department"* means the department of
22 education.
23 Sec. 8. Section 260F.3, Code 2014, is amended by adding the
24 following new subsections:
25 NEW SUBSECTION. 4A. Type of training to be delivered.
26 NEW SUBSECTION. 4B. Amount of employer match.
27 Sec. 9. NEW SECTION. **260F.4 Financial assistance —**
28 **restrictions.**
29 1. The maximum award of financial assistance for any one
30 project is fifty thousand dollars.
31 2. A business may be approved for multiple projects, but the
32 total financial assistance award to a business shall not exceed
33 one hundred thousand dollars within a three-year period.
34 3. An award of financial assistance does not include
35 reimbursement to the business for employee wages while the

S.F. 2317

1 employee is in training.
2 4. An award of financial assistance is based on the actual
3 cost of services.
4 5. A business's request for financial assistance shall be
5 commensurate with training needs.
6 6. Community colleges shall provide financial assistance to
7 a business on a reimbursement basis or by directly paying for
8 training expenses from an account administered by the community
9 college.
10 7. *a.* A business shall provide a cash match or in-kind
11 match in order to be eligible for financial assistance pursuant
12 to this section.
13 *b.* A business requesting financial assistance of less than
14 five thousand dollars for a program shall provide an in-kind
15 match.
16 *c.* A business requesting financial assistance of five
17 thousand dollars or more for a program shall provide cash to
18 pay at least twenty-five percent of the total project cost,
19 including training and administration costs.
20 *d.* An in-kind match includes employee wages paid by
21 the business during the training period, the value of
22 business-provided facilities and equipment used for training,
23 or the value of any other resource provided by the business to
24 facilitate the training program.
25 Sec. 10. NEW SECTION. **260F.5 Community college annual**
26 **report.**
27 1. Each community college shall submit an annual report
28 to the department by September 1 documenting the job training
29 programs funded during the previous fiscal year.
30 2. The report shall address the performance metrics
31 established by the department for the job training program
32 pursuant to section 260F.8.
33 3. The report shall be submitted in a manner and form
34 prescribed by the department.
35 Sec. 11. Section 260F.6, subsection 1, Code 2014, is amended

S.F. 2317

to read as follows:

1. There is ~~established~~ created for the community colleges a job training fund ~~in the economic development authority in the workforce development fund~~ to be administered by the department. The job training fund consists of moneys appropriated for the purposes of this chapter ~~plus the interest and principal from repayment of advances made to businesses for program costs, plus the repayments, including interest, of loans made from that retraining fund, and interest earned from moneys in the job training fund~~. Moneys in the fund are appropriated to the department for purposes of this chapter.

Sec. 12. Section 260F.6, subsections 2 and 3, Code 2014, are amended by striking the subsections and inserting in lieu thereof the following:

2. Moneys in the fund shall be allocated pursuant to the formula established in 260C.18C. Any unexpended or unallocated funds remaining in the job training fund allocated for purposes of the business network training program authorized in section 260F.6A, Code 2014, as of June 30, 2014, shall be distributed to the community colleges in the manner provided for in subsection 2.

3. Notwithstanding section 8.33, moneys in the fund at the close of the fiscal year shall not revert to the general fund of the state but shall remain available for expenditure for the purpose designated for subsequent fiscal years. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

Sec. 13. Section 260F.7, Code 2014, is amended to read as follows:

260F.7 ~~Economic development authority~~ Department to coordinate.

The ~~economic development authority, in consultation with the~~ department ~~of education and the department of workforce development,~~ shall coordinate the jobs training program. ~~A project shall not be funded under this chapter unless the~~

S.F. 2317

1 ~~economic development authority approves the project.~~ The
2 ~~authority~~ department shall adopt rules pursuant to chapter
3 17A governing the program's operation and eligibility for
4 participation in the program. The ~~authority~~ department shall
5 establish by rule criteria for determining what constitutes an
6 eligible business.
7 Sec. 14. Section 260F.8, Code 2014, is amended by striking
8 the section and inserting in lieu thereof the following:
9 **260F.8 Program assessment, development, and coordination.**
10 1. The department shall establish performance metrics for
11 the job training programs funded under this chapter and assess
12 program outcomes on an annual basis.
13 2. The department shall allocate ten percent of the moneys
14 in the job training fund created in section 260F.6 annually to
15 the community colleges pursuant to the formula established in
16 section 260C.18C for the following purposes:
17 *a.* Outreach to employers by community college business and
18 industry outreach staff.
19 *b.* Monitoring the performance of training agreements and
20 accountability measures.
21 *c.* Development of training project and program plans.
22 *d.* Business development activities.
23 Sec. 15. NEW SECTION. **260J.1 Title.**
24 This chapter shall be known and may be cited as the *"Iowa*
25 *Apprenticeship Act"*.
26 Sec. 16. NEW SECTION. **260J.2 Definitions.**
27 For purposes of this chapter, unless the context otherwise
28 requires:
29 1. *"Apprentice"* means a person who is at least sixteen
30 years of age, except where a higher minimum age is required by
31 law, who is employed in an apprenticeable occupation, and is
32 registered in Iowa with the United States department of labor,
33 office of apprenticeship.
34 2. *"Apprenticeable occupation"* means an occupation approved
35 for apprenticeship by the United States department of labor,

S.F. 2317

1 office of apprenticeship.
2 3. *"Apprenticeship program"* means a program registered
3 with the United States department of labor, office of
4 apprenticeship, which includes terms and conditions for the
5 qualification, recruitment, selection, employment, and training
6 of apprentices, including the requirement for a written
7 apprenticeship agreement.
8 4. *"Apprenticeship sponsor"* means an entity operating
9 an apprenticeship program or an entity in whose name an
10 apprenticeship program is being operated, which is registered
11 with or approved by the United States department of labor,
12 office of apprenticeship.
13 5. *"Department"* means the department of education.
14 6. *"Financial assistance"* means assistance provided only
15 from the funds, rights, and assets legally available to the
16 department and includes but is not limited to assistance in the
17 forms of grants, loans, forgivable loans, and royalty payments.
18 7. *"Fund"* means the apprenticeship training program fund
19 created in section 260J.3.
20 8. *"Lead apprenticeship sponsor"* means a trade organization,
21 labor organization, employer association, or other incorporated
22 entity representing a group of apprenticeship sponsors.
23 Sec. 17. NEW SECTION. **260J.3 Apprenticeship training**
24 **program — fund.**
25 1. The department shall establish and administer an
26 apprenticeship training program to provide funding to
27 apprenticeship programs in Iowa.
28 2. An apprenticeship training program fund is created in the
29 state treasury under the control of the department. The moneys
30 in the apprenticeship training program fund are appropriated to
31 the department for the apprenticeship training program from the
32 workforce development fund created in section 256.92.
33 3. Moneys in the fund are appropriated to the department for
34 purposes of providing financial assistance for apprenticeship
35 training pursuant to this chapter.

S.F. 2317

1 4. The department shall subcontract the statewide
2 administration of the apprenticeship program to a community
3 college in Iowa designated by the Iowa association of community
4 college presidents.
5 5. The community college designated pursuant to subsection
6 4 may annually expend not more than five percent of moneys in
7 the fund for administrative purposes.
8 6. Notwithstanding section 8.33, moneys in the fund at
9 the close of a fiscal year shall not revert to the general
10 fund of the state but shall remain available for expenditure
11 for the purposes designated for subsequent fiscal years.
12 Notwithstanding section 12C.7, subsection 2, interest or
13 earnings on moneys in the fund shall be credited to the fund.
14 Sec. 18. NEW SECTION. **260J.4 Financial assistance for an**
15 **apprenticeship program.**
16 1. *a.* An apprenticeship sponsor or lead apprenticeship
17 sponsor conducting apprenticeship programs in Iowa for
18 apprentices who will be employed at Iowa worksites may apply to
19 the department for financial assistance under this section.
20 *b.* Financial assistance received by an apprenticeship
21 sponsor or lead apprenticeship sponsor under this section shall
22 be used only for the cost of conducting and maintaining an
23 apprenticeship program.
24 2. The department shall provide financial assistance to
25 apprenticeship sponsors or lead apprenticeship sponsors in the
26 following manner:
27 *a.* By determining the total amount of funding allocated for
28 purposes of apprenticeship programs pursuant to section 260J.3.
29 *b.* By adding together all of the following:
30 (1) The total number of apprentices trained by all applying
31 apprenticeship sponsors or lead apprenticeship sponsors during
32 the most recent training year as calculated on the last day of
33 the training year.
34 (2) The total number of contact hours that apprenticeship
35 instructors for all applying apprenticeship sponsors or lead

S.F. 2317

1 apprenticeship sponsors spent in contact with apprentices
2 during the most recent training year. For purposes of
3 this subparagraph, *"contact hours"* includes the time spent
4 instructing apprentices in person or, in the case of a lead
5 apprenticeship sponsor with programs totaling one hundred or
6 more total instructional hours, *"contact hours"* includes the
7 time spent in online training if the total amount of online
8 instruction does not account for more than thirty percent of
9 the total instructional hours.
10 *c.* By adding together all of the following:
11 (1) The total number of apprentices trained by a single
12 applying apprenticeship sponsor or lead apprenticeship sponsor
13 during the most recent training year as calculated on the last
14 day of the training year.
15 (2) The total number of contact hours that apprenticeship
16 instructors for a single applying apprenticeship sponsor or
17 lead apprenticeship sponsor spent in contact with apprentices
18 during the most recent training year. For purposes of
19 this subparagraph, *"contact hours"* includes the time spent
20 instructing apprentices in person or, in the case of a lead
21 apprenticeship sponsor with programs totaling one hundred or
22 more total instructional hours, *"contact hours"* includes the
23 time spent in online training if the total amount of online
24 instruction does not account for more than thirty percent of
25 the total instructional hours.
26 *d.* By determining the proportion, stated as a percentage,
27 that a single applying apprenticeship sponsor's or lead
28 apprenticeship sponsor's total calculated pursuant to paragraph
29 *"c"* bears to all applying apprenticeship sponsors' or lead
30 apprenticeship sponsors' total calculated pursuant to paragraph
31 *"b"*.
32 *e.* By multiplying the percentage calculated in paragraph *"d"*
33 by the amount determined in paragraph *"a"*.
34 3. An apprenticeship sponsor or lead apprenticeship sponsor
35 seeking financial assistance under this section shall provide

S.F. 2317

1 the following information to the department:
2 *a.* The federal apprentice registration number of each
3 apprentice in the apprenticeship program.
4 *b.* The address and a description of the physical location
5 where in-person training is conducted.
6 *c.* A certification of the apprenticeship sponsor's training
7 standards as most recently approved by the United States
8 department of labor, office of apprenticeship or, in the case
9 of a lead apprenticeship sponsor, a representative sample of
10 participating members' training standards.
11 *d.* A certification of the apprenticeship sponsor's
12 compliance review or quality assessment as most recently
13 conducted by the United States department of labor, office of
14 apprenticeship, unless the apprenticeship sponsor has not been
15 subjected to a compliance review or quality assessment. In the
16 case of a lead apprenticeship sponsor, a sampling of compliance
17 reviews or quality assessments from participating members shall
18 be sufficient.
19 *e.* Any other information the department reasonably
20 determines is necessary.
21 4. The apprenticeship sponsor or lead apprenticeship
22 sponsor and the department shall enter into an agreement
23 regarding the provision of any financial assistance to the
24 apprenticeship sponsor or lead apprenticeship sponsor.
25 5. Notwithstanding the provisions of this section, an
26 apprenticeship program receiving funds from section 260F.6 or
27 other community college funding sources in the fiscal year
28 beginning July 1, 2013, and ending June 30, 2014, shall receive
29 no less than that amount in the fiscal year beginning July 1,
30 2014, and ending June 30, 2015. The department shall develop
31 rules to administer this subsection.
32 Sec. 19. NEW SECTION. **260J.5 Apprenticeship advisory**
33 **council.**
34 The department shall establish and facilitate the Iowa
35 apprenticeship advisory council. The council shall advise

S.F. 2317

1 the department on issues related to apprenticeship programs
2 supported pursuant to this chapter and shall promote the
3 development of new and the expansion of existing apprenticeship
4 programs in Iowa. The council membership shall be appointed
5 by the department, division of community colleges, and shall
6 include but is not limited to the following:
7 1. Three members of labor organizations representing
8 apprenticeship programs.
9 2. Three members of business and construction trade
10 organizations representing apprenticeship programs.
11 3. One member representing Iowa's community colleges.
12 4. One member representing the department.
13 5. One member representing the United States department of
14 labor, office of apprenticeship.
15 Sec. 20. Section 403.21, subsections 1 and 3, Code 2014, are
16 amended to read as follows:
17 1. In order to promote communication and cooperation among
18 cities, counties, and community colleges with respect to the
19 allocation and division of taxes, no jobs training projects
20 as defined in chapter 260E ~~or 260F~~ shall be undertaken within
21 the area of operation of a municipality after July 1, 1995,
22 unless the municipality and the community college have entered
23 into an agreement or have jointly adopted a plan relating
24 to a community college's new jobs training program which
25 shall provide for a procedure for advance notification to
26 each affected municipality, for exchange of information, for
27 mutual consultation, and for procedural guidelines for all
28 such new jobs training projects, including related project
29 financing to be undertaken within the area of operation of the
30 municipality. The joint agreement or the plan shall state its
31 precise duration and shall be binding on the community college
32 and the municipality with respect to all new jobs training
33 projects, including related project financing undertaken during
34 its existence. The joint agreement or plan shall be effective
35 upon adoption and shall be placed on file in the office of the

S.F. 2317

1 secretary of the board of directors of the community college
2 and such other location as may be stated in the joint agreement
3 or plan. The joint agreement or plan shall also be sent to each
4 school district which levied or certified for levy a property
5 tax on any portion of the taxable property located in the area
6 of operation of the municipality in the fiscal year beginning
7 prior to the calendar year in which the plan is adopted or
8 the agreement is reached. If no such agreement is reached or
9 plan adopted, the community college shall not use incremental
10 property tax revenues to fund jobs training projects within the
11 area of operation of the municipality. Agreements entered into
12 between a community college and a city or county pursuant to
13 chapter 28E shall not apply.
14 3. ~~The community college shall send a copy of the final~~
15 ~~agreement prepared pursuant to section 260F.3 to the economic~~
16 ~~development authority.~~ For each year in which incremental
17 property taxes are used to retire debt service on a jobs
18 training advance issued for a project creating new jobs, the
19 community college shall provide to the economic development
20 authority a report of the incremental property taxes and new
21 jobs credits from withholding generated for that year, a
22 specific description of the training conducted, the number of
23 employees provided ~~program~~ services under the project, the
24 median wage of employees in the new jobs in the project, and
25 the administrative costs directly attributable to the project.
26 Sec. 21. Section 422.16A, Code 2014, is amended to read as
27 follows:
28 **422.16A Job training withholding —— certification and**
29 **transfer.**
30 Upon the completion by a business of its repayment
31 obligation for a training project funded under chapter
32 260E, including a job training project funded under section
33 15A.8 or repaid in whole or in part by the supplemental new
34 jobs credit from withholding under section 15A.7 or section
35 15E.197, the sponsoring community college shall report to

S.F. 2317

1 the economic development authority the amount of withholding
2 paid by the business to the community college during the
3 final twelve months of withholding payments. The economic
4 development authority shall notify the department of revenue
5 of that amount. The department shall credit to the workforce
6 development fund account established in section ~~15.342A~~ 256.91
7 twenty-five percent of that amount each quarter for a period
8 of ten years. If the amount of withholding from the business
9 or employer is insufficient, the department shall prorate the
10 quarterly amount credited to the workforce development fund
11 account. The maximum amount from all employers which shall be
12 transferred to the workforce development fund account in any
13 year is ~~four~~ eight million dollars.
14 Sec. 22. Section 558.1, Code 2014, is amended to read as
15 follows:
16 **558.1 "Instruments affecting real estate" defined —**
17 **revocation.**
18 All instruments containing a power to convey, or in any
19 manner relating to real estate, including certified copies of
20 petitions in bankruptcy with or without the schedules appended,
21 of decrees of adjudication in bankruptcy, and of orders
22 approving trustees' bonds in bankruptcy, and a jobs training
23 agreement entered into under chapter 260E ~~or 260F~~ between an
24 employer and community college which contains a description
25 of the real estate affected, shall be held to be instruments
26 affecting the same; and no such instrument, when acknowledged
27 or certified and recorded as in this chapter prescribed, can be
28 revoked as to third parties by any act of the parties by whom it
29 was executed, until the instrument containing such revocation
30 is acknowledged and filed for record in the same office in
31 which the instrument containing such power is recorded, except
32 that uniform commercial code financing statements and financing
33 statement changes as provided in chapter 554 need not be thus
34 acknowledged.
35 Sec. 23. REPEAL. Sections 15.341, 15.342, 15.342A, 15.343,

S.F. 2317

1 15.344, 260F.6A, and 260F.6B, Code 2014, are repealed.
2 Sec. 24. RULES. The department of education shall adopt
3 rules to administer this Act.
4 Sec. 25. TRANSFER OF FUNDS.
5 1. All moneys in section 15.342A as of the effective date of
6 this Act shall be transferred to the workforce development fund
7 account established in section 256.91, as enacted in this Act.
8 2. All moneys in section 15.343 as of the effective date of
9 this Act shall be transferred to the workforce development fund
10 created in section 256.92, as enacted in this Act.
11 Sec. 26. TRANSITION PROVISIONS.
12 1. A financial assistance award made or provided for in an
13 agreement entered into pursuant to section 260F.3 prior to the
14 effective date of this Act shall continue as provided in such
15 agreement.
16 2. Loan payments or repayments and recaptures of principal,
17 interest, or other moneys accruing on or after July 1, 2014,
18 pursuant to an agreement under section 260F.3, as in effect
19 prior to July 1, 2014, shall be transferred to the job training
20 fund created in section 260F.6, as amended by this Act.
21 EXPLANATION
22 The inclusion of this explanation does not constitute agreement with
23 the explanation's substance by the members of the general assembly.
24 This bill relates to changes to the job training program and
25 fund under Code chapter 260F and establishes an apprenticeship
26 program under new Code chapter 260J.
27 WORKFORCE DEVELOPMENT FUND. The bill amends the workforce
28 development fund account and the workforce development fund by
29 eliminating the funds as the funds exist under the economic
30 development authority ("authority") and transferring the moneys
31 remaining in the fund into the newly established workforce
32 development fund account and workforce development fund,
33 respectively, controlled by the department of education. The
34 job training withholding moneys currently transferred to the
35 workforce development account under the authority will be

S.F. 2317

1 transferred pursuant to the bill to the newly established
2 workforce development fund account under the department of
3 education. The bill also raises the cap on the withholding
4 amount to be transferred from $4 million to $8 million. The
5 moneys in the workforce development fund under the department
6 of education shall be used for purposes of funding projects
7 for jobs training under Code chapter 260F as amended by the
8 bill and for apprenticeship programs under new Code chapter
9 260J under the bill. Four million dollars is allocated to each
10 purpose and shall be transferred to the job training fund and
11 the apprenticeship training program fund.
12 The bill repeals provisions related to the workforce
13 development fund program operated by the authority.
14 JOBS TRAINING PROGRAM. The bill amends the jobs training
15 program and job training fund under Code chapter 260F.
16 Currently, a business and the community college enter into an
17 agreement to establish a project and the authority accepts
18 applications for assistance, sets the criteria for whether a
19 business is eligible for assistance under the program, and
20 coordinates the jobs training program. The bill amends these
21 provisions by no longer requiring the business to submit
22 an application to the authority, allowing the department
23 of education to set the criteria for whether a business is
24 eligible for assistance, and requiring the department of
25 education to coordinate the jobs training program.
26 The bill amends the job training fund by establishing
27 the fund under the state treasury rather than within the
28 workforce development fund and transferring the authority over
29 the fund from the authority to the department of education.
30 The bill provides that the moneys in the jobs training fund
31 are appropriated to and shall be allocated to community
32 colleges through a formula established in the chapter related
33 to community colleges. The bill also provides that moneys
34 remaining in the job training fund for the business network
35 training program shall be distributed through this same

S.F. 2317

1 formula.
2 The bill strikes the definition of "authority" and defines
3 "department" as the department of education in Code chapter
4 260F. The bill amends the definition of "eligible business"
5 in the Code chapter to include commercial construction or a
6 business providing services through electronic commerce in
7 interstate commerce.
8 The bill provides that the maximum financial assistance
9 under the jobs training program is $50,000 for any one project
10 and $100,000 for any business during a three-year period. The
11 bill also requires a business to provide a cash match or an
12 in-kind match to be eligible for financial assistance under the
13 jobs training program.
14 The bill requires each community college to submit an
15 annual report about the jobs training programs funded during
16 the previous fiscal year to the department of education by
17 September 1. The bill requires the department of education to
18 establish performance metrics for the jobs training programs
19 funded and assess the programs funded. The bill also requires
20 the department of education to allocate 10 percent annually of
21 the moneys in the job training fund to the community colleges
22 for outreach to employers, monitoring the training agreements,
23 development of training projects and program plans, and
24 business development activities.
25 The bill provides transition provisions stating that
26 financial assistance awards through the jobs training program
27 made or provided for under agreements between community
28 colleges and businesses entered into prior to July 1, 2014,
29 remain in effect. The bill also states that loan payments,
30 repayments, recaptures, and any other moneys accruing pursuant
31 to those agreements shall be transferred to the job training
32 fund, as amended by the bill.
33 APPRENTICESHIP TRAINING PROGRAM. The bill creates the
34 Iowa apprenticeship Act in Code chapter 260J. The chapter
35 provides definitions for "apprentice", "apprenticeable

S.F. 2317

1 occupation", "apprenticeship program", "apprenticeship
2 sponsor", "department", "financial assistance", "fund", and
3 "lead apprenticeship sponsor".
4 The bill requires the department of education to establish
5 and administer an apprenticeship training program to provide
6 funding to apprenticeship programs in Iowa. The bill also
7 establishes an apprenticeship training program fund under
8 the control of the department of education in the state
9 treasury for purposes of providing financial assistance for
10 apprenticeship training under the Code chapter. Moneys in
11 the fund are appropriated to the department for the program
12 from the workforce development fund created in Code section
13 256.92 pursuant to the bill. The bill requires the department
14 of education to subcontract the administration of the
15 apprenticeship program to a community college designated by the
16 Iowa association of community college presidents. The bill
17 allows the community college designated to expend not more than
18 5 percent of moneys in the apprenticeship training program fund
19 for administrative costs.
20 The bill provides that an apprenticeship sponsor or lead
21 apprenticeship sponsor may apply for financial assistance to
22 the department of education for conducting apprenticeship
23 programs in Iowa for apprentices who will work at Iowa
24 worksites.
25 The bill specifies that financial assistance is to be
26 allocated to apprenticeship sponsors or lead apprenticeship
27 sponsors by the ratio of the total number of apprentices
28 trained and number of contact hours of instruction for an
29 apprenticeship sponsor or lead apprenticeship sponsor divided
30 by the total number of apprentices trained and contact hours
31 of instruction for all the apprenticeship sponsors or lead
32 apprenticeship sponsors in the previous training year, then
33 multiplied by the moneys allocated for financial assistance to
34 apprenticeship sponsors.
35 The bill provides that in order to receive financial

S.F. 2317

1 assistance, the apprenticeship sponsor or lead apprenticeship
2 sponsor and the department must enter into an agreement.
3 The bill requires the department of education to establish
4 an apprenticeship advisory council to advise the department
5 on issues related to apprenticeship programs and promote the
6 development of new and the expansion of existing apprenticeship
7 programs in Iowa.
8 RULES AND REPEALS. The bill requires the department of
9 education to adopt rules to administer the bill.
10 The bill repeals Code sections relating to the business
11 network training and the high technology apprenticeship
12 program.

Senate File 2318 - Introduced

SENATE FILE 2318
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 3149)

A BILL FOR

1 An Act relating to state and school antiharassment and
2 antibullying policies, establishing an office of support
3 and analysis for safe schools, establishing a school
4 climate improvement grant program, providing for training
5 on harassment and bullying prevention and response, making
6 appropriations, and including effective date provisions.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5993SV (3) 85
je/rj

S.F. 2318

1 Section 1. Section 135.11, subsection 30, Code 2014, is
2 amended by striking the subsection.
3 Sec. 2. Section 256.2, Code 2014, is amended by adding the
4 following new subsection:
5 NEW SUBSECTION. 2A. *"Harassment"* and *"bullying"* mean the
6 same as defined in section 280.28.
7 Sec. 3. Section 256.7, Code 2014, is amended by adding the
8 following new subsection:
9 NEW SUBSECTION. 33. Adopt rules incorporating the training
10 required by section 272.2, subsection 19, into the standards
11 for individual teacher professional development plans in
12 accordance with section 284.6 and individual administrator
13 professional development plans in accordance with section
14 284A.6.
15 Sec. 4. Section 256.9, Code 2014, is amended by adding the
16 following new subsection:
17 NEW SUBSECTION. 65. Submit to the general assembly annually
18 by January 1, a report on harassment and bullying in schools in
19 this state. The report shall include harassment and bullying
20 incidence data reported by school districts and accredited
21 nonpublic schools pursuant to section 280.28, subsection 7,
22 including the number of founded and unfounded reports of
23 harassment or bullying per school district and accredited
24 nonpublic school; relevant response data from the Iowa youth
25 survey; outcome data for the school climate improvement grant
26 program established by section 256.101; and any recommendations
27 relating to harassment and bullying prevention in this state.
28 The department shall publish the report on the department's
29 internet site.
30 Sec. 5. NEW SECTION. **256.100 Office of support and analysis**
31 **for safe schools.**
32 1. The office of support and analysis for safe schools
33 is established in the department to coordinate and implement
34 the state's efforts to prevent and respond to harassment and
35 bullying.

S.F. 2318

1 2. The office shall coordinate efforts between state
2 agencies and promote research-based best practices for
3 programming and training in the prevention of and response to
4 harassment and bullying. The office may enter into chapter 28E
5 agreements with the board of educational examiners, department
6 of human rights, the civil rights commission, postsecondary
7 educational institutions, and other public agencies for the
8 joint employment of personnel to carry out its duties. The
9 office shall coordinate with appropriate stakeholders in
10 carrying out its duties.
11 3. The office shall:
12 *a.* Assist schools in the implementation of section 280.28,
13 using research-based best practices.
14 *b.* Develop or recommend qualified training programs for
15 training required by section 272.2, subsection 19.
16 *c.* Coordinate with area education agencies to ensure
17 that training required by section 272.2, subsection 19, and
18 appropriate mental health services are available to every
19 school in this state.
20 *d.* Provide assistance to school employees responsible
21 for conducting investigations of complaints of incidents of
22 harassment or bullying to ensure compliance with section
23 280.28.
24 *e.* Administer the school climate improvement grant program
25 established by section 256.101.
26 *f.* Compare and analyze harassment and bullying incidence
27 data reported by school districts and accredited nonpublic
28 schools pursuant to section 280.28, subsection 7, and response
29 data from the Iowa youth survey. The office may use its
30 analysis to provide technical assistance to school districts
31 or schools to improve school learning environments and school
32 safety and to achieve compliance with section 280.28.
33 *g.* Coordinate with the department of public health and
34 other public and private agencies and organizations in the
35 administration of the your life Iowa initiative. Contacts with

S.F. 2318

1 the initiative relating to possible harassment or bullying
2 shall be shared with the office, which shall assist the
3 initiative in responding to such contacts. The office shall
4 maintain compliance with applicable federal and state privacy
5 laws to ensure the confidentiality of information provided to
6 the initiative.
7 *h.* Collaborate with the department of public health and
8 other state agencies in the administration of the Iowa youth
9 survey to students in grades six, eight, and eleven in Iowa's
10 public and nonpublic schools. Survey data shall be evaluated
11 and reported, with aggregate data available online at the Iowa
12 youth survey internet site.
13 Sec. 6. NEW SECTION. **256.101 School climate improvement**
14 **grant program.**
15 1. A school climate improvement grant program is
16 established in the department to build upon previous state
17 efforts to promote school safety, including the Iowa safe and
18 supportive schools grant and program, by providing funds to
19 school districts and accredited nonpublic schools to maintain,
20 improve, and promote safe and supportive learning environments
21 in this state. The program shall be administered by the office
22 of support and analysis for safe schools established by section
23 256.100.
24 2. The office shall award funds from the program to schools
25 on a competitive grant basis. Awards shall be consistent with
26 the following goals of the program:
27 *a.* To implement section 280.28, using research-based best
28 practices.
29 *b.* To assist schools to promote a climate of greater
30 productivity, safety, and learning.
31 *c.* To assist schools in the professional development of
32 staff in research-based school safety programs and classroom
33 management programs.
34 *d.* To assist schools in enhancing and coordinating
35 antiviolence efforts between schools, professional, parental,

S.F. 2318

1 governmental, law enforcement, and community organizations and
2 associations.
3 3. Grants from the program may be used to fund school
4 programs or activities including but not limited to the
5 following:
6 *a.* Research-based staff training or other efforts to
7 implement section 280.28.
8 *b.* Assessment of compliance with section 280.28.
9 *c.* Technical assistance for improved classroom management.
10 *d.* Research-based school safety programs that address risk
11 factors to reduce incidents of problem behaviors among students
12 including antiharassment and antibullying programs.
13 *e.* Mental health demonstration projects.
14 *f.* Safety and security training and resources that enhance
15 the overall safety and security of staff and students.
16 4. The office shall give priority in grant awards to the
17 following applicants:
18 *a.* Applicants that have experienced disproportionate
19 incidents of harassment and bullying.
20 *b.* Applicants that demonstrate that they are addressing
21 needs or gaps identified from their results in the Iowa youth
22 survey.
23 *c.* Applicants that provide a commitment of additional funds
24 from public or private sources for the programs or activities
25 for which a grant is sought.
26 5. The office shall pursue additional funding from public
27 and private sources to support the program.
28 6. The department shall adopt rules to administer the
29 program, including but not limited to an application process
30 and grant award criteria.
31 Sec. 7. Section 272.1, Code 2014, is amended by adding the
32 following new subsection:
33 NEW SUBSECTION. 4A. *"Harassment"* and *"bullying"* mean the
34 same as defined in section 280.28.
35 Sec. 8. Section 272.2, Code 2014, is amended by adding the

S.F. 2318

following new subsection:

NEW SUBSECTION. 19. *a.* Adopt rules requiring all teachers who have regular and substantial contact with students to complete training approved by the office of support and analysis for safe schools established by section 256.100, on harassment and bullying prevention and response as part of their professional development and training plans.

b. Adopt rules requiring all individuals applying for or renewing a license, certificate, authorization, or statement of recognition issued by the board who are responsible for conducting investigations of complaints of incidents of harassment or bullying to complete training approved by the office of support and analysis for safe schools established by section 256.100, on the provisions of section 280.28, conducting impartial investigations with transparency, collecting evidence, following up on previous investigations, and reporting founded and unfounded incidents of harassment and bullying to the department.

c. Adopt rules requiring all individuals applying for or renewing an administrator license to complete training approved by the office of support and analysis for safe schools established by section 256.100, on implementation of school-wide policies and procedures for harassment and bullying identification, reporting, response, and prevention.

Sec. 9. Section 280.28, subsection 2, paragraph a, Code 2014, is amended to read as follows:

a. *"Electronic"* means any communication involving the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means. *"Electronic"* includes but is not limited to communication via electronic mail, internet-based communications including social networking sites and applications, pager service, cell phones, ~~and~~ electronic text messaging, or any other electronic communication site, device, or means.

Sec. 10. Section 280.28, subsection 3, Code 2014, is amended

S.F. 2318

1 by adding the following new paragraph:
2 NEW PARAGRAPH. *h.* A procedure for documenting the actions
3 taken by the school to investigate and respond to harassment
4 or bullying.
5 Sec. 11. Section 280.28, subsection 7, Code 2014, is amended
6 to read as follows:
7 7. *Integration of policy and reporting.* The board of
8 directors of a school district and the authorities in charge of
9 each nonpublic school shall integrate its antiharassment and
10 antibullying policy into the comprehensive school improvement
11 plan required under section 256.7, subsection 21, and shall
12 report ~~data collected under subsection 6, as specified by~~ the
13 following to the department~~, to~~ and the local community~~.~~:
14 *a.* Data collected under subsection 6, as specified by the
15 department.
16 *b.* The process used for filing complaints, including the
17 location of online or other complaint forms.
18 *c.* The number of school employees and volunteers who have
19 completed antiharassment and antibullying training.
20 Sec. 12. Section 280.28, Code 2014, is amended by adding the
21 following new subsections:
22 NEW SUBSECTION. 9. *Parental notification.*
23 *a.* Each school district and accredited nonpublic school
24 shall establish notification procedures for incidents of
25 harassment or bullying in accordance with this subsection. The
26 procedures shall include notification of the custodial parent
27 or guardian of any student directly involved in any incident of
28 harassment or bullying, upon investigation and determination
29 that harassment or bullying has occurred, consistent with
30 a notification plan made in consultation with the student
31 and school guidance staff. The notification shall include
32 information on the action that school officials have taken
33 regarding the incident and the actions school officials will
34 take to prevent further acts of harassment or bullying. If
35 such notification is delayed, the school district or school

S.F. 2318

1 shall document the reasons for the delay. This paragraph does
2 not prohibit a school official from contacting a parent or
3 guardian about a report of harassment or bullying prior to a
4 determination that harassment or bullying has occurred.
5 *b.* The requirements of this subsection shall not apply if a
6 school official reasonably believes notification would subject
7 a student to abuse, neglect, or other physical or mental harm.
8 *c.* Notification pursuant to this subsection shall comply
9 with state and federal privacy laws, regulations, and rules.
10 NEW SUBSECTION. 10. *Authority off school grounds.* A school
11 official may investigate and respond appropriately to an
12 alleged incident of harassment or bullying that occurs outside
13 of school, off of school property, or away from a school
14 function or school-sponsored activity. If an alleged incident
15 of harassment or bullying has an effect on school grounds that
16 creates an objectively hostile school environment that meets
17 one or more of the conditions set out under subsection 2,
18 paragraph *"b"*, a school official shall investigate and respond
19 appropriately to the alleged incident. The school official's
20 investigation and response to an alleged incident of harassment
21 or bullying that occurs outside of school, off of school
22 property, or away from a school function or school-sponsored
23 activity may include referring the matter to law enforcement
24 officials or other appropriate authorities.
25 NEW SUBSECTION. 11. *Rulemaking authority.* The department
26 of education may adopt rules necessary to administer this
27 section in a uniform way across the state.
28 Sec. 13. APPROPRIATIONS. There is appropriated from
29 the general fund of the state to the department of education
30 for the fiscal year beginning July 1, 2013, and ending June
31 30, 2014, the following amounts, or so much thereof as is
32 necessary, to be used for the purposes designated:
33 For the establishment and administration of the office of
34 support and analysis for safe schools, for carrying out the
35 duties of the office, including salaries, support, maintenance,

S.F. 2318

1 and for not more than the following full-time equivalent
2 positions:
3 ..... $ 250,000
4 ..... FTEs 3.00
5 For the provision of grants from the school climate
6 improvement grant program established in section 256.101:
7 ..... $ 750,000
8 From the moneys appropriated to the office of support and
9 analysis for safe schools, $150,000 shall be used to provide or
10 facilitate the provision of training required by section 272.2,
11 subsection 19, at minimal cost to the trainee.
12 Notwithstanding section 8.33, moneys appropriated in this
13 section that remain unencumbered or unobligated at the close of
14 the fiscal year shall not revert but shall remain available for
15 expenditure for the purposes designated until the close of the
16 succeeding fiscal year.
17 Sec. 14. EFFECTIVE UPON ENACTMENT. The following
18 provision or provisions of this Act, being deemed of immediate
19 importance, take effect upon enactment:
20 1. The section of this Act enacting section 256.100.
21 2. The section of this Act enacting section 256.101.
22 3. The section of this Act making appropriations to the
23 department of education.
24 EXPLANATION

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

27 OFFICE WITHIN DEPARTMENT ESTABLISHED —— APPROPRIATION.
28 This bill establishes the office of support and analysis for
29 safe schools in the department of education to coordinate
30 and implement the state's efforts to prevent and respond to
31 harassment and bullying.
32 The office shall coordinate efforts between state agencies
33 and promote research-based best practices for programming
34 and training in the prevention of and response to harassment
35 and bullying. The office may enter into Code chapter 28E

S.F. 2318

1 agreements with public agencies for the joint employment of
2 personnel. The office shall coordinate with the appropriate
3 stakeholders in carrying out its duties.
4 The bill provides duties for the office. The office shall
5 assist schools in implementation of Code section 280.28, the
6 state antiharassment and antibullying law, using research-based
7 best practices. The office shall develop or recommend
8 qualified training programs for training of school employees
9 and administrators required by the bill and shall coordinate
10 with area education agencies to ensure that such training
11 and appropriate mental health services are available to
12 every school in Iowa. The office shall provide assistance to
13 school employees responsible for conducting investigations of
14 complaints of harassment or bullying to ensure compliance with
15 Code section 280.28. The office shall administer the school
16 climate improvement grant program established by the bill. The
17 office shall have access to, compare, and analyze harassment
18 and bullying incidence data reported by school districts and
19 accredited nonpublic schools pursuant to Code section 280.28
20 and response data from the Iowa youth survey and may use its
21 analysis to provide technical assistance to school districts
22 and schools. The office shall coordinate with the department
23 of public health and other public and private agencies and
24 organizations in the administration of the your life Iowa
25 initiative. The initiative is administered by the department
26 of public health and provides assistance relating to bullying
27 and suicide prevention. The bill transfers administration of
28 the Iowa youth survey from the department of public health to
29 the office. The office shall collaborate with the department
30 of public health and other state agencies in the administration
31 of the survey.
32 The bill appropriates to the department of education for
33 fiscal year 2013-2014, for carryforward into fiscal year
34 2014-2015, $250,000 for the establishment and administration
35 of the office, for carrying out the duties of the office, and

S.F. 2318

1 for not more than three full-time equivalent positions. From
2 the moneys appropriated, $150,000 shall be used to provide or
3 facilitate the provision of training of school employees and
4 administrators required by the bill at minimal cost to the
5 trainees.
6 GRANT PROGRAM ESTABLISHED —— APPROPRIATION. The bill
7 establishes a school climate improvement grant program in
8 the department of education to build upon previous state
9 efforts to promote school safety, including the Iowa safe and
10 supportive schools grant and program, by providing funds to
11 school districts and accredited nonpublic schools to maintain,
12 improve, and promote safe and supportive learning environments
13 in this state. The program shall be administered by the office
14 of support and analysis for safe schools established by the
15 bill.
16 The office shall award funds from the program to schools
17 on a competitive grant basis. Awards shall be consistent
18 with the goals of the program. The goals are to implement
19 Code section 280.28, using research-based best practices; to
20 assist schools to promote a climate of greater productivity,
21 safety, and learning; to assist schools in the professional
22 development of staff in research-based school safety programs
23 and classroom management programs; and to assist schools
24 in enhancing and coordinating antiviolence efforts between
25 schools, professional, parental, governmental, law enforcement,
26 and community organizations and associations.
27 Grants from the program may be used to fund school programs
28 or activities including but not limited to research-based
29 staff training or other efforts to implement Code section
30 280.28; assessment of compliance with Code section 280.28;
31 research-based school safety programs; safety and security
32 training and resources that enhance the overall safety and
33 security of staff and students; and certain other programs and
34 activities.
35 The office shall give priority in grant awards to certain

S.F. 2318

1 applicants.
2 The bill appropriates to the department for fiscal year
3 2013-2014, for carryforward into fiscal year 2014-2015,
4 $750,000 to be used for grants from the program.
5 EDUCATIONAL PROFESSIONALS — LICENSING AND TRAINING. The
6 bill requires the board of educational examiners to adopt rules
7 requiring all individuals applying for or renewing a license,
8 certificate, authorization, or statement of recognition issued
9 by the board who have regular and substantial contact with
10 students to complete training on harassment and bullying
11 prevention and response.
12 The bill requires the board to adopt rules requiring all
13 individuals applying for or renewing a license, certificate,
14 authorization, or statement of recognition issued by the board
15 who are responsible for conducting investigations of complaints
16 of incidents of harassment or bullying to complete training on
17 the provisions of Code section 280.28, conducting impartial
18 investigations with transparency, collecting evidence,
19 following up on previous investigations, and reporting founded
20 and unfounded incidents of harassment and bullying to the
21 department of education.
22 The bill requires the board to adopt rules requiring all
23 individuals applying for or renewing an administrator license
24 to complete training on implementation of school-wide policies
25 and procedures for harassment and bullying identification,
26 reporting, response, and prevention.
27 The bill requires the state board of education to adopt rules
28 incorporating the training requirements into the standards
29 for individual teacher professional development plans and
30 individual administrator professional development plans.
31 ANTIHARASSMENT AND ANTIBULLYING POLICIES AND ACTIONS.
32 "Harassment" and "bullying" are defined in the bill in Code
33 chapters 256 and 272 to mean the same as defined in Code
34 section 280.28.
35 The bill modifies the definition of "electronic" under

S.F. 2318

1 Code section 280.28 by including social networking sites
2 and applications and any other electronic communication
3 site, device, or means as part of the term "internet-based
4 communications".
5 The bill requires state antiharassment and antibullying
6 policies to include a procedure for documenting the actions
7 taken by the school to investigate and respond to harassment
8 or bullying.
9 The bill modifies data reporting requirements for schools
10 under Code section 280.28 by requiring the board of directors
11 of a school district and the authorities in charge of each
12 nonpublic school to report certain additional information to
13 the department of education and the local community.
14 The bill requires school districts and accredited nonpublic
15 schools to establish notification procedures for incidents
16 of harassment or bullying. The procedures shall include
17 notification of the parent or guardian of any student directly
18 involved in any incident of harassment or bullying, upon
19 investigation and determination that harassment or bullying
20 has occurred, consistent with a notification plan made in
21 consultation with the student and school guidance staff. The
22 parents or guardians shall be informed of the district's or
23 school's procedures for responding to harassment or bullying
24 and action that school officials will take to prevent further
25 incidents of harassment or bullying.
26 The notification requirements in the bill shall not apply
27 if a school official reasonably believes notification would
28 subject a student to abuse, neglect, or other physical or
29 mental harm. Notification pursuant to the bill shall comply
30 with state and federal privacy laws, regulations, and rules.
31 The bill grants school officials the authority to
32 investigate and respond appropriately to an alleged incident
33 of harassment or bullying that occurs outside of school,
34 off of school property, or away from a school function
35 or school-sponsored activity. If an alleged incident of

S.F. 2318

1 harassment or bullying has an effect on school grounds that
2 creates an objectively hostile school environment that places
3 the student in reasonable fear of harm to the student's
4 person or property; has a substantially detrimental effect
5 on the student's physical or mental health; has the effect
6 of substantially interfering with a student's academic
7 performance; or has the effect of substantially interfering
8 with the student's ability to participate in or benefit from
9 the services, activities, or privileges provided by a school,
10 the bill requires a school official to investigate and respond
11 appropriately to the alleged incident. The school official's
12 investigation and response may include referring the matter to
13 law enforcement officials or other appropriate authorities.
14 The bill permits the department of education to adopt rules
15 necessary to administer Code section 280.28 in a uniform way
16 across the state.
17 The bill requires the director of the department of
18 education to submit an annual report to the general assembly on
19 harassment and bullying in Iowa schools.
20 EFFECTIVE DATES. The provisions of the bill establishing
21 the office of support and analysis for safe schools,
22 establishing the school climate improvement grant program,
23 and making appropriations to the department of education take
24 effect upon enactment.

Senate File 2319 - Introduced

SENATE FILE 2319
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SF 2070)

A BILL FOR

1 An Act relating to improving student literacy skills, including
2 addressing dyslexia, and providing teacher assistance.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5570SV (6) 85
kh/nh

S.F. 2319

Section 1. Section 256.9, subsection 53, paragraph c, subparagraph (1), subparagraph division (e), Code 2014, is amended to read as follows:

(e) Professional development strategies and materials to support teacher effectiveness in student literacy development. The center shall collaborate and coordinate with the area education agencies to develop and offer to school districts at no cost professional development services to enhance the skills of elementary teachers in the use of evidence-based strategies to improve the literacy skills of all students.

Sec. 2. Section 279.68, subsection 2, paragraph d, subparagraph (3), subparagraph division (a), Code 2014, is amended to read as follows:

(a) Assists students assessed as exhibiting a substantial deficiency in reading to develop the skills to read at grade level. Assistance shall include but not be limited to strategies that formally address dyslexia, when appropriate. For purposes of this subparagraph division (a), *"dyslexia"* means a specific learning disability that is neurological in origin and is characterized by difficulties with accurate or fluent word recognition and by poor spelling and decoding abilities. These difficulties typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities. Secondary consequences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge.

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 improving student literacy skills, including addressing dyslexia, and providing teacher assistance.

Currently, the Iowa reading research center is required to provide for development and dissemination of professional

S.F. 2319

development strategies and materials to support teacher effectiveness in student literacy development. The bill requires the center to collaborate and coordinate with the area education agencies to develop and offer to school districts at no cost professional development services to enhance the skills of elementary teachers in the use of evidence-based strategies to improve the literacy skills of all students.

School districts are currently required to establish a reading enhancement and acceleration development initiative that assists students assessed as exhibiting a substantial deficiency in reading to develop the skills to read at grade level. The bill requires such assistance to include but not be limited to strategies that formally address dyslexia, when appropriate. The bill defines "dyslexia".

Senate File 2320 - Introduced

SENATE FILE 2320
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SF 2066)

A BILL FOR

1 An Act relating to providers of medical assistance program
2 consumer-directed attendant care and consumer choices
3 option services, including effective date and retroactive
4 applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5665SV (3) 85
pf/nh

S.F. 2320

1 Section 1. MEDICAL ASSISTANCE PROGRAM —— PROVIDERS OF
2 CONSUMER-DIRECTED ATTENDANT CARE AND CONSUMER CHOICES OPTION
3 SERVICES.
4 1. a. The department of human services shall adopt
5 rules pursuant to chapter 17A to provide for all of the
6 following regarding providers of medical assistance program
7 consumer-directed attendant care and consumer choices option
8 services:
9 (1) That an individual who serves as a member's legal
10 representative and provides services to the member under a home
11 and community-based services waiver consumer-directed attendant
12 care agreement or under a community choices option employment
13 agreement in effect on or after December 31, 2013, may continue
14 to act as a provider under the agreement and payment to such
15 provider is not considered funds incorrectly paid under the
16 medical assistance program.
17 (2) Beginning July 1, 2016, the department may require
18 services through the consumer-directed attendant care option
19 to be provided through an agency but shall retain the consumer
20 choices option for those individuals able and desiring
21 to self-direct services. If the department does require
22 services through the consumer-directed attendant care option
23 to be provided through an agency beginning July 1, 2016, an
24 individual providing services to a member under a home and
25 community-based services consumer-directed attendant care
26 agreement in effect on June 30, 2016, may continue to act as
27 an individual provider under the agreement and payment to such
28 provider is not considered funds incorrectly paid under the
29 medical assistance program.
30 b. For the purposes of this subsection, "legal
31 representative" means a person, including an attorney, who is
32 authorized by law to act on behalf of the medical assistance
33 program member. "Legal representative" does not include the
34 spouse of a member or the parent or stepparent of a member aged
35 seventeen or under.

S.F. 2320

1 2. Any person who provided or applies to provide services
2 under a home and community-based services consumer-directed
3 attendant care agreement or under a community choices option
4 employment agreement in effect on or after December 31,
5 2013, is subject to 441 IAC 79.2(3)(c) and (d) and 441 IAC
6 79.2(4)(c). For the purposes of this subsection, "person"
7 means any individual human being or any company, firm,
8 association, corporation, institution, or other legal entity.
9 "Person" includes but is not limited to a provider and any
10 affiliate of a provider.
11 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
12 immediate importance, takes effect upon enactment.
13 Sec. 3. RETROACTIVE APPLICABILITY. This Act applies
14 retroactively to December 31, 2013.
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 relates to providers of medical assistance
19 (Medicaid) consumer-directed attendant care (CDAC) and consumer
20 choices option (CCO) services.
21 The bill directs the department of human services (DHS) to
22 adopt rules pursuant to Code chapter 17A to:
23 1. Provide that an individual who serves as a Medicaid
24 member's legal representative and also provided services to the
25 member under a CDAC agreement or CCO employment agreement in
26 effect on or after December 31, 2013, may continue to act as
27 a provider under the agreement and payment to such provider
28 is not considered funds incorrectly paid under the medical
29 assistance program.
30 2. Provide that beginning July 1, 2016, DHS may require
31 services through CDAC to be provided through an agency but
32 shall retain the CCO for those individuals able and desiring
33 to self-direct services. However, an individual providing
34 services to a Medicaid member under a CDAC agreement in effect
35 on June 30, 2016, may continue to act as an individual provider

S.F. 2320

1 under the agreement and payment to such provider is not
2 considered funds incorrectly paid under the medical assistance
3 program.
4 Under the bill, "legal representative" means a person,
5 including an attorney, who is authorized by law to act on
6 behalf of the medical assistance program member. "Legal
7 representative" does not include the spouse of a member or the
8 parent or stepparent of a member aged 17 or under.
9 The bill provides that any provider of services under a CDAC
10 or CCO agreement in effect on or after December 31, 2013, is
11 subject to rules for Medicaid providers relating to mandatory
12 suspensions and terminations and background checks.
13 The bill takes effect upon enactment and is retroactively
14 applicable to December 31, 2013.

Senate File 2321 - Introduced

SENATE FILE 2321
BY COMMITTEE ON VETERANS AFFAIRS

(SUCCESSOR TO SF 2111)

A BILL FOR

1 An Act relating to the state military forces by establishing
2 response and reporting requirements for certain crimes and
3 for the handling of allegations of sexual abuse in the state
4 military forces.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5688SV (3) 85
aw/rj

S.F. 2321

Section 1. NEW SECTION. **29B.90A Interference.**

Any person subject to this code shall be punished as a court-martial may direct if the person does any of the following:

1. Interferes with or reprises against any member of the state military forces who intends to make or who has made a report to civilian law enforcement of a crime listed in section 29B.116A, subsection 1 or 2, where the accused and the victim are subject to this code at the time of the offense.

2. Fails to cooperate with or obstructs a civilian criminal investigation based upon a report described in subsection 1.

Sec. 2. Section 29B.116, Code 2014, is amended to read as follows:

29B.116 General article.

~~Though~~ Subject to section 29B.116A, though not specifically mentioned in this code, all disorders and neglects to the prejudice of good order and discipline in the state military forces, of which persons subject to this code may be guilty, shall be taken cognizance of by a general, special, or summary court-martial, according to the nature and degree of the offense, and shall be punished at the discretion of that court. ~~However, cognizance shall not be taken of, and jurisdiction shall not be extended to, the crimes of murder, manslaughter, sexual abuse, robbery, maiming, arson, extortion, assault, burglary, or housebreaking, jurisdiction of which is reserved to civil courts.~~

Sec. 3. NEW SECTION. **29B.116A Jurisdiction of offenses by civilian courts and duty to report.**

1. *a.* Jurisdiction under this code shall not be extended to the crimes of murder, manslaughter, sexual abuse, robbery, arson, extortion, assault, or burglary, jurisdiction of which is reserved exclusively to civilian courts.

b. Courts-martial have primary jurisdiction of military offenses as defined in sections 29B.77 through 29B.116 of this code.

S.F. 2321

1 *c.* Civilian criminal courts have primary jurisdiction over
2 civilian criminal offenses, even where committed by a member of
3 the state military forces while subject to this code.
4 *d.* Where a civilian offense and a military offense may
5 be charged based on the same event, concurrent military and
6 civilian jurisdiction shall exist.
7 2. *a.* (1) Any unit or organization commander, or if a
8 commander is not on site an officer in charge, who is made
9 aware of an allegation that an offense under subsection 1,
10 paragraph *"a"* or *"c"* has been committed by a member of the state
11 military forces against another member of the state military
12 forces, while both are subject to this code, shall notify
13 civilian law enforcement authorities without delay.
14 (2) In the case of an allegation of sexual abuse:
15 (a) The commander's or officer's obligation to notify shall
16 apply to an allegation that is an unrestricted report as that
17 term is defined in federal military regulations and where the
18 person making the allegation consents to the notification to
19 civilian law enforcement.
20 (b) The commander's or officer's obligation to notify shall
21 apply to an allegation that is a restricted report as that term
22 is defined in federal military regulations and where the person
23 making the allegation consents to the notification to local
24 civilian law enforcement.
25 (c) Victims of sexual abuse who have filed restricted
26 reports under federal military regulations retain the right to
27 notify civilian law enforcement authorities independently.
28 (d) A commander or officer shall not interfere with the
29 decision of a person making an allegation of sexual abuse on
30 whether to notify civilian law enforcement.
31 *b.* Any unit or organization commander who is made aware of
32 an allegation that an offense under subsection 1, paragraph *"d"*,
33 has been committed by a member of the state military forces
34 against another member of the state military forces, while both
35 are subject to this code, may notify civilian law enforcement

S.F. 2321

1 authorities without delay if the state military forces do not
2 intend to exercise jurisdiction.
3 3. The adjutant general shall report annually, by January
4 15, to the governor and to the chairpersons and ranking members
5 of the general assembly's standing committees on veterans
6 affairs on the number of offenses reported to civilian law
7 enforcement authorities in the prior year by type of offense.
8 The report shall detail the number of filed restricted
9 reports and detail the number of filed unrestricted reports as
10 described in subsection 2, paragraph *"a"*.
11 Sec. 4. Section 803.1, subsection 1, Code 2014, is amended
12 by adding the following new paragraph:
13 NEW PARAGRAPH. *f.* The offense is committed by a member of
14 the state military forces against another member of the state
15 military forces, both are in a duty status at the time of the
16 offense, whether inside or outside the state, and the offense
17 is one for which civil courts have jurisdiction under section
18 29B.116A. However, for those offenses subject to both civilian
19 and military jurisdiction, civilian jurisdiction shall not
20 be declined solely on the basis that concurrent military and
21 civilian jurisdiction exists.
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 establishes certain response and reporting
26 requirements for certain crimes and for the handling of
27 allegations of sexual abuse in the state military forces.
28 The bill creates an offense of interference under the Iowa
29 code of military justice and provides that military persons
30 who commit such offenses shall be punished as directed by
31 a court-martial. The bill provides that a military person
32 commits such an offense if the person interferes with or
33 reprises against any member of the state military forces who
34 intends to make or who has made a report to civilian law
35 enforcement of certain crimes, where the accused and the victim

S.F. 2321

1 are subject to the Iowa code of military justice at the time
2 of the offense. The bill provides that a military person also
3 commits such an offense if the person fails to cooperate with
4 or obstructs a civilian criminal investigation based upon such
5 a report.
6 The bill moves Code language that reserves civilian
7 jurisdiction over the crimes of murder, manslaughter, sexual
8 abuse, robbery, arson, extortion, assault, and burglary
9 from current Code section 29B.116 to new Code section
10 29B.116A. However, the bill removes the crimes of maiming and
11 housebreaking from the list of crimes reserved for civilian
12 jurisdiction, as no such-named crimes exists under the Iowa
13 Code.
14 The bill provides that courts-martial shall have primary
15 jurisdiction of military offenses as defined in Code sections
16 29B.77 through 29B.116. The bill further provides that
17 civilian criminal courts have primary jurisdiction over
18 civilian criminal offenses, even where committed by a member
19 of the state military forces while subject to the Iowa code
20 of military justice. The bill also establishes that where a
21 civilian offense and a military offense may be charged based on
22 the same event, concurrent military and civilian jurisdiction
23 shall exist.
24 The bill requires that any unit or organization commander,
25 who is made aware of an allegation that an offense under
26 civilian jurisdiction has been committed under certain
27 circumstances, shall notify civilian law enforcement
28 authorities without delay. The bill requires that an officer
29 in charge provide such notification if a commander is not on
30 site.
31 The bill requires that in the case of an allegation of sexual
32 abuse that the commander's or officer's obligation to notify
33 shall apply to an allegation that is an unrestricted report or
34 a restricted report and where the person making the allegation
35 consents to the notification of civilian law enforcement. The

S.F. 2321

1 bill provides that victims of sexual abuse who have filed
2 restricted reports under federal military regulations retain
3 the right to notify civilian law enforcement authorities
4 independently and that a commander or officer shall not
5 interfere with the decision of a person making an allegation of
6 sexual abuse on whether to notify civilian law enforcement.
7 The bill also provides that any unit or organization
8 commander who is made aware of an allegation that an offense
9 has been committed under military and civilian jurisdiction
10 may notify civilian law enforcement authorities without
11 delay if the state military forces do not intend to exercise
12 jurisdiction.
13 The bill requires that the adjutant general report annually,
14 by January 15, to the governor and to the chairpersons and
15 ranking members of the general assembly's standing committees
16 on veterans affairs, on the number of offenses reported to
17 civilian law enforcement authorities in the prior year by type
18 of offense. The bill further requires that the report detail
19 the number of filed restricted reports and detail the number
20 of filed unrestricted reports.
21 The bill also extends state criminal jurisdiction to
22 offenses committed within or outside of Iowa if the offense
23 is committed by a member of the state military forces against
24 another member of the state military forces, if both are in
25 a duty status at the time of the offense, and if the offense
26 is one for which civilian courts have jurisdiction under new
27 Code section 29B.116A. The bill also provides that for those
28 offenses subject to both civilian and military jurisdiction,
29 civilian jurisdiction shall not be declined solely on the basis
30 of concurrent military and civilian jurisdiction.

Senate File 2322 - Introduced

SENATE FILE 2322
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SF 2084)

A BILL FOR

1 An Act relating to services provided through the department of
2 human services for children who have been adjudicated and
3 establishing a state training school for delinquent females
4 and including effective date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5530SV (2) 85
jp/rj

S.F. 2322

1 DIVISION I
2 STATE TRAINING SCHOOL — EDUCATION
3 Section 1. LEGISLATIVE FINDINGS. The general assembly
4 finds there is a need to improve the system to meet the needs of
5 children who have committed a delinquent act, have been abused,
6 neglected, or subjected to trauma, or have other significant
7 needs that put the safety of the children or the public at
8 risk. The areas for system improvement include but are not
9 limited to all of the following:
10 1. Providing equity in the services available for both the
11 male and female children involved in the system.
12 2. Providing appropriate safeguards to ensure children in
13 placements are safe and getting their needs met.
14 3. Ensuring that education and training services meet state
15 and federal requirements and prepare the children for long-term
16 success.
17 4. Engaging children in services after an out-of-home
18 placement to prevent the need for placement from reoccurring.
19 5. Providing an effective system to support children when
20 they attain adulthood in order to prevent their engagement with
21 the adult criminal justice system.
22 Sec. 2. IMPLEMENTATION. As the level of service for
23 juvenile delinquent females provided for in this Act does
24 not currently exist in the state and represents a gap in the
25 continuum of care for juvenile females, a state-owned facility
26 that is best able to begin offering services immediately upon
27 enactment of this Act shall be expeditiously selected by the
28 department of human services to fulfill the duties outlined in
29 section 233B.1, as enacted by this Act.
30 Sec. 3. Section 232.2, subsection 22, paragraph b,
31 subparagraph (3), Code 2014, is amended to read as follows:
32 (3) Visiting the home, residence, or both home and residence
33 of the child and any prospective home or residence of the
34 child, including each time placement is changed. A child in a
35 placement other than with the child's parent shall be visited

S.F. 2322

1 at the placement at least quarterly.
2 Sec. 4. Section 232.2, Code 2014, is amended by adding the
3 following new subsection:
4 NEW SUBSECTION. 54A. *"State training school"* means
5 the state training school for female juvenile delinquents
6 maintained in accordance with chapter 233B or the state
7 training school for male juvenile delinquents maintained in
8 accordance with chapter 233A.
9 Sec. 5. Section 232.49, subsection 2, Code 2014, is amended
10 to read as follows:
11 2. When possible an examination shall be conducted on an
12 outpatient basis, but the court may, if it deems necessary,
13 commit the child to the state training school or to a
14 suitable hospital, facility, or institution for the purpose
15 of examination. Commitment for examination shall not exceed
16 thirty days and the civil commitment provisions of chapter 229
17 shall not apply.
18 Sec. 6. Section 232.49, subsection 3, paragraph b, Code
19 2014, is amended to read as follows:
20 *b.* An examination shall be conducted on an outpatient
21 basis unless the court, the child's counsel, and the parent,
22 guardian, or custodian agree that it is necessary the child
23 be committed to the state training school or to a suitable
24 hospital, facility, or institution for the purpose of
25 examination. Commitment for examination shall not exceed
26 thirty days and the civil commitment provisions of chapter 229
27 shall not apply.
28 Sec. 7. Section 232.52, subsection 7, Code 2014, is amended
29 by adding the following new paragraph:
30 NEW PARAGRAPH. *0b.* When the court orders the transfer of
31 legal custody of a child pursuant to subsection 2, paragraph
32 *"d"*, *"e"*, or *"f"*, the child's attorney shall visit the child at
33 the child's placement at least quarterly.
34 Sec. 8. Section 232.102, subsections 3 and 4, Code 2014, are
35 amended by striking the subsections.

S.F. 2322

Sec. 9. Section 232.103, subsection 7, Code 2014, is amended by striking the subsection.

Sec. 10. Section 233A.1, Code 2014, is amended to read as follows:

233A.1 State training school ~~— Eldora and Toledo~~.

1. For the purposes of this chapter, unless the context otherwise requires:

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

b. "Director" means the director of human services.

c. "State training school" means the state training school for male juvenile delinquents.

d. "Superintendent" means the superintendent of the state training school for male juvenile delinquents.

~~1.~~ 2. ~~Effective January 1, 1992, a~~ A diagnosis and evaluation center and other units are established at Eldora and shall be operated, maintained, and staffed by the department to provide to male juvenile delinquents a program which focuses upon appropriate developmental skills, treatment, placements, and rehabilitation.

~~2. The diagnosis and evaluation center which is used to identify appropriate treatment and placement alternatives for juveniles and any other units for juvenile delinquents which are located at Eldora and the unit for juvenile delinquents at Toledo shall together be known as the *"state training school"*. For the purposes of this chapter *"director"* means the director of human services and *"superintendent"* means the administrator in charge of the diagnosis and evaluation center for juvenile delinquents and other units at Eldora and the unit for juvenile delinquents at Toledo.~~

3. The number of children present at any one time at the state training school at Eldora shall not exceed the population guidelines established under 1990 Iowa Acts, chapter 1239, section 21, as adjusted for subsequent changes in the capacity at the training school.

4. Each child placed at the state training school and any

S.F. 2322

1 other child receiving an examination at the state training
2 school by order of the court shall receive a written plan
3 for services. The plan for services provided by the state
4 training school to a child shall identify any physical,
5 emotional, intellectual, behavioral, or mental health
6 disorder or condition affecting the child and recommend
7 treatment to address the disorder or condition, identify any
8 substance-related disorder of the child or the child's family
9 and recommend treatment to address the disorder, and assess the
10 child's educational status and recommend action to address any
11 identified educational deficiency, and for follow-up services,
12 identify specific public and private service providers with
13 the capacity to meet the child's needs. A copy of the plan
14 for services and any subsequent amendment to the plan shall be
15 submitted to the child, the child's attorney, and the juvenile
16 court.
17 5. The state training school at Eldora shall facilitate
18 the provision of follow-up services to children, who received
19 placement services at the state training school and who remain
20 under the jurisdiction of the juvenile court, as necessary
21 to meet the long-term needs of the children as they age
22 into adulthood. The plan for follow-up services shall be
23 developed with the child in conjunction with juvenile court
24 services and the child's attorney. The provision of follow-up
25 services for children who remain under the jurisdiction of the
26 juvenile court is subject to approval by the juvenile court.
27 Follow-up services shall be provided to support children who
28 are discharged from the state training school during the period
29 beginning twelve months prior to the children becoming age
30 eighteen and ending on the day prior to the children becoming
31 age eighteen who do not remain under the jurisdiction of the
32 juvenile court. In addition, follow-up services shall be made
33 available to children discharged from the school at any age
34 upon or after the children become age eighteen and continuing
35 until at least age twenty-one.

S.F. 2322

1 6. For any child placed at the state training school, the
2 school shall provide a written plan regarding the placement
3 status of the child on or about the time the child becomes
4 age eighteen. The plan shall, while giving consideration to
5 the treatment needs of the child, also give consideration to
6 the long-term needs of the child upon becoming age eighteen
7 including needs for vocational training or higher education.
8 Given these considerations, the plan shall identify placement
9 options to meet the child's needs that will not negatively
10 affect the child's adult eligibility for assistance provided
11 with federal financial participation. The assistance addressed
12 shall include but is not limited to the preparation for adult
13 living program under section 234.46, the medical assistance
14 program, and the federal job corps program.
15 7. The department shall cause the state training school
16 at Eldora to be accredited as a secure juvenile correctional
17 facility by the American correctional association, to meet the
18 standards adopted by the department for approval of a juvenile
19 detention home, and to meet applicable standards for programs
20 providing residential services for children paid for by a
21 managed care or prepaid services contract under the medical
22 assistance program. The standards applied in addition to the
23 American correctional association accreditation requirements
24 shall include but are not limited to the minimum qualifications
25 of staff. The standards and sanctions for noncompliance
26 shall be identified in conjunction with the department of
27 inspections and appeals and experts who are not employed by
28 or under contract with the department. A regular assessment
29 of compliance with the standards shall be performed by the
30 department of inspections and appeals and that department shall
31 submit a report on each assessment to the governor and general
32 assembly.
33 8. The director and the superintendent for the state
34 training school at Eldora shall provide on an ongoing basis for
35 the school's programs, facilities, and services, and for the

S.F. 2322

training of staff in order to apply evidence-based practices and other recognized contemporary approaches to ensure that the care for the children served by the school is of high quality. The director's and superintendent's efforts and recommendations to comply with this requirement shall be documented in the annual budget and financial reporting submitted to the governor and the general assembly.

Sec. 11. Section 233A.4, Code 2014, is amended to read as follows:

233A.4 Education and training.

The state training school shall provide a positive living experience for older juveniles who require secure custody and who live at the state training school for an extended period of time. The education and training programs provided to the juveniles shall reflect the age level and extended period of stay by focusing upon appropriate developmental skills to prepare the juveniles for productive living. The education services provided to the children placed at the state training school shall be provided in accordance with section 282.33.

Sec. 12. Section 233B.1, Code 2014, is amended to read as follows:

233B.1 Definitions — purpose — services — population limit.

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

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

~~*a.*~~ *b.* ~~*"Administrator" or "director"*~~ *"Director"* means the director ~~of the department~~ of human services.

~~*b.*~~ *c.* ~~*"Home"*~~ *"State training school"* means the ~~Iowa juvenile home~~ state training school for female juvenile delinquents maintained in accordance with this chapter.

~~*c.*~~ *d.* *"Superintendent"* means the superintendent of the ~~Iowa juvenile home~~ state training school for female juvenile delinquents.

2. The ~~Iowa juvenile home~~ state training school for female

S.F. 2322

1 juvenile delinquents shall be operated, maintained ~~for the~~
2 ~~purpose of providing care, custody, and education of the~~
3 ~~children committed to the home. The children shall be wards of~~
4 ~~the state. The children's education shall embrace instruction~~
5 ~~in the common school branches and in such other higher branches~~
6 ~~as may be practical and will enable the children to gain useful~~
7 ~~and self-sustaining employment. The administrator and the~~
8 ~~superintendent of the home shall assist all discharged children~~
9 ~~in securing suitable homes and proper employment.~~, and staffed
10 by the department of human services to do all of the following
11 for female residents of this state:
12 ~~3. The number of children present at any one time at the~~
13 ~~Iowa juvenile home shall not exceed the population guidelines~~
14 ~~established under 1990 Iowa Acts, chapter 1239, section 21, as~~
15 ~~adjusted for subsequent changes in the capacity at the home.~~
16 *a.* Provide gender-responsive services to female children
17 less than age eighteen who have been adjudicated under chapter
18 232 as delinquent and placed at the state training school in
19 accordance with a court order.
20 *b.* If provided for by the children's education plans, allow
21 for continued placement at the state training school for female
22 children who were placed at the state training school under
23 paragraph "*a*" upon the children becoming adults. The purpose of
24 continued placement is for completion of high school education
25 requirements identified in the education plans developed by the
26 provider of educational services for the children.
27 *c.* Facilitate the provision of follow-up services to
28 children who received placement services at the state training
29 school and who remain under the jurisdiction of the juvenile
30 court, as necessary to meet the long-term needs of the
31 children as they age into adulthood. The plan for follow-up
32 services shall be developed with the child in conjunction
33 with juvenile court services and the child's attorney. The
34 provision of follow-up services for children who remain under
35 the jurisdiction of the juvenile court is subject to approval

S.F. 2322

1 by the juvenile court. Follow-up services shall be provided
2 to support children who are discharged from the state training
3 school during the period beginning twelve months prior to the
4 children becoming age eighteen and ending on the day prior to
5 the children becoming age eighteen who do not remain under the
6 jurisdiction of the juvenile court. In addition, follow-up
7 services shall be made available to children discharged
8 from the state training school at any age upon or after the
9 children become age eighteen and continuing until at least age
10 twenty-one.
11 3. Each child placed at the state training school and any
12 other child receiving an examination at the state training
13 school by order of the court shall receive a written plan
14 for services. The plan for services provided by the state
15 training school to a child shall identify any physical,
16 emotional, intellectual, behavioral, or mental health
17 disorder or condition affecting the child and recommend
18 treatment to address the disorder or condition, identify any
19 substance-related disorder of the child or the child's family
20 and recommend treatment to address the disorder, and assess the
21 child's educational status and recommend action to address any
22 identified educational deficiency, and for follow-up services,
23 identify specific public and private service providers with
24 the capacity to meet the child's needs. A copy of the plan
25 for services and any subsequent amendment to the plan shall be
26 submitted to the child, the child's attorney, and the juvenile
27 court.
28 4. For any child placed at the state training school, the
29 state training school shall provide a written plan regarding
30 the placement status of the child on or about the time the
31 child becomes age eighteen. The plan shall, while giving
32 consideration to the treatment needs of the child, also give
33 consideration to the long-term needs of the child upon becoming
34 age eighteen, including needs for vocational training or
35 higher education. Given these considerations, the plan shall

S.F. 2322

1 identify placement options to meet the child's needs that will
2 not negatively affect the child's eligibility as an adult for
3 assistance provided through federal financial participation.
4 The assistance addressed shall include but is not limited to
5 the preparation for adult living program under section 234.46,
6 the medical assistance program, and the federal job corps
7 program.
8 5. The department of human services and the representatives
9 of juvenile court services shall annually recommend a desired
10 capacity for the state training school in the succeeding
11 fiscal year to the governor and general assembly no later than
12 December 15. The capacity of the state training school for a
13 fiscal year shall be specified in the appropriations for the
14 school.
15 6. The education services provided to the children placed at
16 the state training school shall be provided in accordance with
17 section 282.33.
18 7. The department shall cause the state training school to
19 be accredited as a secure juvenile correctional facility by
20 the American correctional association, to meet the standards
21 adopted by the department for approval of a juvenile detention
22 home, and to meet applicable standards for programs providing
23 residential services for children paid for by a managed care or
24 prepaid services contract under the medical assistance program.
25 The standards applied in addition to the American correctional
26 association accreditation requirements shall include but are
27 not limited to the minimum qualifications of staff. The
28 standards and sanctions for noncompliance shall be identified
29 in conjunction with the department of inspections and appeals
30 and experts who are not employed by or under contract with
31 the department. A regular assessment of compliance with the
32 standards shall be performed by the department of inspections
33 and appeals and that department shall submit a report on each
34 assessment to the governor and general assembly.
35 8. The director and the superintendent for the state

S.F. 2322

training school shall provide on an ongoing basis for the state training school's programs, facilities, and services, and for the training of staff in order to apply evidence-based practices and other recognized contemporary approaches to ensure that the care for the children served by the state training school is of high quality. The director's and superintendent's efforts and recommendations to comply with this requirement shall be documented in the annual budget and financial reporting submitted to the governor and the general assembly.

Sec. 13. Section 233B.2, Code 2014, is amended to read as follows:

233B.2 Salary.

The salary of the superintendent of the ~~home~~ state training school shall be determined by the ~~administrator~~ director in accordance with the state requirements for similar positions.

Sec. 14. Section 233B.3, Code 2014, is amended to read as follows:

233B.3 ~~Admissions~~ Commitments and placements.

~~Admission to the home shall be granted to resident children of the state under seventeen years of age, as follows, giving preference in the order named:~~

~~1. Neglected or dependent children committed by the juvenile court~~ Commitments to and placements at the state training school shall be limited to the commitments and placements specified in section 233B.1.

~~2. Other destitute children.~~

Sec. 15. Section 233B.4, Code 2014, is amended to read as follows:

233B.4 Procedure.

The procedure for commitment to and placement at the ~~home is~~ state training school shall be as provided by chapter 232 and section 233B.3.

Sec. 16. Section 233B.5, Code 2014, is amended to read as follows:

S.F. 2322

233B.5 Transfers.

The ~~administrator~~ director may propose the transfer to the ~~home~~ state training school of minor wards of the state from any institution under the ~~administrator's~~ director's charge or under the charge of ~~any other administrator of~~ the department of human services~~; but no person shall be so transferred who is a person with mental illness or an intellectual disability, or who is incorrigible, or has any vicious habits, or whose presence in the home would be inimical to the moral or physical welfare of the other children within the home, and any such child in the home may be transferred to the proper state institution~~. However, the superintendent shall only approve the transfer of minor wards who meet the disposition criteria specified in section 232.52, subsection 2, paragraph *"e"*.

Sec. 17. Section 233B.6, Code 2014, is amended to read as follows:

233B.6 Profits and earnings.

Any money earned by or accrued to the benefit of a child who is transferred to, admitted to, or placed in foster care from the ~~home~~ state training school shall be used, held, or otherwise applied for the exclusive benefit of that child, in accordance with section 234.37.

Sec. 18. Section 233B.7, Code 2014, is amended to read as follows:

233B.7 Rules.

~~All children admitted or committed to the home shall be wards of the state and subject to the rules of the home. Subject to the approval of the administrator, any child received under voluntary application may be expelled by the superintendent for disobedience and refusal to submit to proper discipline. Children shall be discharged upon arriving at the age of eighteen years, or sooner if possessed of sufficient means to provide for themselves.~~ The department shall adopt rules to administer and operate the state training school in the best interests of the children placed at the state training school.

S.F. 2322

1 Sec. 19. Section 234.6, Code 2014, is amended by adding the
2 following new subsection:
3 NEW SUBSECTION. 11. Provide upon request assessment and
4 consultation services to public and private providers of child
5 welfare services to address the needs of children who have
6 challenging behaviors.
7 Sec. 20. Section 234.46, subsection 1, paragraph c, Code
8 2014, is amended to read as follows:
9 *c.* At the time the person became age eighteen, the person
10 received foster care services that were paid for by the state
11 under section 234.35, services at the state training school,
12 services at a juvenile shelter care home, or services at a
13 juvenile detention home and the person is no longer receiving
14 such services.
15 Sec. 21. Section 234.46, subsection 2, unnumbered paragraph
16 1, Code 2014, is amended to read as follows:
17 The division shall establish a preparation for adult living
18 program directed to young adults. The purpose of the program
19 is to assist persons who are leaving foster care and other
20 court-ordered services at age eighteen or older in making the
21 transition to self-sufficiency. The department shall adopt
22 rules necessary for administration of the program, including
23 but not limited to eligibility criteria for young adult
24 participation and the services and other support available
25 under the program. The rules shall provide for participation
26 of each person who meets the definition of young adult on
27 the same basis, regardless of whether federal financial
28 participation is provided. The services and other support
29 available under the program may include but are not limited to
30 any of the following:
31 Sec. 22. Section 282.33, Code 2014, is amended by striking
32 the section and inserting in lieu thereof the following:
33 **282.33 Funding for children residing in state mental health**
34 **institutes or training schools.**
35 1. An area education agency shall provide or make provision

S.F. 2322

1 for an appropriate educational program for each child who lives
2 in one of the following institutions for children under the
3 jurisdiction of the director of human services:
4 *a.* Mental health institute, Cherokee, Iowa.
5 *b.* Mental health institute, Independence, Iowa.
6 *c.* State training school for male juvenile delinquents under
7 chapter 233A.
8 *d.* State training school for female juvenile delinquents
9 under chapter 233B.
10 2. The area education agency shall provide the educational
11 program by any one of but not limited to the following:
12 *a.* Providing for the enrollment of the child in the district
13 of residence of the child, subject to the approval of the
14 district in which the child is living.
15 *b.* Cooperating with the district of residence of the child
16 and obtaining the course of study and textbooks of the child
17 for use in the special facility into which the child has been
18 placed.
19 *c.* Providing for the enrollment of the child in the district
20 in which the child is living, subject to the approval of the
21 district in which the child is living.
22 3. The area education agency shall submit a proposed program
23 and budget to the department of education by January 1 for
24 the next succeeding school year for each institution. The
25 department of education shall review and approve or modify the
26 program and proposed budget and shall notify the department
27 of administrative services and the area education agency of
28 its action by February 1. The department of administrative
29 services shall pay the approved budget amount for an area
30 education agency in monthly installments beginning September
31 15 and ending June 15 of the next succeeding school year. The
32 installments shall be as nearly equal as possible as determined
33 by the department of management, taking into consideration the
34 relative budget and cash position of the state's resources.
35 The department of administrative services shall transfer the

S.F. 2322

1 approved budget amount for an area education agency from
2 the moneys appropriated under section 257.16 and make the
3 payment to the area education agency. The area education
4 agency shall submit an accounting for the actual cost of
5 the program to the department of education by August 1 of
6 the following school year. The department shall review and
7 approve or modify all expenditures incurred in compliance with
8 the guidelines pursuant to section 256.7, subsection 10, and
9 shall notify the department of administrative services of the
10 approved accounting amount. The approved accounting amount
11 shall be compared with any amounts paid by the department of
12 administrative services to the area education agency and any
13 differences added to or subtracted from the October payment
14 made under this subsection for the next school year. Any
15 amount paid by the department of administrative services shall
16 be deducted monthly from the state foundation aid paid under
17 section 257.16 to all school districts in the state during the
18 subsequent fiscal year. The portion of the total amount of the
19 approved budget that shall be deducted from the state aid of a
20 school district shall be the same as the ratio that the budget
21 enrollment for the budget year of the school district bears to
22 the total budget enrollment in the state for that budget year
23 in which the deduction is made.
24 4. For purposes of this section, *"district of residence"*
25 means the school district in which the parent or legal guardian
26 of the child resides or the district in which the district
27 court is located if the district court is the guardian of the
28 child.
29 5. Programs may be provided throughout the calendar year and
30 shall be funded under this section if the school district or
31 area education agency determines a valid educational reason to
32 do so.
33 Sec. 23. REPEAL. Sections 233B.10, 233B.11, 233B.12, and
34 233B.13, Code 2014, are repealed.
35 DIVISION II

S.F. 2322

CONFORMING AMENDMENTS

Sec. 24. Section 137F.1, subsection 7, unnumbered paragraph 1, Code 2014, is amended to read as follows:

"Food establishment" means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption and includes a food service operation in a salvage or distressed food operation, school, summer camp, residential service substance abuse treatment facility, halfway house substance abuse treatment facility, correctional facility operated by the department of corrections, or the state training school~~, or the Iowa juvenile home~~. *"Food establishment"* does not include the following:

Sec. 25. Section 218.1, subsections 7 and 8, Code 2014, are amended to read as follows:

7. State training school for male juvenile delinquents under chapter 233A.

8. ~~Iowa juvenile home~~ State training school for female juvenile delinquents under chapter 233B.

Sec. 26. Section 218.6, subsection 3, Code 2014, is amended to read as follows:

3. The state juvenile institutions consisting of the state training school for male juvenile delinquents and the ~~Iowa juvenile home~~ state training school for female juvenile delinquents.

Sec. 27. Section 259A.6, Code 2014, is amended to read as follows:

259A.6 Residents of juvenile institutions and juvenile probationers.

Notwithstanding the provisions of section 259A.2 a minor who is a resident of ~~a~~ the state training school ~~or the Iowa juvenile home~~ or a minor who is placed under the supervision of a juvenile probation office may make application for a high school equivalency diploma and upon successful completion of the program receive a high school equivalency diploma.

Sec. 28. Section 261.6, subsection 2, paragraph b, Code

S.F. 2322

2014, is amended to read as follows:

b. Is age seventeen and has been placed in the state training school ~~or the Iowa juvenile home~~ pursuant to a court order entered under chapter 232 under the care and custody of the department of human services.

Sec. 29. Section 261.6, subsection 2, paragraph c, subparagraph (4), Code 2014, is amended to read as follows:

(4) On the date the person reached age eighteen or during the thirty calendar days preceding or succeeding that date, the person was placed in the state training school ~~or the Iowa juvenile home~~ pursuant to a court order entered under chapter 232 under the care and custody of the department of human services.

Sec. 30. Section 331.424, subsection 1, paragraph a, subparagraph (1), subparagraph division (b), Code 2014, is amended by striking the subparagraph division.

Sec. 31. Section 331.756, subsection 51, Code 2014, is amended by striking the subsection.

Sec. 32. Section 331.802, subsection 3, paragraph k, Code 2014, is amended to read as follows:

k. Death of a person ~~committed or~~ admitted to, committed to, or placed at a state mental health institute, a state resource center, or the state training school~~, or the Iowa juvenile home~~.

Sec. 33. Section 357H.1, subsection 1, Code 2014, is amended to read as follows:

1. The board of supervisors of a county with less than twenty thousand residents, not counting persons admitted ~~or~~ to, committed to, or placed at an institution enumerated in section 218.1 or 904.102, based upon the 2000 certified federal census, and with a private lake development shall designate an area surrounding the lake, if it is an unincorporated area of the county, a rural improvement zone upon receipt of a petition pursuant to section 357H.2, and upon the board's determination that the area is in need of improvements.

S.F. 2322

1 DIVISION III
2 EFFECTIVE DATE
3 Sec. 34. EFFECTIVE UPON ENACTMENT. This Act, being deemed
4 of immediate importance, takes effect upon enactment.
5 EXPLANATION
6 The inclusion of this explanation does not constitute agreement with
7 the explanation's substance by the members of the general assembly.
8 This bill relates to the services provided through the
9 department of human services (DHS) for children who have been
10 adjudicated delinquent and establishes a state training school
11 for delinquent females in place of the Iowa juvenile home. The
12 bill is organized into divisions. The bill amends the services
13 required to be provided at the home and limits placements to
14 adjudicated delinquent females only.
15 DIVISION I — STATE TRAINING SCHOOL — EDUCATION. This
16 division provides the substantive amendments pertaining to the
17 state training school for male adjudicated delinquents and
18 the state training school for female adjudicated delinquents.
19 The current law in Code section 232.52 is maintained which
20 restricts placement in the institutions of adjudicated
21 delinquent males and females who are at least age 12 and the
22 court finds the placement to be in the best interests of the
23 child or necessary for the protection of the public, and that
24 the child has been found to have committed an act which is a
25 forcible felony, as defined in Code section 702.11 (felonious
26 child endangerment, assault, murder, sexual abuse, kidnapping,
27 robbery, arson in the first degree, or burglary in the
28 first degree), or a felony violation of Code section 124.401
29 (prohibited acts with controlled substances) or Code chapter
30 707 (homicide and related crimes) or meets at least three of
31 four other criteria relating to age, crimes against persons,
32 recidivism, and prior placement.
33 The bill includes legislative findings concerning the need
34 to improve the system to meet the needs of children who have
35 committed a delinquent act, have been abused, neglected, or

S.F. 2322

1 subjected to trauma, or have other significant needs. An
2 implementation provision directs the department of human
3 services to expeditiously select a state-owned facility to
4 begin serving as the state training school for delinquent
5 females. The responsibilities for the state training school
6 for delinquent males under Code chapter 233A are amended to
7 conform with the new duties specified for the facility for
8 females.
9 Code section 232.2, providing definitions for the juvenile
10 justice Code chapter, is amended to provide a new definition
11 for the state training school, referring either to the training
12 school for delinquent males or to the training school for
13 delinquent females. In addition, the responsibilities of
14 guardians ad litem appointed for children adjudicated as a
15 child in need of assistance (CINA), is amended to require the
16 guardians to visit children in a placement at least quarterly.
17 Code section 232.49, relating to court-ordered mental and
18 physical examinations of children adjudicated delinquent, is
19 amended to explicitly list the two training schools as options
20 for the examinations.
21 Code section 232.52, relating to the disposition by the
22 court of children adjudicated delinquent, is amended to
23 require the attorney of a child subject to placement outside
24 the child's home to visit the child at the placement at least
25 quarterly.
26 Code section 232.102, relating to the dispositions that may
27 be ordered by the court of a child adjudicated as a CINA, and
28 Code section 232.103, relating to modifications of such orders,
29 are amended to eliminate options relating to placements of CINA
30 children at the Iowa juvenile home (IJH).
31 The provisions in Code chapter 233A, relating to the state
32 training school for adjudicated delinquent males and in
33 Code chapter 233B, relating to the state training school for
34 adjudicated delinquent females, are both amended to apply the
35 same new responsibilities to each. Each must provide a written

S.F. 2322

1 plan for services for the children in placement or receiving
2 an examination, facilitate follow-up services for children
3 who received placement services, and provide a written plan
4 regarding the placement status for a child on or about the time
5 the child becomes age 18. The plan for follow-up services is
6 to be developed with the child and in conjunction with the
7 child's attorney and juvenile court services. The training
8 school for females is required to provide gender-responsive
9 services and authorization is provided for a female to stay at
10 age 18 for completion of high school education if provided for
11 in the female's education plans.
12 In addition, for both training schools, DHS is required
13 to secure accreditation as a secure juvenile facility by the
14 American correctional association, meet DHS standards for
15 a juvenile detention home, and meet applicable standards
16 for residential services applied for children paid by the
17 DHS Medicaid program contract. The standards that are
18 separate from the association's standards and sanctions for
19 noncompliance are to be identified in conjunction with the
20 department of inspections and appeals (DIA) and experts not
21 employed by DHS. Compliance assessments are required to be
22 performed by DIA.
23 The DHS administrator and the state training school
24 superintendents are required to provide on an ongoing basis for
25 the schools' programs, facilities, and services, and for the
26 training of staff in order to apply evidence-based practices
27 and other recognized contemporary approaches to ensure that
28 the care for the children served by the state training school
29 is of high quality. The administrator's and superintendent's
30 efforts and recommendations to comply with this requirement are
31 to be documented in the annual budget and financial reporting
32 submitted to the governor and general assembly.
33 The educational program at the two facilities under current
34 law is provided by DHS. Under the bill, the educational
35 program is provided through the area education agency (AEA)

S.F. 2322

1 in a manner similar to that authorized under current law for
2 juvenile detention homes. This requirement is codified in
3 Code section 282.33 and also applies to children living in
4 placement at the state mental health institutes at Cherokee
5 and Independence. The AEA is provided several options for
6 providing the educational program, including through the school
7 district in which the child is residing. The costs of the
8 educational program are to be covered through the state aid to
9 schools formula. Code section 233A.4, relating to education
10 and training at the state training school for male juvenile
11 delinquents, and Code section 233A.1, relating to the training
12 school for female juvenile delinquents are both amended to
13 reference the educational program section.
14 Code section 233B.2, relating to the salary of the
15 superintendent, is amended to require the salary to be
16 determined by the director of DHS.
17 Code section 233B.3, relating to admissions of children who
18 are residents of this state, is amended to limit commitments
19 to placements specified in Code section 233B.1, as amended by
20 the bill. The requirement in current law restricting admission
21 to children under age 17 is stricken. Code section 233B.4,
22 relating to procedure, is amended in a similar manner.
23 Code section 233B.5 is amended to modify the authority of DHS
24 to transfer children from other DHS institutions to the state
25 training school for female juvenile delinquents. The bill
26 prohibits the school's superintendent from approving a transfer
27 proposal that does not meet the placement criteria specified
28 by the bill.
29 Code section 233B.6, relating to moneys associated with a
30 child, is amended to remove reference to IJH.
31 Code section 233B.7, requiring children to comply with
32 the rules of the state training school for female juvenile
33 delinquents, is amended. Requirements for children to comply
34 with the rules of the training school, for expulsion of
35 voluntary placements who do not comply, and requiring discharge

S.F. 2322

1 when a child becomes age 18 are stricken. The bill requires
2 DHS to adopt rules to administer and operate the training
3 school to meet the best interests of the children admitted to
4 the state training school.
5 Code sections 233B.10, 233B.11, 233B.12, and 233B.13 are
6 repealed. These sections authorize DHS to place a child
7 admitted to the IJH into foster care and allow the placement
8 to continue into adulthood for educational purposes. Other
9 repealed Code sections provide for contracting for the
10 placements and for the county attorney to institute proceedings
11 to recover possession of the child if the contract is violated
12 and to prohibit the child's parent from interfering with the
13 placement or the child while the placement is in force. In the
14 conforming amendments division, a subsection of Code section
15 331.756, relating to the duties of the county attorney, is
16 amended to remove this duty of the county attorney to recover
17 possession of a child placed from IJH into foster care.
18 Code section 234.6, relating to the duties of DHS involving
19 child and family services, is amended to require DHS to provide
20 upon request assessment and consultation services to public
21 and private providers of child welfare services to address the
22 needs of children who have challenging behaviors.
23 Code section 234.46, relating to the preparation for
24 adult living program administered by DHS, is amended. The
25 eligibility definition is expanded to include persons who,
26 at the time such person became age 18, received services at
27 the state training school, a shelter care home, or a juvenile
28 detention home. Current law limits eligibility to persons who,
29 at the time such person became age 18, was receiving foster
30 care services paid for by the state. The rules adopted by
31 the department for the program are required to provide for
32 the participation of each person who meets the eligibility
33 definition on the same basis, regardless of whether federal
34 financial participation is provided.
35 DIVISION II — CONFORMING AMENDMENTS. The bill provides

S.F. 2322

1 conforming amendments in various Code sections.
2 These Code sections are amended to eliminate or change
3 references to the Iowa juvenile home to the state training
4 school: 137F.1, relating to definitions for state regulation
5 of food establishments; 218.1, providing a list of the
6 state institutions administered by DHS; 218.6, providing
7 authorization for DHS to transfer among institutions of the
8 same type without approval by the governor and the department
9 of management; 259A.6, relating to applications for high school
10 equivalency diplomas for residents of juvenile institutions
11 and juvenile probationers; 261.6, relating to eligibility for
12 the all Iowa opportunity foster care grant program; 331.756,
13 relating to the responsibility of the county attorney to
14 represent the superintendent of IJH; and 331.802, relating to
15 reporting and investigations of certain deaths.
16 Code section 331.424, relating to county supplemental levy
17 authority, is amended to strike the authority for the costs of
18 placements at IJH.
19 Code section 357H.1, relating to rural improvement zones, is
20 amended to incorporate placement terminology used in the bill.
21 DIVISION III — EFFECTIVE DATE. The bill takes effect upon
22 enactment.

Senate File 2323 - Introduced

SENATE FILE 2323
BY DOTZLER

A BILL FOR

1 An Act exempting from the state sales tax the purchase price of
2 tangible personal property sold and services furnished to a
3 nonprofit food bank.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5984XS (2) 85
mm/sc

S.F. 2323

1 Section 1. Section 423.3, Code 2014, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 101. The sales price from the sale or
4 rental of tangible personal property, or services furnished,
5 to a nonprofit food bank, which tangible personal property
6 or services are to be used by the nonprofit food bank for a
7 charitable purpose. For purposes of this subsection, *"nonprofit*
8 *food bank"* means an organization organized under chapter 504
9 and qualifying under section 501(c)(3) of the Internal Revenue
10 Code as an organization exempt from federal income tax under
11 section 501(a) of the Internal Revenue Code that maintains
12 an established operation involving the provision of food or
13 edible commodities or the products thereof on a regular basis
14 to persons in need or to food pantries, soup kitchens, hunger
15 relief centers, or other food or feeding centers that, as an
16 integral part of their normal activities, provide meals or food
17 on a regular basis to persons in need.
18 EXPLANATION
19 **The inclusion of this explanation does not constitute agreement with**
20 **the explanation's substance by the members of the general assembly.**
21 This bill exempts from the sales tax the purchase price from
22 the sale or rental of tangible personal property, or services
23 furnished, to a nonprofit food bank if the property or services
24 are to be used by the nonprofit food bank for a charitable
25 purpose. "Nonprofit food bank" is defined in the bill.
26 By operation of Code section 423.6, an item exempt from the
27 imposition of the sales tax is also exempt from the use tax
28 imposed in Code section 423.5.