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Senate File 383

H-8027

- 1 Amend Senate File 383, as passed by the Senate, as
2 follows:
3 1. Page 1, line 2, by striking <2013> and inserting
4 <2014>
5 2. Page 1, line 15, by striking <2013> and
6 inserting <2014>

COMMITTEE ON JUDICIARY
BALTIMORE of Boone, Chairperson



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House File 2043

H-8028

1 Amend House File 2043 as follows:

2 1. Page 3, line 6, after <in> by inserting <this
3 section or>

4 2. Page 3, line 16, after <township.> by inserting
5 <The trustees of a township that establishes an
6 emergency warning system shall provide emergency
7 medical service for the township within five years of
8 establishing the emergency warning system.>

LUNDBY of Linn

HF2043.2936 (2) 85

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aw/rj

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House File 2254

H-8029

1 Amend the amendment, H-8019, to House File 2254 as
2 follows:
3 1. Page 1, after line 25 by inserting:
4 <__. Page 1, after line 35 by inserting:
5 <Sec. __. Section 808B.3, Code 2014, is amended by
6 adding the following new subsection:
7 NEW SUBSECTION. 6. A felony offense involving
8 human trafficking in violation of chapter 710A.>
9 __. Title page, line 2, after <minors> by
10 inserting <, human trafficking,>>

STECKMAN of Cerro Gordo



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House File 2254

H-8030

1 Amend the amendment, H-8019, to House File 2254, as
2 follows:
3 1. Page 1, after line 17 by inserting:
4 <c. If the person who sells or offers for sale the
5 person's services as a partner in a sex act is under
6 the age of eighteen, upon the expiration of two years
7 following the person's conviction for a violation
8 of paragraph "a" or of a similar local ordinance,
9 the person may petition the court to expunge the
10 conviction, and if the person has had no other criminal
11 convictions, other than local traffic violations or
12 simple misdemeanor violations of chapter 321 during the
13 two-year period, the conviction shall be expunged as
14 a matter of law. The court shall enter an order that
15 the record of the conviction be expunged by the clerk
16 of the district court. Notwithstanding section 692.2,
17 after receipt of notice from the clerk of the district
18 court that a record of conviction has been expunged for
19 a violation of paragraph "a", the record of conviction
20 shall be removed from the criminal history data files
21 maintained by the department of public safety.>

PRICHARD of Floyd

H8019.2964 (3) 85

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rh/rj

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House File 2289

H-8031

- 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>
6 3. Page 3, line 23, after <if> by inserting <the
7 individual is on public property, or>
8 4. Page 3, line 26, by striking <4.> and inserting
9 <c.>
10 5. Page 3, line 31, by striking <a.> and inserting
11 <(1)>
12 6. Page 3, line 32, by striking <b.> and inserting
13 <(2)>
14 7. Page 3, line 33, by striking <c.> and inserting
15 <(3)>
16 8. Page 4, line 11, by striking <agency> and
17 inserting <state agency and each political subdivision
18 if required to do so by the supervising legislative
19 body of the political subdivision,>
20 9. Page 4, line 11, by striking <vehicle> and
21 inserting <vehicle,>
22 10. By renumbering as necessary.

KLEIN of Washington

HF2289.2973 (2) 85

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jm/rj

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House File 2361

H-8032

1 Amend House File 2361 as follows:

2 1. Page 26, after line 22 by inserting:

3 <DIVISION _____
4 MOTOR VEHICLE DEALERS

5 Sec. _____. Section 321.48, Code 2014, is amended by
6 adding the following new subsection:

7 NEW SUBSECTION. 2A. Notwithstanding subsections 1
8 and 2, requirements in those subsections for obtaining
9 title to a vehicle or acknowledging assignment and
10 warranty of title do not apply to a dealer who sells
11 a motor vehicle to a purchaser in a consignment
12 transaction authorized under section 322.7B.

13 Sec. _____. Section 321.57, subsection 1, Code 2014,
14 is amended to read as follows:

15 1. A dealer owning any vehicle of a type otherwise
16 required to be registered under this chapter may
17 operate or move the vehicle upon the highways solely
18 for purposes of transporting, testing, demonstrating,
19 or selling the vehicle without registering the vehicle,
20 upon condition that the vehicle display in the manner
21 prescribed in sections 321.37 and 321.38 a special
22 plate issued to the owner as provided in sections
23 321.58 through 321.62. A dealer may operate or move
24 upon the highways a vehicle owned by the dealer for
25 either private or business purposes, including hauling
26 a load or towing a trailer, without registering it
27 if the vehicle is in the dealer's inventory and is
28 continuously offered for sale at retail, and there is
29 displayed on it a special plate issued to the dealer as
30 provided in sections 321.58 through 321.62. A dealer
31 may operate or move upon the highways an unregistered
32 vehicle owned by a lessor licensed pursuant to chapter
33 321F solely for the purpose of delivering the vehicle
34 to the owner or transporting the vehicle to or from an
35 auction if there is displayed on the vehicle a special
36 plate issued to the dealer as provided in sections
37 321.58 through 321.62.

38 Sec. _____. Section 321.60, Code 2014, is amended to
39 read as follows:

40 **321.60 Issuance of special plates.**

41 The department shall ~~also~~ issue special plates
42 as applied for, which shall display the general
43 distinguishing number assigned to the applicant. Each
44 plate so issued shall also contain a number or symbol
45 identifying the plate and distinguishing it from every
46 other plate bearing the same general distinguishing
47 number. The fee for each special plate is forty
48 dollars for a two-year period or part thereof. The fee
49 for a special plate used on a vehicle that is hauling a
50 load or towing a trailer is seven hundred fifty dollars

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dea/nh

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1 for a two-year period or part thereof.

2 Sec. ____. Section 321.69A, subsection 1, paragraph
 3 a, subparagraph (2), Code 2014, is amended to read as
 4 follows:

5 (2) The actual cost of any labor or parts charged
 6 to or performed by the dealer for any such repairs,
 7 adjustments, or parts does not exceed four percent of
 8 ~~the dealer's adjusted cost~~ manufacturer's suggested
 9 retail price.

10 Sec. ____. Section 321.69A, subsections 2 and 3,
 11 Code 2014, are amended to read as follows:

12 2. A person licensed as a new motor vehicle dealer
 13 pursuant to chapter 322 shall disclose in writing, at
 14 or before the time of sale or lease, to the buyer or
 15 lessee of a new motor vehicle that the vehicle has been
 16 subject to any repairs of damage to or adjustments on
 17 or replacements of parts with new parts if the actual
 18 cost of any labor or parts charged to or performed by
 19 the dealer for any such repairs, adjustments, or parts
 20 exceeds four percent of the ~~dealer's adjusted cost~~
 21 manufacturer's suggested retail price. The written
 22 disclosure shall include the signature of the buyer or
 23 lessee and be in a form and in a format approved by
 24 the attorney general by rule. A dealer shall retain a
 25 copy of each written disclosure issued pursuant to this
 26 section for five years from the date of issuance.

27 3. As used in this section, ~~"dealer's adjusted~~
 28 ~~cost"~~ "manufacturer's suggested retail price" means
 29 the amount paid by the dealer to the manufacturer or
 30 other source for the vehicle, including any freight
 31 charges, but excluding any sum paid by the manufacturer
 32 to the dealer as a holdback or other monetary incentive
 33 relating to the vehicle required to be disclosed by a
 34 dealer pursuant to 15 U.S.C. §1232(f)(4).

35 Sec. ____. Section 321.105A, subsection 2, paragraph
 36 c, subparagraph (14), Code 2014, is amended to read as
 37 follows:

38 (14) Vehicles purchased by a licensed motor vehicle
 39 dealer for resale or primarily for use by the dealer's
 40 customers while the customers' vehicles are being
 41 serviced or repaired by the dealer.

42 Sec. ____. **NEW SECTION. 322.7B Consignment sales**
 43 **of motor trucks.**

44 A licensed motor vehicle dealer may sell a used
 45 motor truck on a consignment basis if all of the
 46 following conditions apply:

47 1. The dealer is licensed to sell used motor
 48 vehicles.

49 2. The motor truck offered for sale has a gross
 50 vehicle weight rating of twenty-six thousand one or



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1 more pounds.

2 3. The dealer prominently displays the words
3 "consignment vehicle" on the motor truck and indicates
4 clearly in the sales documentation that the motor
5 truck is a consignment vehicle. The dealer shall put
6 customers on notice that the dealer does not have title
7 to the vehicle and does not warrant the title.

8 4. The purchaser certifies to the dealer that the
9 person is either a corporation, limited liability
10 company, or partnership or a person who files a
11 schedule C or schedule F form for federal income tax
12 purposes, and that the motor truck is being purchased
13 for business purposes, and not for personal use.

14 5. The dealer assumes no liability for damages
15 resulting from a customer's test drive of the motor
16 truck, and the consignor maintains financial liability
17 coverage as required under section 321.20B or 325A.6,
18 as appropriate, for the motor truck throughout the term
19 of the consignment.

20 Sec. _____. Section 322.9, subsection 2, paragraphs
21 a, b, and c, Code 2014, are amended to read as follows:

22 a. Failing upon the sale or transfer of a vehicle,
23 except upon the sale of a vehicle under section
24 322.7B, to deliver to the purchaser or transferee of
25 the vehicle sold or transferred, a manufacturer's or
26 importer's certificate, or a certificate of title duly
27 assigned, as provided in chapter 321.

28 b. Failing upon the purchasing or otherwise
29 acquiring of a vehicle, except a vehicle acquired
30 on consignment under section 322.7B, to obtain a
31 manufacturer's or importer's certificate, or a
32 certificate of title duly assigned as provided in
33 chapter 321.

34 c. Failing upon the purchasing or otherwise
35 acquiring of a vehicle, except a vehicle acquired on
36 consignment under section 322.7B, to obtain a new
37 certificate of title to such vehicle when and where
38 required in chapter 321.>

39 2. By renumbering as necessary.

MOORE of Jackson



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House File 2271

H-8033

1 Amend House File 2271 as follows:
2 1. By striking everything after the enacting clause
3 and inserting:
4 <Section 1. Section 257.11, subsection 7, paragraph
5 a, subparagraph (1), Code 2014, is amended to read as
6 follows:
7 (1) In order to provide additional funding to
8 increase student opportunities and redirect more
9 resources to student programming for school districts
10 that share operational functions, ~~a supplementary~~
11 ~~weighting of two hundredths per pupil shall be~~
12 ~~assigned to pupils enrolled in a district that~~
13 ~~shares with a political subdivision one or more~~
14 ~~operational functions of a curriculum director,~~
15 ~~school administration manager, social worker, school~~
16 ~~nurse, or school counselor, or school librarian,~~
17 ~~or one or more operational functions in the areas~~
18 ~~of superintendent management, business management,~~
19 ~~human resources, transportation, or operation and~~
20 ~~maintenance for at least twenty percent of the school~~
21 ~~year shall be assigned a supplementary weighting~~
22 ~~for each shared operational function. A school~~
23 ~~district that shares an operational function in the~~
24 ~~area of superintendent management shall be assigned~~
25 ~~a supplementary weighting of eight pupils for the~~
26 ~~function. A school district that shares an operational~~
27 ~~function in the area of business management, human~~
28 ~~resources, transportation, or operation and maintenance~~
29 ~~shall be assigned a supplementary weighting of five~~
30 ~~pupils for the function. A school district that shares~~
31 ~~the operational functions of a curriculum director or~~
32 ~~a school counselor shall be assigned a supplementary~~
33 ~~weighting of three pupils for the function. The~~
34 ~~additional weighting shall be assigned for each~~
35 ~~discrete operational function shared. However, a~~
36 ~~school district may receive the additional weighting~~
37 ~~under this subsection for sharing the services of~~
38 ~~an individual with a political subdivision even if~~
39 ~~the type of operational function performed by the~~
40 ~~individual for the school district and the type of~~
41 ~~operational function performed by the individual for~~
42 ~~the political subdivision are not the same operational~~
43 ~~function, so long as both operational functions are~~
44 ~~eligible for weighting under this subsection. In~~
45 ~~such case, the school district shall be assigned~~
46 ~~the additional weighting for the type of operational~~
47 ~~function that the individual performs for the school~~
48 ~~district, and the school district shall not receive~~
49 ~~additional weighting for any other function performed~~
50 ~~by the individual. The operational function sharing~~

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md/sc

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1 arrangement does not need to be a newly implemented
 2 sharing arrangement to receive supplementary
 3 weighting under this subsection. ~~However, to receive~~
 4 ~~supplementary weighting under this subsection for an~~
 5 ~~ongoing operational function sharing arrangement that~~
 6 ~~began before July 1, 2014, the district shall submit~~
 7 ~~information to the department documenting the cost~~
 8 ~~savings directly attributable to the shared operational~~
 9 ~~functions and describe the district's consideration of~~
 10 ~~additional shared operational functions.~~

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

13 c. Supplementary weighting pursuant to this
 14 subsection shall be available to a school district for
 15 a maximum of five years during the period commencing
 16 with the budget year beginning July 1, 2014, through
 17 the budget year beginning July 1, 2019. The minimum
 18 amount of additional weighting for which a school
 19 district shall be eligible is an amount equivalent
 20 to ten additional pupils, and the maximum amount of
 21 additional weighting for which a school district shall
 22 be eligible in a budget year is an amount equivalent
 23 to forty twenty-one additional pupils. Receipt of
 24 supplementary weighting by a school district pursuant
 25 to this subsection for more than one year shall be
 26 contingent upon the annual submission of information
 27 by the district to the department documenting cost
 28 savings directly attributable to the shared operational
 29 functions. Criteria for determining the number of
 30 years for which supplementary weighting shall be
 31 received pursuant to this subsection, subject to the
 32 five-year maximum, and for determining qualification
 33 of operational functions for supplementary weighting
 34 shall be determined by the department by rule, through
 35 consideration of long-term savings by the school
 36 district or increased student opportunities.

37 d. Supplementary weighting pursuant to this
 38 subsection shall be available to an area education
 39 agency for a maximum of five years during the period
 40 commencing with the budget year beginning July 1,
 41 2014, through the budget year beginning July 1,
 42 2019. The minimum amount of additional funding for
 43 which an area education agency shall be eligible in
 44 a budget year is fifty thirty thousand dollars, and
 45 the maximum amount of additional funding for which an
 46 area education agency shall be eligible is two hundred
 47 thousand dollars. The department of management shall
 48 annually set a weighting for each area education agency
 49 to generate the approved operational sharing expense
 50 using the area education agency's special education



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1 cost per pupil amount and foundation level. Receipt
 2 of supplementary weighting by an area education agency
 3 for more than one year shall be contingent upon the
 4 annual submission of information by the district to
 5 the department documenting cost savings directly
 6 attributable to the shared operational functions.
 7 Criteria for determining the number of years for
 8 which supplementary weighting shall be received
 9 pursuant to this subsection, subject to the five-year
 10 maximum, and the amount generated by the supplementary
 11 weighting, and for determining qualification of
 12 operational functions for supplementary weighting
 13 shall be determined by the department by rule,
 14 through consideration of long-term savings by the area
 15 education agency or increased student opportunities.
 16 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being
 17 deemed of immediate importance, takes effect upon
 18 enactment.>
 19 2. Title page, line 2, after <districts> by
 20 inserting <and area education agencies>

DOLECHECK of Ringgold

RUFF of Clayton



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House File 2324

H-8034

- 1 Amend House File 2324 as follows:
 2 1. Page 1, line 26, after <lender> by inserting
 3 <that is a financial institution as defined in section
 4 537.1301.>
 5 2. Page 1, line 31, after <3.> by inserting <This
 6 subsection applies to the financial institution lender
 7 that originates the loan and to subsequent purchasers
 8 of the loan originated by the financial institution.>
 9 3. Page 6, after line 27 by inserting:
 10 <Sec. ____ . APPLICABILITY. Section 537.1301,
 11 subsection 21, paragraph b, subparagraph (5), as
 12 enacted by this Act, applies to charges assessed by a
 13 financial institution on or after July 1, 2014.>
 14 4. Title page, line 4, after <code> by inserting <,
 15 and including applicability provisions>

J. SMITH of Dickinson

DAWSON of Woodbury



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House File 2289

H-8035

- 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>
6 3. Page 3, line 23, after <if> by inserting <the
7 individual is on public property, or>
8 4. Page 3, line 26, by striking <4.> and inserting
9 <c.>
10 5. Page 3, line 31, by striking <a.> and inserting
11 <(1)>
12 6. Page 3, line 32, by striking <b.> and inserting
13 <(2)>
14 7. Page 3, line 33, by striking <c.> and inserting
15 <(3)>
16 8. Page 3, after line 33 by inserting:
17 <4. *Accredited postsecondary institutions.* An
18 accredited postsecondary institution, other than a
19 special security officer or a security agency employed
20 by or otherwise connected with the institution, may use
21 an unmanned aerial vehicle to capture or receive an
22 image for research purposes, or to retain or distribute
23 such an image.>
24 9. Page 4, line 11, by striking <agency> and
25 inserting <state agency and each political subdivision
26 if required to do so by the supervising legislative
27 body of the political subdivision,>
28 10. Page 4, line 11, by striking <vehicle> and
29 inserting <vehicle,>
30 11. By renumbering as necessary.

KLEIN of Washington

HF2289.2987 (1) 85

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jm/rj

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House File 2354

H-8036

- 1 Amend House File 2354 as follows:
2 1. Page 1, after line 10 by inserting:
3 <Sec. _____. Section 48A.9, Code 2014, is amended by
4 adding the following new subsection:
5 NEW SUBSECTION. 5. If the registration form
6 appears on its face to be complete and proper, but is
7 received during the period in which registration is
8 closed pursuant to this section, the commissioner shall
9 send a notice advising the applicant of election day
10 and in-person absentee registration procedures under
11 section 48A.7A.>
12 2. By striking page 2, line 10, through page 3,
13 line 31.
14 3. Page 5, line 26, before <After> by inserting
15 <1.>
16 4. Page 5, after line 31 by inserting:
17 <2. The affidavit form shall include a line for the
18 voter to indicate the date the voter subscribed to the
19 affidavit.>
20 5. Page 6, by striking lines 13 through 16 and
21 inserting <the polls close on election day or be
22 ~~clearly postmarked by received by the commissioner~~
23 ~~through an officially authorized postal service not~~
24 ~~later than the day before the election and received~~
25 ~~by the commissioner not later than noon on the Monday~~
26 ~~following the election. For a ballot to be counted~~
27 ~~that is received in the commissioner's office after the~~
28 ~~polls close on election day, the date on the affidavit~~
29 ~~envelope must be clearly legible and the date is not~~
30 ~~later than the day before the election.>~~
31 6. Title page, by striking lines 3 and 4
32 and inserting <to a primary election, modifying
33 requirements for counting absentee ballots, and>
34 7. By renumbering as necessary.

WINCKLER of Scott

HUNTER of Polk

GASKILL of Wapello

ISENHART of Dubuque

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aw/sc

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KEARNS of Lee

LENSING of Johnson

STAED of Linn

STECKMAN of Cerro Gordo

STUTSMAN of Johnson

WESSEL-KROESCHELL of Story



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House File 2391 - Introduced

HOUSE FILE 2391
BY KAJTAZOVIC

A BILL FOR

1 An Act concerning the utilization of energy by authorizing
2 the establishment of an energy finance program to finance
3 certain energy improvements, and providing civil penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6036YH (1) 85
rn/sc



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H.F. 2391

1 Section 1. Section 331.441, subsection 2, paragraph b, Code
2 2014, is amended by adding the following new subparagraph:

3 NEW SUBPARAGRAPH. (20) The establishment or funding of
4 an energy finance program to finance energy improvements in a
5 county pursuant to chapter 385.

6 Sec. 2. Section 384.24, subsection 3, Code 2014, is amended
7 by adding the following new paragraph:

8 NEW PARAGRAPH. y. The establishment or funding of an energy
9 finance program to finance energy improvements within a city
10 pursuant to chapter 385.

11 Sec. 3. NEW SECTION. **385.1 Legislative findings — purpose.**

12 The general assembly finds all of the following:

13 1. Renewable energy production and energy efficiency
14 improvements to residential, commercial, and industrial real
15 property, are necessary to address the issue of energy bill
16 stabilization.

17 2. The initial investment required to make residential,
18 commercial, or industrial real property more energy-efficient
19 or to utilize renewable energy prevents many property owners
20 from making such improvements. To make energy improvements
21 more affordable and to promote their installation, it is
22 necessary to authorize an alternative procedure for owners of a
23 residence or business to finance such improvements.

24 3. The general assembly declares that a public purpose
25 shall be served by authorizing cities and counties to establish
26 energy finance programs and authorizing the governing body
27 of any city or county to assist property owners in financing
28 the installation of renewable energy improvements and energy
29 efficiency improvements by offering financial terms that are
30 beneficial to the property owner.

31 Sec. 4. NEW SECTION. **385.2 Definitions.**

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

34 1. "Authority" means the economic development authority
35 created in section 15.105.

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1 2. *“Energy analysis”* means a written report summarizing the
2 results of a physical inspection of a residential, commercial,
3 or industrial building conducted by a public utility or other
4 agency or entity approved by the authority. The report shall
5 document deficiencies in energy efficiency operation and
6 recommend specified energy improvements.

7 3. *“Energy improvement”* means the installation of one
8 or more appliances or heating and cooling systems, physical
9 alteration to a building, or installation of a renewable energy
10 production facility that has been identified in an energy
11 analysis as improving the energy-efficient operation of a
12 building or as decreasing the amount of energy consumed by that
13 building, or both.

14 Sec. 5. NEW SECTION. **385.3 Energy finance program**
15 **established.**

16 1. A city or county may adopt an ordinance establishing an
17 energy finance program in order to allow the city or county
18 to offer to assess to residential, commercial, or industrial
19 property within the city or county the cost of purchasing or
20 installing energy improvements. The authority shall advise
21 cities and counties in administering the program.

22 2. An energy finance program shall be limited to energy
23 improvements that will be permanently affixed to real property
24 that has already been developed or upon which buildings have
25 already been constructed. Property owners participating in the
26 program may receive funding for the improvements in advance
27 of installation, or as a reimbursement of amounts expended by
28 the property owner for completed installations. However, the
29 amount advanced or reimbursed shall not exceed the total amount
30 identified in the petition submitted by the property owner
31 pursuant to section 385.6.

32 3. Petitions for participation in an energy finance program
33 adopted by a city or county may be submitted, considered,
34 and approved or denied either individually or aggregated by
35 neighborhood, district, region, or other basis.

LSB 6036YH (1) 85
rn/sc



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H.F. 2391

1 Sec. 6. NEW SECTION. **385.4 Resolution of intent.**

2 1. The governing body of a city or county may not consider
3 an ordinance establishing an energy finance program until
4 after the governing body has adopted a resolution of intent
5 indicating or including the following:

6 *a.* That the city or county considers it in the public
7 interest to finance the installation of energy improvements.

8 *b.* That the city or county proposes to make special
9 assessment financing or other financing available to property
10 owners seeking to install or make energy improvements.

11 *c.* A nonexclusive list of examples of energy improvements
12 which may be included in the proposed ordinance and financed
13 pursuant to the program.

14 *d.* A brief description of the proposed arrangements for
15 financing the program.

16 2. The city or county shall hold a public hearing on the
17 resolution at which interested persons may inquire about or
18 object to the proposed program. Notice of the hearing shall
19 be published as provided in section 331.305 or 362.3, as
20 applicable.

21 Sec. 7. NEW SECTION. **385.5 Program requirements —**
22 **ordinance.**

23 1. An ordinance establishing an energy finance program
24 shall include the following regarding implementation of the
25 program:

26 *a.* A schedule for packaging assessments for program finance
27 purposes and city council or board of supervisors approval.

28 *b.* A method for prioritizing approved applications in the
29 event the number of applications received for a year exceeds
30 program funds.

31 *c.* Energy analysis requirements.

32 2. After adoption of an ordinance establishing an energy
33 finance program, a plan for raising a capital amount required
34 to pay for work performed pursuant to contractual assessments
35 shall be established by a city or county. A city or county



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H.F. 2391

1 shall be authorized to advance funds available to it from any
2 source, including the sale of bonds as provided in section
3 385.11 and in section 331.441 or 384.24, as applicable. The
4 plan shall specify the source of financing contemplated by the
5 city or county. The plan shall also provide for a reserve
6 fund and for apportionment of all or any portion of the costs
7 incidental to financing, administration, and collection of the
8 special assessments between or among property owners and the
9 city or county.

10 3. The ordinance establishing an energy finance program
11 shall provide for the establishment of an energy finance
12 program fund into which bond proceeds and other funds to be
13 utilized in administering the program shall be deposited.

14 4. If a county has adopted a countywide ordinance, a city
15 cannot adopt an ordinance establishing an energy finance
16 program applicable to that portion of the city located
17 within the county. If a county has not adopted a countywide
18 ordinance, a city adopting an ordinance may include an area
19 extending up to two miles distance from the city's boundaries.

20 Sec. 8. NEW SECTION. 385.6 **Petition by property owners.**

21 1. The authority shall develop and make available to a
22 city or county that has established an energy finance program
23 petitions for distribution to prospective program participants.

24 2. Program participation shall be initiated solely by
25 petition of the property owner, or by a representative of
26 several related or adjoining lots or parcels who has obtained
27 written permission and a copy of an energy analysis from each
28 owner. If a property is in the name of more than one owner, the
29 petition shall be signed by each owner.

30 3. The petition shall state that a copy of a completed
31 energy analysis shall be required for participation in the
32 program and must be attached to the petition. The petition
33 shall contain space for the printed name, signature, and
34 address of the petitioner. For each petitioner, the petition
35 shall contain space for identification of energy improvements

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1 identified in the energy analysis for which energy finance
2 program financing is sought, a cost estimate for each
3 improvement so identified, and a proposed time frame within
4 which the improvements shall be undertaken and completed.

5 4. Within thirty days following submission of a petition
6 and accompanying energy analysis, a petitioner shall receive
7 notification from the city or county of approval pending
8 adoption of a resolution pursuant to section 385.7 by the city
9 council or county board of supervisors, or of denial of the
10 petition. Following adoption of a resolution, an approved
11 petitioner shall receive notification from the city or county
12 regarding funding amounts, authorization to purchase directly
13 any equipment and materials for the installation of energy
14 improvements and to contract directly for such installation,
15 and verification requirements regarding completion of
16 improvements.

17 5. Special assessments for energy improvements shall be
18 levied only upon the free and willing consent of the owner of
19 each lot or parcel on which an assessment is levied at the time
20 of levy.

21 Sec. 9. NEW SECTION. **385.7 Resolution and filing.**

22 1. Approved petitions, whether submitted on an individual
23 or aggregate basis, shall be grouped either by date of approval
24 or property location, identified by legal description, and
25 submitted to a city council or county board of supervisors in
26 the form of a resolution for approval by majority vote.

27 2. An adopted resolution shall be forwarded to the city
28 clerk, or the county auditor in the case of a county, along
29 with a schedule including a description and parcel number of
30 each lot, the name of the property owner, and the total amount
31 to be assessed to each lot. In counties in which taxes are
32 collected in two or more places, certification shall be to the
33 office of county treasurer where the special assessments are
34 collected. The county treasurer shall preserve the resolution
35 and schedule as a part of the records of the office until the

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1 city clerk or county auditor certifies the final assessment
 2 schedule as provided in section 385.8 or certifies that the
 3 petition has been abandoned.

4 Sec. 10. NEW SECTION. **385.8 Adoption of schedule.**

5 1. Within ten days after filing of the resolution and
 6 schedule pursuant to section 385.7, a city council or county
 7 board of supervisors shall meet, consider, and adopt or amend
 8 and adopt, by resolution, a final assessment schedule. The
 9 resolution must:

10 *a.* Confirm and levy assessments.

11 *b.* State the number of annual installments, not exceeding
 12 fifteen, into which assessments of more than five hundred
 13 dollars are divided.

14 *c.* Provide for interest on all unpaid installments at a rate
 15 not exceeding that permitted by chapter 74A.

16 *d.* State the time when assessments are payable.

17 *e.* Direct the city clerk or county auditor, as appropriate,
 18 to certify the final schedule to the treasurer of each county
 19 in which the assessed property is located.

20 2. The city clerk or county auditor shall send written
 21 notice by regular mail to each property owner whose petition
 22 has been approved and whose property has been included on the
 23 schedule. The notice shall contain all the information and
 24 statements required to be included in notices under section
 25 384.60, subsection 2.

26 3. The county treasurer shall enter on the county system the
 27 amounts to be assessed against each lot, as certified.

28 Sec. 11. NEW SECTION. **385.9 Installments due — lien**
 29 **created.**

30 1. Special assessments levied by a city or county pursuant
 31 to this chapter shall be levied and collected in the same
 32 manner as provided in section 384.65 for public improvement
 33 special assessments levied by a city.

34 2. From the date of filing of certification of the
 35 resolution and schedule pursuant to section 385.7, the special

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1 assessments with all interest become and remain a lien on the
 2 benefited property until paid, and have equal precedence with
 3 ordinary taxes, and are not divested by any judicial sale.

4 Sec. 12. NEW SECTION. **385.10 Payment to county treasurer.**

5 Assessments levied and certified under this chapter,
 6 including installments and interest, are payable at the office
 7 of the county treasurer of the county where the property
 8 assessed is located, except that assessments may be paid
 9 in full or in part and without interest within thirty days
 10 after the date of certification, at the office of the county
 11 treasurer, if the property being assessed is located in an
 12 unincorporated area, or the city clerk, if the property being
 13 assessed is located in an incorporated area.

14 Sec. 13. NEW SECTION. **385.11 Bonds issued.**

15 1. After certification of the final assessment schedule, a
 16 city or county may, by resolution, authorize and issue bonds in
 17 anticipation of the collection of unpaid special assessments.
 18 However, the total principal amount of bonds issued may not
 19 exceed the total amount of unpaid special assessments.

20 2. All special assessment bonds are negotiable, must state
 21 on their face that they are issued under the provisions of this
 22 chapter, and are payable as to both principal and interest from
 23 the proceeds of the special assessments. Such bonds may bear
 24 interest at a rate not exceeding that permitted by chapter
 25 74A payable annually or semiannually, must mature serially
 26 on December 1 of the years in which any of the principal is
 27 scheduled to become due, and may contain a provision that the
 28 city or county reserves the right and option of calling and
 29 redeeming any or all of the bonds prior to maturity on any
 30 interest payment date or within forty-five days thereafter
 31 upon the terms specified therein. Such bonds must be called
 32 "improvement bonds", must designate the general type of
 33 improvement or improvements for which issued, and may be issued
 34 in any denomination. The bonds must be named in a way to
 35 distinguish them from other improvement bonds of the city or



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1 county, and to designate the property specially assessed for
2 the improvement. Improvement bonds issued for any one levy
3 must bear the same date and be divided into as many series as
4 there are years in which installments of the special assessment
5 mature, and each series must be as nearly equal in amount as
6 practicable.

7 3. The proceeds of the special assessments and interest
8 collected thereon must be used and applied by the city or
9 county to the payment of the interest on the bonds and to
10 the retirement of the principal as rapidly as proceeds are
11 collected. Such bonds and coupons do not make the city or
12 county liable in any way, except for the proper application of
13 special assessments. If interest becomes due on any of the
14 bonds when there is no fund from which to pay it, the council
15 or board of supervisors may make a temporary loan for payment
16 of the interest, which loan must be repaid from the special
17 assessments and interest pledged to secure the bonds, but in
18 case of purchase by the city or county at tax sale of the
19 property on which a special assessment under this chapter is
20 levied, from the general fund.

21 4. Special assessment bonds issued under this section
22 must be sold at public or private sale in the manner provided
23 by chapter 75, and may not be sold for less than par value
24 with accrued interest from date to the time of delivery. The
25 proceeds of the sale must be applied to the payment of the
26 cost of financing the energy improvements approved under this
27 chapter.

28 5. Any excess of proceeds from special assessments
29 remaining after all of the bonds have been paid with interest
30 may be credited to the energy finance program fund established
31 pursuant to ordinance or returned to the applicable property
32 owners on a proportionate basis.

33 6. Cities or counties may issue refunding bonds to pay off
34 and take up special assessment bonds issued pursuant to this
35 chapter, or to refund any part thereof, as follows:

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1 *a.* Refunding bonds must substantially conform to the
2 provisions of this chapter, and the face value is limited to
3 the amount of the unpaid special assessments with the interest
4 thereon of the particular issue of bonds to be refunded.
5 *b.* Refunding bonds or their proceeds may be used only to pay
6 improvement bonds taken up.
7 *c.* The expense of refunding bonds must be paid out of the
8 energy finance program fund of the city or county.
9 *d.* When refunding bonds are issued to pay improvement
10 bonds, all special assessments and sinking funds applicable to
11 the payment of the improvement bonds previously issued must
12 be applied in the same manner and to the same extent to the
13 payment of the refunding bonds, and all the powers and duties
14 to levy and to carry special assessments and taxes, to create
15 liens upon property, and to establish sinking funds in respect
16 to the bonds previously issued continue until refunding bonds
17 are paid.
18 *e.* The city or county shall collect the special assessment
19 out of which the refunding bonds are payable and hold the
20 proceeds in trust for the payment of the refunding bonds, but
21 it is not liable except for the proper application of the
22 assessments.
23 7. No action shall be brought questioning the legality
24 of the bonds authorized by this section from and after sixty
25 days from the date the bonds are ordered issued by the city or
26 county.
27 Sec. 14. NEW SECTION. 385.12 Verification — penalty.
28 1. The authority shall determine an inspection procedure to
29 be utilized by a city or county upon completion of an energy
30 improvement financed pursuant to the energy finance program.
31 2. The city council or board of supervisors may impose a
32 civil penalty against a property owner for failure to complete
33 an energy improvement for which a petition was submitted by the
34 property owner and approved and financing was received. The
35 penalty may be in an amount up to but not exceeding the amount

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1 of financing received.

2 Sec. 15. NEW SECTION. 385.13 Report.

3 The results of the program including but not limited to the
4 number of petitions received, the number of petitions approved,
5 types of energy improvements for which special assessments
6 are sought, and average special assessment size, shall be
7 submitted by a city or county participating in the program to
8 the authority by December 1 annually. The authority shall make
9 available on its internet site all information received under
10 this subsection.

11 Sec. 16. Section 403.19, subsection 2, paragraph a, Code
12 2014, is amended to read as follows:

13 a. That portion of the taxes each year in excess of such
14 amount shall be allocated to and when collected be paid into a
15 special fund of the municipality to pay the principal of and
16 interest on loans, moneys advanced to, or indebtedness, whether
17 funded, refunded, assumed, or otherwise, including bonds
18 issued under the authority of section 403.9, subsection 1,
19 incurred by the municipality to finance or refinance, in whole
20 or in part, an urban renewal project within the area, ~~and~~ to
21 provide assistance for low and moderate income family housing
22 as provided in section 403.22, and to provide funding for an
23 energy finance program adopted pursuant to chapter 385 with
24 regard to property within the urban renewal area. However,
25 except as provided in paragraph "b", taxes for the regular and
26 voter-approved physical plant and equipment levy of a school
27 district imposed pursuant to section 298.2 and taxes for the
28 instructional support program of a school district imposed
29 pursuant to section 257.19, taxes for the payment of bonds
30 and interest of each taxing district, and taxes imposed under
31 section 346.27, subsection 22, related to joint county-city
32 buildings shall be collected against all taxable property
33 within the taxing district without limitation by the provisions
34 of this subsection.

35

EXPLANATION

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

3 This bill authorizes cities and counties to establish an
4 energy finance program to finance energy improvements for the
5 benefit of property owners within the city or county.

6 The bill defines an "energy improvement" as the installation
7 of one or more appliances or heating and cooling systems,
8 physical alteration to a building, or installation of a
9 renewable energy production facility which has been identified
10 in an energy analysis as improving the energy-efficient
11 operation of a building or as decreasing the amount of energy
12 consumed by that building, or both. The bill defines an
13 "energy analysis" as a written report summarizing the results
14 of a physical inspection of a residential, commercial, or
15 industrial building conducted by a public utility or other
16 agency or entity approved by the economic development authority
17 documenting deficiencies in energy efficiency operation and
18 recommending specified energy improvements.

19 Pursuant to the program, a city or county may offer to
20 assess to residential, commercial, or industrial property
21 within the city or county the cost of purchasing or installing
22 energy improvements. The economic development authority
23 shall serve in an advisory capacity. The bill states that
24 the program shall be limited to energy improvements that will
25 be permanently affixed to real property which has already
26 been developed or upon which buildings have already been
27 constructed, and that property owners participating in the
28 program may receive advance funding for the improvements or
29 reimbursement after the fact.

30 The bill provides that the governing body of a city or county
31 initiates participation in the program by adopting a resolution
32 of intent indicating that it is in the public interest to
33 finance the installation of energy improvements, that special
34 assessment financing or other financing shall be available to
35 property owners, examples of energy improvements which may be

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1 financed and a brief description of financing arrangements.
2 The bill provides for notice regarding the time and place of a
3 public hearing on the resolution.
4 The bill directs a city or county wishing to establish
5 an energy finance program to adopt an ordinance which
6 shall include a schedule for packaging assessments for
7 program finance purposes and city council or county board
8 of supervisors approval, a method for prioritizing approved
9 applications, and energy analysis requirements. After adoption
10 of the ordinance, the city or county is also directed to
11 establish a plan for raising the capital to pay for work
12 performed pursuant to the special assessments and shall be
13 authorized to advance funds available to it from any source.
14 The bill states that if a county has adopted a countywide
15 ordinance, a city cannot adopt an ordinance in that portion of
16 the city located within the county.
17 The bill provides that the authority shall develop petitions
18 for use by property owners applying for the program, informing
19 the property owner of the need to complete an energy analysis,
20 containing space for property owner identifying information and
21 for a listing of energy improvements and cost estimates for
22 which a special assessment is sought, and requesting a proposed
23 time frame within which the improvements shall be undertaken
24 and completed. Program participation shall be initiated solely
25 by petition of the property owner or by a representative of
26 several related or adjoining lots or parcels who has obtained
27 written permission, a petition signature, and a copy of an
28 energy analysis from each owner. The bill provides that within
29 30 days following submission of a petition and accompanying
30 energy analysis, a petitioner shall receive notification
31 from the city or county of approval or denial, and that if
32 approved the petitioner shall receive subsequent notification
33 regarding funding amounts, authorization to purchase directly
34 any equipment and materials for the installation of energy
35 improvements and to contract directly for such installation,



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1 and verification requirements regarding completion of
2 improvements.

3 The bill provides that approved petitions, whether submitted
4 on an individual or aggregate basis, shall be grouped either
5 by date of approval or property location, identified by legal
6 description, and submitted to a city council or county board
7 of supervisors in the form of a resolution for approval by
8 majority vote. The bill directs a city council or county board
9 of supervisors to forward an approved resolution to the city
10 clerk or county auditor, as applicable, along with a schedule
11 including a description and parcel number of each lot, the name
12 of the property owner, the valuation of each lot as determined
13 by the council, and the total amount proposed to be assessed
14 to each lot.

15 The bill then specifies procedures for adoption of the
16 schedule by the city council or county board of supervisors,
17 certification to the county treasurer, and property owner
18 notification provisions. The bill provides that the special
19 assessments shall be levied and collected in the same manner as
20 provided in Code section 384.65 for public improvement special
21 assessments levied by a city. Bonding provisions are set forth
22 which closely correspond to provisions applicable to special
23 assessment bonds authorized in Code section 384.68.

24 The bill authorizes utilization of tax increment financing
25 moneys to fund special assessments under the program
26 for property in an urban renewal area, and includes the
27 establishment of the energy finance program within the
28 definition of "essential corporate purpose" and "essential
29 county purpose" contained in Code chapters 384 and 331,
30 respectively, and applicable to the issuance of general
31 obligation bonds.

32 The bill requires the economic development authority to
33 determine an inspection procedure to verify completion of an
34 energy improvement financed pursuant to the program. The
35 authority is also required to make available on its internet



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1 site the results of the program based upon information
2 required to be submitted on an annual basis by a city or county
3 participating in the program.

4 The bill provides that a city or county may impose a civil
5 penalty in an amount not to exceed the amount financed for
6 failure to complete an energy improvement for which a petition
7 was submitted and approved and financing was received.



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House File 2392 - Introduced

HOUSE FILE 2392
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 611)

A BILL FOR

1 An Act relating to the administration of epinephrine in
2 schools.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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H.F. 2392

1 Section 1. Section 280.16, Code 2014, is amended to read as
2 follows:

3 **280.16 Self-administration of ~~asthma or other airway~~**
4 **~~constricting disease medication~~ certain medications.**

5 1. *Definitions.* For purposes of this section:

6 *a.* "Epinephrine auto-injector" means a medical device for
7 immediate self-administration of a measured dose of epinephrine
8 by a person at risk of anaphylaxis.

9 ~~*b.*~~ *b.* "Medication" means a drug that meets the definition
10 provided in section 126.2, subsection 8, has an individual
11 prescription label, is prescribed by a physician for a
12 student, and pertains to the student's asthma or other airway
13 constricting disease.

14 ~~*c.*~~ *c.* "Physician" means a person licensed under chapter
15 148, or a physician's assistant, advanced registered nurse
16 practitioner, or other person licensed or registered to
17 distribute or dispense a prescription drug or device in the
18 course of professional practice in this state in accordance
19 with section 147.107, or a person licensed by another state
20 in a health field in which, under Iowa law, licensees in this
21 state may legally prescribe drugs.

22 ~~*d.*~~ *d.* "Self-administration" means a student's discretionary
23 use of medication prescribed by a physician for the student.

24 2. The board of directors of a school district and the
25 authorities in charge of an accredited nonpublic school shall
26 permit the self-administration of medication by a student
27 with asthma or other airway constricting disease or the use
28 of an epinephrine auto-injector by a student if the following
29 conditions are met:

30 *a.* The student's parent or guardian provides to the school
31 written authorization for the self-administration of medication
32 or for the use of an epinephrine auto-injector.

33 *b.* The student's parent or guardian provides to the school
34 a written statement from the student's physician containing the
35 following information:

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1 (1) The name and purpose of the medication or epinephrine
2 auto-injector.

3 (2) The prescribed dosage.

4 (3) The times at which or the special circumstances under
5 which the medication or epinephrine auto-injector is to be
6 administered.

7 c. The parent or guardian and the school meet the
8 requirements of subsection 3.

9 3. The school district or accredited nonpublic school
10 shall notify the parent or guardian of the student, in
11 writing, that the school district or accredited nonpublic
12 school and its employees are to incur no liability, except
13 for gross negligence, as a result of any injury arising from
14 self-administration of medication or use of an epinephrine
15 auto-injector by the student. The parent or guardian of the
16 student shall sign a statement acknowledging that the school
17 district or nonpublic school is to incur no liability, except
18 for gross negligence, as a result of self-administration of
19 medication or use of an epinephrine auto-injector by the
20 student. A school district or accredited nonpublic school
21 and its employees acting reasonably and in good faith shall
22 incur no liability for any improper use of medication or an
23 epinephrine auto-injector as defined in this section or for
24 supervising, monitoring, or interfering with a student's
25 self-administration of medication or use of an epinephrine
26 auto-injector as defined in this section.

27 4. The permission for self-administration of medication
28 or use of an epinephrine auto-injector is effective for the
29 school year for which it is granted and shall be renewed each
30 subsequent school year upon fulfillment of the requirements
31 of this section. However, the parent or guardian shall
32 immediately notify the school of any changes in the conditions
33 listed under subsection 2.

34 5. Provided that the requirements of this section are
35 fulfilled, a student with asthma or other airway constricting

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1 disease may possess and use the student's medication and a
 2 student with a written statement from a physician on file
 3 pursuant to subsection 2, paragraph "a" may use an epinephrine
 4 auto-injector while in school, at school-sponsored activities,
 5 under the supervision of school personnel, and before or after
 6 normal school activities, such as while in before-school or
 7 after-school care on school-operated property. If the student
 8 misuses this privilege, the privilege may be withdrawn. A
 9 school district or nonpublic school shall notify a student's
 10 parent or guardian before withdrawing the privilege to use an
 11 epinephrine auto-injector.

12 6. Information provided to the school under subsection 2
 13 shall be kept on file in the office of the school nurse or, in
 14 the absence of a school nurse, the school's administrator.

15 7. The Iowa braille and sight saving school, the state
 16 school for the deaf, and the institutions under the control of
 17 the department of human services as provided in section 218.1
 18 are exempt from the provisions of this section.

19 Sec. 2. EPINEPHRINE IN SCHOOLS — STUDY AND REPORT. The
 20 department of public health, in consultation with education
 21 and health care stakeholders, shall conduct a study of the
 22 federal School Access to Emergency Epinephrine Act, Pub. L.
 23 No. 113-48, and how its provisions can be implemented in this
 24 state, including but not limited to procedures for the use
 25 of epinephrine auto-injectors in schools, training of school
 26 personnel, liability protections, reporting requirements, and
 27 consent requirements. The department shall submit a report on
 28 its findings and recommendations to the general assembly by
 29 January 1, 2015.

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 adds epinephrine auto-injectors to Code section
 34 280.16, which permits self-administration of medication in
 35 public and nonpublic schools by students with asthma.

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1 The bill defines "epinephrine auto-injector" as a medical
2 device for immediate self-administration of a measured dose of
3 epinephrine by a person at risk of anaphylaxis.

4 The bill requires school districts and nonpublic schools
5 to allow the use of an epinephrine auto-injector by a student
6 with a written statement from a physician on file if the school
7 receives written authorization and certain medical information
8 from the student's parent or guardian.

9 The bill permits a student with a written statement
10 from a physician on file to possess and use an epinephrine
11 auto-injector while in school, at school-sponsored activities,
12 under the supervision of school personnel, and before or after
13 normal school activities, such as while in before-school or
14 after-school care on school-operated property. The bill
15 requires a school district or nonpublic school to notify a
16 student's parent or guardian before withdrawing the privilege
17 to use an epinephrine auto-injector.

18 The bill adds epinephrine auto-injectors to the provisions
19 of Code section 280.16 granting immunity from legal liability
20 to school employees, except for gross negligence, for injuries
21 resulting from the self-administration of medication. Code
22 section 280.16 requires a student's parent or guardian to
23 receive notice of such immunity.

24 The bill directs the department of public health, in
25 consultation with education and health care stakeholders, to
26 conduct a study of the federal School Access to Emergency
27 Epinephrine Act, and how its provisions can be implemented in
28 this state, including but not limited to procedures for the use
29 of epinephrine auto-injectors in schools, training of school
30 personnel, liability protections, reporting requirements, and
31 consent requirements. The department must submit a report on
32 its findings and recommendations to the general assembly by
33 January 1, 2015.

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House File 2393 - Introduced

HOUSE FILE 2393
BY PETTENGILL

A BILL FOR

- 1 An Act establishing a motor vehicle insurance verification
- 2 program, establishing fees, and including penalty
- 3 provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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dea/nh



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1 Section 1. Section 321.11, subsection 3, Code 2014, is
 2 amended to read as follows:
 3 3. Notwithstanding other provisions of this section to the
 4 contrary, the department shall not release personal information
 5 to a person, other than to an officer or employee of a law
 6 enforcement agency, an employee of a federal or state agency
 7 or political subdivision in the performance of the employee's
 8 official duties, a contract employee of the department of
 9 inspections and appeals in the conduct of an investigation, or
 10 a licensed private investigation agency or a licensed security
 11 service or a licensed employee of either, if the information is
 12 requested by the presentation of a registration plate number.
 13 However, the department may release personal information to the
 14 department's designated agent for the purposes of chapter 321B.
 15 In addition, an officer or employee of a law enforcement agency
 16 may release the name, address, and telephone number of a motor
 17 vehicle registrant to a person requesting the information by
 18 the presentation of a registration plate number if the officer
 19 or employee of the law enforcement agency believes that the
 20 release of the information is necessary in the performance of
 21 the officer's or employee's duties.
 22 Sec. 2. NEW SECTION. 321B.1 Short title.
 23 This chapter shall be known and may be cited as the "*Motor*
 24 *Vehicle Insurance Verification Act*".
 25 Sec. 3. NEW SECTION. 321B.2 Definitions.
 26 As used in this chapter, unless the context otherwise
 27 requires:
 28 1. "*Commercial motor vehicle insurance coverage*" means an
 29 insurance policy that is defined by the department by rule and
 30 includes motor vehicle liability coverage, uninsured motorist
 31 coverage, underinsured motorist coverage, or personal injury
 32 coverage.
 33 2. "*Database*" means the motor vehicle insurance verification
 34 database created in this chapter.
 35 3. "*Department*" means the department of transportation.

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1 4. *“Designated agent”* means the third party the department
2 contracts with under section 321B.3.

3 5. *“Financial institution”* means as defined in 18 U.S.C.
4 §20.

5 6. *“Motor vehicle”* means as defined in section 321.1.

6 7. *“Program”* means the motor vehicle insurance verification
7 program created under this chapter.

8 Sec. 4. NEW SECTION. **321B.3 Motor vehicle insurance**
9 **verification program.**

10 1. A motor vehicle insurance verification program is
11 created within the department to be administered by the
12 department. The purposes of the program include all of the
13 following:

14 *a.* To establish a motor vehicle insurance verification
15 database to verify compliance with the requirements of section
16 321.20B.

17 *b.* To assist in reducing the number of uninsured motor
18 vehicles on the highways of the state.

19 *c.* To assist in increasing compliance with motor vehicle
20 registration requirements and for other law enforcement
21 purposes.

22 *d.* To assist in protecting the bona fide security interests
23 of financial institutions in motor vehicles.

24 2. The department shall contract with a third party to act
25 as the department’s designated agent for administration of this
26 chapter. The designated agent shall establish and maintain a
27 computer database containing the following information:

28 *a.* Information provided by insurers under section 321B.5.

29 *b.* Information provided by the department under subsection
30 5.

31 *c.* Any other information provided by the department pursuant
32 to this chapter.

33 3. The database shall be developed and maintained in
34 accordance with guidelines established by the department by
35 rule to allow authorized state and local law enforcement

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1 agencies and financial institutions to efficiently access the
 2 records of the database, including reports useful for the
 3 implementation of this chapter.

4 *a.* Database reports shall be in a form and contain
 5 information approved by the department.

6 *b.* Database reports may be made available through the
 7 department's internet site or through other electronic media
 8 if the department determines that sufficient security is
 9 provided to ensure compliance with the provisions of this
 10 chapter regarding limitations on disclosure of information in
 11 the database.

12 4. At least twice monthly, the designated agent shall do the
 13 following, using information provided by the department:

14 *a.* Update the database with motor vehicle insurance
 15 information provided by insurers in accordance with section
 16 321B.5.

17 *b.* Compare all current motor vehicle registrations against
 18 the database.

19 5. The department shall provide the designated agent with
 20 the name, date of birth, address, and driver's license number
 21 of each person in the department's driver's license database.

22 6. The department shall adopt rules in accordance with
 23 chapter 17A establishing procedures for using the department's
 24 driver's license database for the purposes of administering and
 25 enforcing this chapter.

26 7. *a.* The designated agent shall archive database files at
 27 least semiannually for auditing purposes.

28 *b.* The department shall audit the program at least annually.
 29 The audit shall include verification of:

30 (1) Billings made by the designated agent.

31 (2) The accuracy of the designated agent's matching of
 32 vehicle registration records with insurance data.

33 **Sec. 5. NEW SECTION. 321B.4 Enforcement of financial**
 34 **responsibility requirements — penalty.**

35 1. If records in the database indicate that a registered



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1 motor vehicle is not covered under an owner's policy of
2 liability insurance for three consecutive months, at the
3 direction of the department, the designated agent shall provide
4 notice by first-class mail to the owner of the motor vehicle
5 that the owner has fifteen days from the date the notice was
6 mailed to provide one of the following:

7 *a.* Proof of financial liability coverage as defined in
8 section 321.1, subsection 24B.

9 *b.* Proof that the owner is exempt from the requirement to
10 maintain proof of financial liability coverage under section
11 321.20B.

12 2. If, after fifteen days, the owner of the motor vehicle
13 fails to provide satisfactory proof of financial liability
14 coverage, the designated agent shall provide a second notice
15 by first-class mail to the owner of the motor vehicle allowing
16 the owner an additional fifteen days from the date the second
17 notice was mailed to provide the information requested under
18 subsection 1.

19 3. *a.* The designated agent shall update the database
20 regarding each notice sent to a motor vehicle owner under
21 subsections 1 and 2, indicating the information provided by the
22 motor vehicle owner or the owner's failure to provide proof of
23 financial liability coverage, as applicable.

24 *b.* If the owner of a motor vehicle provides proof to the
25 department or the designated agent that the owner's motor
26 vehicle is covered by an acceptable form of financial liability
27 coverage described in section 321.1, subsection 24B, paragraph
28 "b", "c", or "d", the information shall be recorded in the
29 database, and the owner shall be required to update the
30 information annually to avoid receiving a notice for failure
31 to maintain financial liability coverage for the owner's motor
32 vehicle.

33 4. *a.* If the owner of a motor vehicle fails to provide
34 proof of financial liability coverage following receipt of the
35 second notice under subsection 2, the designated agent shall

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1 notify the department, and the department shall revoke the
2 registration of the motor vehicle.

3 *b.* The department shall provide to the owner of the motor
4 vehicle appropriate notice of the revocation, order the owner
5 to surrender the registration plates and registration receipt
6 for the vehicle to the county treasurer, advise the owner of
7 the legal consequences of operating a vehicle with revoked
8 registration and without financial liability coverage, and
9 instruct the owner on how to reinstate the vehicle registration
10 once the owner has obtained financial liability coverage for
11 the vehicle.

12 5. *a.* A person shall not provide a false or fraudulent
13 statement to the department or the department's designated
14 agent in regard to proceedings under this chapter.

15 *b.* In addition to any other penalties, a person who violates
16 paragraph "a" is guilty of a simple misdemeanor.

17 6. A revocation of registration under this chapter is in
18 addition to any other penalty imposed by law. This chapter
19 does not affect other actions or penalties that may be taken or
20 imposed for violation of section 321.20B or other law.

21 7. *a.* A registration that has been revoked under this
22 section shall not be reinstated and a new registration shall
23 not be issued to the holder of the revoked registration until
24 the person does all of the following:

25 (1) Pays to the department an administrative reinstatement
26 fee of one hundred dollars, in addition to any other penalty
27 imposed by law.

28 (2) Complies with the requirements of section 321.20B and
29 this chapter.

30 *b.* Reinstatement fees collected under this subsection shall
31 be retained by the department as repayment receipts as defined
32 in section 8.2 and shall be used exclusively to offset the cost
33 of administering the program. Fees collected by the department
34 that are in excess of the amount necessary for administration
35 of the program shall be transferred to the road use tax fund

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1 annually on June 30.

2 Sec. 6. NEW SECTION. **321B.5 Motor vehicle insurance**
3 **reporting — penalty.**

4 1. *a.* Except as provided in paragraphs “*b*” and “*c*”, each
5 insurer that issues a policy to a motor vehicle owner in
6 this state that includes motor vehicle liability coverage,
7 uninsured motorist coverage, underinsured motorist coverage,
8 or personal injury coverage shall, on or before the seventh
9 and twenty-first day of each calendar month, submit to the
10 department’s designated agent a record of each motor vehicle
11 insurance policy that was issued by the insurer and in effect
12 for a vehicle registered or garaged in this state as of the
13 date of the previous submission.

14 *b.* Each insurer that issues commercial motor vehicle
15 insurance coverage shall, on or before the seventh day of each
16 calendar month, submit to the department’s designated agent
17 a record of each commercial motor vehicle insurance policy
18 that was issued by the insurer and in effect for a vehicle
19 registered or garaged in this state as of the date of the
20 previous submission.

21 *c.* An insurer is not required to provide a record of a motor
22 vehicle insurance policy under paragraph “*a*” or “*b*” if the
23 policy covers a vehicle that is registered under chapter 326.

24 *d.* This subsection does not preclude more frequent
25 reporting.

26 2. *a.* A record provided by an insurer under subsection 1,
27 paragraph “*a*”, shall include all of the following:

28 (1) The name, date of birth, and driver’s license number, if
29 the insured provides a driver’s license number to the insurer,
30 of each insured owner or operator, and the address of the named
31 insured.

32 (2) The make, year, and vehicle identification number of
33 each insured vehicle.

34 (3) The policy number and effective date of each policy.

35 *b.* A record provided by an insurer under subsection 1,

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1 paragraph "b", shall include all of the following:

2 (1) The named insured.

3 (2) The policy number, effective date, and expiration date
4 of each policy.

5 (3) The following information, if available:

6 (a) The name, date of birth, and driver's license number of
7 each insured owner or operator, and the address of the named
8 insured.

9 (b) The make, year, and vehicle identification number of
10 each insured vehicle.

11 3. An insurer shall provide the information required under
12 this section via electronic means or via another means the
13 designated agent agrees to accept.

14 4. a. The department may assess a civil penalty of not more
15 than two hundred fifty dollars for each day an insurer fails to
16 comply with this section.

17 b. If an insurer shows that the failure to comply with this
18 section was inadvertent, accidental, or the result of excusable
19 neglect, the department may waive the penalty.

20 **Sec. 7. NEW SECTION. 321B.6 Disclosure of database**
21 **information — penalty.**

22 1. Information provided to the designated agent and
23 information contained in the database under this chapter are
24 confidential. Such information may not be disclosed, except
25 as follows:

26 a. For the purpose of investigating, litigating, or
27 enforcing the financial liability coverage requirements
28 of section 321.20B, the designated agent shall provide an
29 electronic record to a state or local government agency or
30 court verifying motor vehicle financial liability coverage
31 information.

32 b. For the purpose of investigating, litigating, or
33 enforcing the financial liability coverage requirements of
34 section 321.20B, the designated agent shall, upon request,
35 issue to any state or local government agency or court a

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1 certificate documenting motor vehicle financial liability
2 coverage, according to the database, of a specific individual
3 or motor vehicle for the time period designated by the
4 government agency or court.

5 *c.* Upon request, the department or its designated agent
6 shall disclose whether an individual is covered under a motor
7 vehicle insurance policy and the insurance company name to:

8 (1) The individual or, if the individual is deceased,
9 any person who is an interested person of the individual as
10 provided under chapter 633.

11 (2) The parent or legal guardian of the individual if the
12 individual is an unemancipated minor.

13 (3) The legal guardian of the individual if the individual
14 is legally incapacitated.

15 (4) A person who has power of attorney for the individual.

16 (5) A person who submits a notarized release from the
17 individual dated no more than ninety days before the date the
18 request is made.

19 (6) A person suffering loss or injury in a motor vehicle
20 accident in which the individual is involved, but only as part
21 of an accident report as authorized in section 321.271 relating
22 to access to accident reports.

23 *d.* For the purpose of investigating, enforcing, or
24 prosecuting laws or issuing citations, information may be
25 provided to state or local law enforcement agencies related
26 to a motor vehicle owner or operator's financial liability
27 coverage under section 321.20B.

28 *e.* Upon request of a peace officer acting in an official
29 capacity under the provisions of paragraph "*d*", the department
30 or the designated agent shall, upon request, disclose relevant
31 information contained in the database.

32 *f.* For the purpose of the state auditor conducting audits
33 of the program.

34 *g.* Upon request of a financial institution for the purpose
35 of protecting the financial institution's bona fide security

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1 interest in a motor vehicle.

2 2. a. The department may allow the designated agent to
3 prepare and deliver, upon request, a report on the insurance
4 information of a person or motor vehicle in accordance with
5 this section. The report may be in the form of:

6 (1) A certified copy that is considered admissible in any
7 court proceeding in the same manner as the original.

8 (2) Information accessible through the internet or through
9 another electronic medium if the department determines that
10 sufficient security is provided to ensure compliance with this
11 section.

12 b. The department may allow the designated agent to charge a
13 fee established by the department for each of the following:

14 (1) A document authenticated, including each certified
15 copy.

16 (2) A record accessed through the internet or through
17 another electronic medium.

18 (3) A record provided to a financial institution under
19 subsection 1, paragraph "g".

20 3. Any person who knowingly releases or discloses
21 information from the database for a purpose other than those
22 authorized in this section or to a person who is not entitled
23 to such information is guilty of a class "D" felony.

24 4. Neither the state nor the department's designated agent
25 are liable to any person for gathering, managing, or using the
26 information in the database in compliance with this chapter.

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 motor vehicle insurance verification
31 program within the department of transportation. The
32 department is required to contract with a third party to act
33 as the department's designated agent for administration of the
34 program.

35 The designated agent is required to establish and maintain

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1 a database containing information from insurers relating to
2 motor vehicle insurance coverage for registered motor vehicles,
3 personal identification information for licensed drivers
4 provided by the department, and any other information provided
5 to the database by the department.

6 At least twice a month, the designated agent shall update the
7 database and compare current motor vehicle registrations with
8 updated insurance information. The files in the database shall
9 be archived semiannually and audited by the department at least
10 annually. The bill requires the department to adopt rules for
11 administration of the database.

12 If database records show that a registered motor vehicle
13 is not covered under an owner's policy of liability insurance
14 for three months, the designated agent shall send a notice to
15 the owner requiring the owner to respond within 15 days by
16 providing proof of financial liability coverage or proof that
17 the owner is exempt from the requirement to maintain financial
18 liability coverage. If the owner fails to respond, a second
19 notice will be sent. If the owner does not respond to the
20 second notice, the owner's motor vehicle registration will be
21 revoked by the department and the owner will be required to
22 surrender the registration plates and registration receipt for
23 the vehicle to the county treasurer. In order to obtain a
24 new registration for the vehicle, the owner must comply with
25 financial responsibility requirements and pay an administrative
26 fee of \$100. The fees are to be used by the department
27 exclusively to offset the cost of administering the program.
28 Any fees in excess of the amount needed for administration of
29 the program are to be transferred to the road use tax fund
30 annually on June 30.

31 The bill provides that if a motor vehicle is covered by a
32 form of financial liability coverage other than an insurance
33 policy, that fact shall be noted in the database, with a
34 requirement that the information be updated annually by the
35 owner.

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1 The bill prohibits a person from providing false or
2 fraudulent information to the department or the department's
3 designated agent in relation to the motor vehicle insurance
4 verification program. A violation is a simple misdemeanor.
5 The bill requires each insurer that issues a policy that
6 includes motor vehicle liability coverage, uninsured motorist
7 coverage, underinsured motorist coverage, or personal injury
8 coverage to the owner of a motor vehicle to provide, before the
9 7th and the 21st of each month, to the department's designated
10 agent a record of each motor vehicle insurance policy issued by
11 the insurer and in effect for vehicles registered or garaged
12 in this state as of the date of the previous submission.
13 Insurers that issue commercial motor vehicle insurance coverage
14 must also provide a record of each commercial motor vehicle
15 insurance policy issued by the insurer and in effect for
16 vehicles registered or garaged in this state as of the date
17 of the previous submission. Vehicles subject to apportioned
18 registration are not included in this requirement. Insurers
19 that fail to comply with the reporting requirement may be
20 assessed a civil penalty of \$250 per day for each day the
21 insurer fails to comply. However, the department may waive
22 the penalty upon a showing that the failure was inadvertent,
23 accidental, or the result of excusable neglect.
24 The bill states that information contained in the database
25 is confidential, but provides exceptions for disclosures to
26 state or local government agencies and courts for specified
27 purposes; to individuals and certain other authorized persons;
28 for purposes of an accident investigation; to law enforcement
29 agencies and peace officers for certain official purposes;
30 to the state auditor; and to financial institutions with a
31 security interest in a motor vehicle. The designated agent
32 may be authorized to provide certified copies or electronic
33 records, as appropriate, and to charge a fee for the provision
34 of records and authentication of documents.
35 A person who knowingly releases or discloses information

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1 from the database for a purpose other than those authorized in
2 the bill or to a person who is not entitled to such information
3 is guilty of a class "D" felony.

4 The bill provides that the state and the department's
5 designated agent are not liable to any person for gathering,
6 managing, or using the information in the database in
7 compliance with the bill.



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House File 2394 - Introduced

HOUSE FILE 2394

BY M. SMITH, STUTSMAN, and
MOORE

A BILL FOR

1 An Act relating to fees charged for the services of a lawful
2 custodian in examining and copying public records.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5756YH (9) 85
rh/rj



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1 Section 1. Section 22.1, subsection 3, paragraph a, Code
2 2014, is amended to read as follows:

3 a. As used in this chapter, "*public records*" includes all
4 records, documents, tape, or other information, stored or
5 preserved in any medium and in the format typically used by the
6 government body, of or belonging to this state or any county,
7 city, township, school corporation, political subdivision,
8 nonprofit corporation other than a fair conducting a fair event
9 as provided in chapter 174, whose facilities or indebtedness
10 are supported in whole or in part with property tax revenue
11 and which is licensed to conduct pari-mutuel wagering pursuant
12 to chapter 99D, or tax-supported district in this state, or
13 any branch, department, board, bureau, commission, council, or
14 committee of any of the foregoing.

15 Sec. 2. Section 22.3, subsection 2, Code 2014, is amended
16 to read as follows:

17 2. All expenses of the examination and copying shall be paid
18 by the person desiring to examine or copy.

19 a. The lawful custodian may charge a reasonable fee for the
20 services of the lawful custodian or the custodian's authorized
21 designee in supervising the examination and copying of the
22 records as provided in paragraph "b". If copy equipment is
23 available at the office of the lawful custodian of any public
24 records, the lawful custodian shall provide any person a
25 reasonable number of copies of any public record in the custody
26 of the office upon the payment of a fee.

27 b. (1) The fee for the examination and copying service
28 requested by a resident of this state, as determined by the
29 lawful custodian, shall not exceed the actual cost of providing
30 the service. Actual costs shall include only those expenses
31 directly attributable to supervising the examination of and
32 making and providing copies of public records. Actual costs
33 shall not include charges for ordinary expenses or costs such
34 as employment benefits, depreciation, maintenance, electricity,
35 or insurance associated with the administration of the office

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1 of the lawful custodian.

2 (2) The nonresident fee for the examination and copying
3 service requested by a nonresident of this state, as determined
4 by the lawful custodian, shall be based upon a reasonable fee
5 for expenses attributable to supervising the examination of
6 and making and providing copies of public records, which shall
7 include but not be limited to the actual costs as provided in
8 subparagraph (1).

9 c. A lawful custodian is not required to reformat a public
10 record to suit the needs of a person desiring to examine
11 or copy the record under this section. However, a lawful
12 custodian may elect to reformat a public record and may charge
13 the person reformatting costs which may include but are not
14 limited to any fees charged by a nongovernment body to reformat
15 the public record.

16 d. For purposes of this section:

17 (1) "Nonresident" means an individual or business entity who
18 is not a resident as defined in subparagraph (2).

19 (2) "Resident" means either of the following:

20 (a) For an individual, the place which the individual
21 declares is the individual's home with the intent to remain
22 there permanently or for a definite, or indefinite or
23 indeterminable length of time.

24 (b) For a business entity, a partnership, firm,
25 association, corporation, sole proprietorship, or other
26 business concern, formed under and governed by the laws of this
27 state, as evidenced at the request of the lawful custodian by a
28 certificate of existence from the office of the secretary of
29 state dated within the last three months prior to making the
30 public record request.

EXPLANATION

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

34 This bill relates to fees charged for the services of a
35 lawful custodian in examining and copying public records.

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1 Under current law, a lawful custodian may charge a
2 reasonable fee for expenses associated with the lawful
3 custodian's services in the examination and copying of a public
4 record, but those fees are limited to actual costs directly
5 attributable to the custodian's examination and copying costs.

6 The bill provides that fees charged for a resident public
7 record request relating to the services of a lawful custodian
8 in examining and copying a public record are limited to the
9 actual costs as provided under current law, but that fees
10 charged for a nonresident public record request shall be
11 based upon a reasonable fee for expenses attributable to the
12 examination and copying of the public record, which shall
13 include but not be limited to actual costs.

14 The bill provides that a lawful custodian is not required
15 to reformat a public record to suit the needs of a person
16 desiring to examine or copy the record under this Code section.
17 However, a lawful custodian may elect to reformat a public
18 record and may charge the person reformatting costs which
19 may include but are not limited to any fees charged by a
20 nongovernment body to reformat the public record. The bill
21 makes a conforming change in the definition of public records.

22 The bill provides definitions of resident and nonresident
23 for purposes of the bill.



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House File 2395 - Introduced

HOUSE FILE 2395
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HSB 662)

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:

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1 Section 1. Section 321.1, subsection 32, Code 2014, is
 2 amended to read as follows:

3 32. *“Implement of husbandry”* means a vehicle or special
 4 mobile equipment manufactured, designed, or reconstructed
 5 for agricultural purposes and, except for incidental uses,
 6 exclusively used in the conduct of agricultural operations.
 7 *“Implements of husbandry”* includes all-terrain vehicles operated
 8 in compliance with section 321.234A, subsection 1, paragraph
 9 *“a”*, subparagraph (1), fence-line feeders, and vehicles used
 10 exclusively for the application of organic or inorganic plant
 11 food materials, organic agricultural limestone, or agricultural
 12 chemicals. To be considered an implement of husbandry, a
 13 self-propelled implement of husbandry must be operated at
 14 speeds of thirty-five miles per hour or less.

15 a. *“Reconstructed”* as used in this subsection means
 16 materially altered from the original construction by the
 17 removal, addition, or substitution of essential parts, new or
 18 used.

19 b. A vehicle covered under this subsection, if it otherwise
 20 qualifies, may be operated as special mobile equipment
 21 and under such circumstances this subsection shall not be
 22 applicable to such vehicle, and such vehicle shall not be
 23 required to comply with sections 321.384 through 321.423, when
 24 such vehicle is moved during daylight hours; however, the
 25 provisions of section 321.383 shall remain applicable to such
 26 vehicle.

27 Sec. 2. Section 321.1, subsection 47A, Code 2014, is amended
 28 by striking the subsection and inserting in lieu thereof the
 29 following:

30 47A. *“Off-road utility vehicle”* means as defined in section
 31 321I.1, but does not include vehicles with rubberized tracks.
 32 *“Off-road utility vehicle”* does not include dune buggies, golf
 33 carts, go-carts, or minitrucks.

34 Sec. 3. Section 321.234A, Code 2014, is amended to read as
 35 follows:

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1 **321.234A All-terrain vehicles — highway use.**

2 An all-terrain vehicle shall not be operated on a highway
3 except as provided in this section.

4 1. ~~a.~~ All-terrain vehicles shall not An all-terrain vehicle
5 may be operated on a highway ~~unless~~ if one or more of the
6 following conditions apply:

7 ~~a.~~ (1) The operation is between sunrise and sunset and
8 is incidental to the vehicle's use for agricultural purposes.
9 For purposes of this ~~paragraph~~ subparagraph, "*incidental to the*
10 *vehicle's use for agricultural purposes*" includes stopping in the
11 course of agricultural use to obtain fuel for the all-terrain
12 vehicle or to obtain food or a nonalcoholic beverage for the
13 operator.

14 ~~b.~~ (2) The operation is incidental to the vehicle's use
15 for the purpose of surveying by a licensed engineer or land
16 surveyor.

17 ~~c.~~ (3) The all-terrain vehicle is operated by an employee
18 or agent of a political subdivision or public utility for the
19 purpose of construction or maintenance on or adjacent to the
20 highway.

21 ~~d.~~ (4) The all-terrain vehicle is operated by an employee
22 or agent of a public agency as defined in section 34.1 for the
23 purpose of providing emergency services or rescue.

24 ~~e.~~ (5) The all-terrain vehicle is operated for the purpose
25 of mowing, installing approved trail signs, or providing
26 maintenance on a snowmobile or all-terrain vehicle trail
27 designated by the department of natural resources.

28 ~~f.~~ ~~The all-terrain vehicle is operated on a county roadway~~
29 ~~in accordance with section 321I.10, subsection 2, or a city~~
30 ~~street in accordance with section 321I.10, subsection 3.~~

31 ~~2.~~ b. A person operating an all-terrain vehicle on a
32 highway under this subsection shall have a valid driver's
33 license ~~and the vehicle shall be operated at speeds of~~
34 ~~thirty-five miles per hour or less.~~

35 2. a. An all-terrain vehicle that is designed to travel on



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1 four or more wheels and is registered under chapter 321I may be
 2 operated on a highway as follows:

3 (1) An all-terrain vehicle may be operated on secondary
 4 roads unless the county has adopted an ordinance prohibiting
 5 such operation pursuant to section 321.236, subsection 14B.

6 (2) A person shall not operate an all-terrain vehicle on a
 7 primary highway except to cross a primary highway; however, the
 8 provisions of section 321I.10 govern the crossing of a primary
 9 highway when the all-terrain vehicle is being operated on a
 10 designated all-terrain vehicle trail.

11 (3) A person shall not operate an all-terrain vehicle on
 12 a highway within the corporate limits of a city except on
 13 a nonprimary highway where such operation is authorized by
 14 ordinance pursuant to section 321.236, subsection 14A.

15 b. The motor vehicle laws, including but not limited to
 16 the provisions of sections 321.20B, 321.285, 321.317, 321.385,
 17 and 321.387, apply to the operation of all-terrain vehicles on
 18 highways under this subsection, except for those provisions
 19 relating to required equipment which by their nature can have
 20 no practical application.

21 c. A person shall not operate an all-terrain vehicle on
 22 a highway under this subsection unless the person is sixteen
 23 years of age or older and possesses a valid driver's license
 24 other than a license valid only for the operation of a
 25 motorized bicycle.

26 3. An all-terrain vehicle shall not be operated on a highway
 27 at a speed exceeding thirty-five miles per hour.

28 ~~3.~~ 4. An all-terrain vehicle that is owned by the owner
 29 of land adjacent to a highway, other than an interstate road,
 30 may be operated by the owner of the all-terrain vehicle, or by
 31 a member of the owner's family, on the portion of the highway
 32 right-of-way that is between the shoulder of the roadway, or at
 33 least five feet from the edge of the roadway, and the owner's
 34 property line. A person operating an all-terrain vehicle
 35 within the highway right-of-way under this subsection shall

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1 comply with the registration, safety, and age requirements
 2 under chapter 321I.

3 ~~4.~~ 5. A person convicted of a violation of this section
 4 is guilty of a simple misdemeanor punishable as a scheduled
 5 violation under section 805.8A, subsection 3.

6 Sec. 4. Section 321.236, Code 2014, is amended by adding the
 7 following new subsections:

8 NEW SUBSECTION. 14A. Authorizing the operation of
 9 all-terrain vehicles on highways under the jurisdiction of a
 10 city, other than municipal extensions of primary highways, in
 11 accordance with section 321.234A, subsection 2.

12 NEW SUBSECTION. 14B. Prohibiting the operation of
 13 all-terrain vehicles on secondary roads under the jurisdiction
 14 of a county, in accordance with section 321.234A, subsection 2.

15 Sec. 5. Section 321I.9, unnumbered paragraph 1, Code 2014,
 16 is amended to read as follows:

17 Registration under this chapter shall not be required for
 18 the following described all-terrain vehicles:

19 Sec. 6. Section 321I.9, subsection 2, Code 2014, is amended
 20 to read as follows:

21 2. All-terrain vehicles used in accordance with section
 22 321.234A, subsection 1, paragraph "a", subparagraph (1).

23 Sec. 7. Section 321I.10, subsections 2 and 3, Code 2014, are
 24 amended by striking the subsections.

25 Sec. 8. Section 321I.31, subsection 1, Code 2014, is amended
 26 to read as follows:

27 1. The owner of an all-terrain vehicle acquired on or
 28 after January 1, 2000, other than an all-terrain vehicle used
 29 exclusively as a farm implement or a motorcycle previously
 30 issued a title pursuant to chapter 321, shall apply to the
 31 county recorder of the county in which the owner resides for a
 32 certificate of title for the all-terrain vehicle. The owner
 33 of an all-terrain vehicle used exclusively as a farm implement
 34 may obtain a certificate of title. A person who owns an
 35 all-terrain vehicle that is not required to have a certificate



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1 of title may apply for and receive a certificate of title for
2 the all-terrain vehicle and, subsequently, the all-terrain
3 vehicle shall be subject to the requirements of this chapter
4 as if the all-terrain vehicle were required to be titled. All
5 all-terrain vehicles that are titled shall be registered under
6 this chapter.

7 Sec. 9. Section 331.362, subsection 9, Code 2014, is amended
8 to read as follows:

9 9. A county may regulate traffic on and use of the secondary
10 roads, in accordance with sections 321.236 to 321.250, 321.254,
11 321.255, 321.285, subsection 4, sections 321.352, 321.471
12 to 321.473, and other applicable provisions of chapter 321,
13 chapter 321E, and sections 321G.9, ~~321H.10~~, and 327G.15.

14 EXPLANATION

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

17 This bill provides for expanded highway use of all-terrain
18 vehicles.

19 Currently, the operation of all-terrain vehicles on highways
20 is permitted if the operation is between sunrise and sunset and
21 is incidental to the vehicle's use for agricultural purposes;
22 if the operation is incidental to land surveying; if the
23 operation is by an employee or agent of a political subdivision
24 or public utility for the purpose of construction or
25 maintenance on or adjacent to the highway; or if the operation
26 is for the purpose of mowing, installing approved trail
27 signs, or providing maintenance on a designated snowmobile
28 or all-terrain vehicle trail. The operator is required to
29 have a valid driver's license, and a 35-mile-per-hour speed
30 restriction applies. These provisions for the operation of
31 all-terrain vehicles on a highway for limited purposes are not
32 changed under the bill.

33 The bill provides that an all-terrain vehicle designed to
34 travel on four or more wheels may be operated on secondary
35 roads, but not on primary highways, except to cross over a



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1 primary highway, and not on highways within the corporate
2 limits of a city except where all-terrain vehicles are
3 permitted by ordinance. A county may, by ordinance, prohibit
4 the use of all-terrain vehicles on county roads, and a city may
5 authorize the operation of all-terrain vehicles on highways
6 under the city's jurisdiction other than municipal extensions
7 of primary highways. The bill strikes current provisions in
8 Code chapter 321I that allow cities and counties to designate
9 roads under their jurisdiction for the operation of all-terrain
10 vehicles.

11 The bill states that a person who operates an all-terrain
12 vehicle on a highway under the new provisions must be at
13 least 16 years of age and have a valid driver's license other
14 than a license valid only for the operation of a motorized
15 bicycle. The all-terrain vehicle must be registered with the
16 department of natural resources. Iowa motor vehicle laws apply
17 to the operation of all-terrain vehicles on highways except
18 those equipment provisions which by their nature can have no
19 practical application. The bill specifies that the operator
20 of an all-terrain vehicle must carry proof of motor vehicle
21 financial liability coverage, and the all-terrain vehicle must
22 meet requirements for headlamps, rear lamps, and turn signals.
23 Current speed limits apply to all-terrain vehicles operated
24 on a highway, except that an all-terrain vehicle may not be
25 operated at a speed exceeding 35 miles per hour.

26 Pursuant to current law, a violation of restrictions on the
27 operation of all-terrain vehicles on a highway is a simple
28 misdemeanor punishable by a scheduled fine of \$50.

29 The definition of "all-terrain vehicle", for purposes of
30 Code chapter 321, includes off-road utility vehicles. The
31 bill revises the definition of "off-road utility vehicle",
32 for purposes of Code chapter 321, to match the definition
33 under Code chapter 321I, which encompasses larger vehicles.
34 However, the bill specifies that for purposes of Code chapter
35 321, "off-road utility vehicle" does not include vehicles with

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



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House File 2396 - Introduced

HOUSE FILE 2396
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HSB 596)

(COMPANION TO SF 2243 BY
COMMITTEE ON TRANSPORTATION)

A BILL FOR

- 1 An Act relating to driving on a roadway laned for traffic, and
- 2 making penalties applicable.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5707HV (3) 85
dea/nh



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1 Section 1. Section 321.306, Code 2014, is amended to read
 2 as follows:

3 **321.306 Roadways laned for traffic.**

4 Whenever any roadway has been divided into ~~three or more~~
 5 clearly marked lanes for traffic, the following rules in
 6 addition to all others consistent ~~herewith~~ with this chapter
 7 shall apply:

8 1. A vehicle shall be driven as nearly as ~~practical~~
 9 practicable entirely within a single lane and.

10 2. A vehicle shall not be moved from ~~such a~~ lane until the
 11 driver has first ascertained that such movement can be made
 12 with safety.

13 ~~2-~~ 3. If a roadway is divided into three lanes, a vehicle
 14 shall not be driven in the center lane except as follows:

15 a. When overtaking and passing another vehicle where the
 16 roadway is clearly visible and ~~such the~~ center lane is clear of
 17 traffic within a safe distance.

18 b. In preparation for a left turn or where ~~such the~~ center
 19 lane is at the time allocated exclusively to traffic moving in
 20 the direction the vehicle is proceeding and is signposted to
 21 give notice of such allocation.

22 ~~3-~~ 4. Official signs may be erected directing slow-moving
 23 traffic to use a designated lane or allocating specified lanes
 24 to traffic moving in the same direction and drivers of vehicles
 25 shall obey the directions of every such sign.

26 ~~4-~~ 5. Vehicles moving in a lane designated for slow-moving
 27 traffic shall yield the right-of-way to vehicles moving in the
 28 same direction in a lane not so designated when such lanes
 29 merge to form a single lane.

30 ~~5-~~ 6. A portion of a highway provided with a lane for
 31 slow-moving vehicles does not become a roadway marked for three
 32 lanes of traffic.

33 **EXPLANATION**

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

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 dea/nh



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1 This bill amends Code section 321.306, which contains
2 requirements for driving a vehicle on a roadway that has been
3 divided into three or more clearly marked traffic lanes. The
4 bill provides that the requirements apply on any roadway
5 with clearly marked traffic lanes, regardless of the number
6 of lanes. Currently, the requirement to drive as nearly as
7 practical entirely within a single lane is combined with the
8 requirement not to move from the lane until the driver has
9 first ascertained that the movement can be made safely. The
10 bill separates those two requirements and makes semantic
11 changes to the language of the Code section.

12 Pursuant to current law, a violation of the requirements of
13 Code section 321.306 is a simple misdemeanor, punishable by a
14 scheduled fine of \$100. A violation that causes serious injury
15 to or the death of a person may be subject to an additional fine
16 and driver's license suspension.



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House File 2397 - Introduced

HOUSE FILE 2397
BY COMMITTEE ON NATURAL
RESOURCES

(SUCCESSOR TO HSB 658)

A BILL FOR

1 An Act concerning liability protection for volunteers on state
2 lands.

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

TLSB 5679HV (1) 85
ec/sc



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H.F. 2397

1 Section 1. NEW SECTION. 461A.81 State lands volunteer
2 program — liability.

3 The department shall establish a state lands volunteer
4 program to authorize nonprofit organizations, and individuals
5 providing services on behalf of the nonprofit organizations,
6 to provide, at no compensation, volunteer services for the
7 benefit of state parks and recreation areas, state game
8 and forest areas, or other lands under the jurisdiction of
9 the department of natural resources. The department shall
10 adopt rules governing the administration of the program to
11 include eligibility requirements for nonprofit organizations
12 participating in the program and provisions governing approved
13 volunteer duties or services. Nonprofit organizations,
14 and individuals providing services on behalf of nonprofit
15 organizations, authorized to provide volunteer services for
16 no compensation by the department pursuant to this section
17 shall be considered state volunteers and afforded the same
18 protections as provided in section 669.24 while performing
19 approved volunteer duties or services on state lands, as
20 described in this section, as a volunteer.

21 EXPLANATION

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

24 This bill requires the department of natural resources
25 to establish a state lands volunteer program to authorize
26 nonprofit organizations to provide volunteer services for the
27 benefit of state lands. The bill requires the department to
28 adopt rules governing the administration of the program. The
29 bill provides that nonprofit organizations, and individuals
30 providing services on behalf of the nonprofit organizations,
31 authorized to provide volunteer services for no compensation
32 shall be afforded the liability protections of a state
33 volunteer under the state tort claims Act.

LSB 5679HV (1) 85
ec/sc



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House File 2398 - Introduced

HOUSE FILE 2398
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HF 2114)

A BILL FOR

1 An Act relating to the murder of a peace officer, reserve peace
2 officer, correctional officer, jailer, public employee, or
3 hostage, and providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5151HV (3) 85
jm/rj



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H.F. 2398

1 Section 1. Section 707.2, subsection 1, paragraph d, Code
2 2014, is amended to read as follows:

3 ~~d. The person intentionally kills a peace officer,~~
4 ~~correctional officer, public employee, or hostage while the~~
5 ~~person is imprisoned in a correctional institution under the~~
6 ~~jurisdiction of the Iowa department of corrections, or in a~~
7 ~~city or county jail~~ or reserve peace officer when the officer
8 is in the performance of any act which is within the scope of
9 the lawful duty or authority of that officer and the person
10 knew or should have known the individual to be an officer.

11 Sec. 2. Section 707.2, subsection 1, Code 2014, is amended
12 by adding the following new paragraph:

13 NEW PARAGRAPH. g. The person intentionally kills a
14 correctional officer, jailer, public employee, or hostage while
15 the person is imprisoned in a correctional institution under
16 the jurisdiction of the Iowa department of corrections, or in
17 a city or county jail.

18 Sec. 3. Section 707.3, subsection 1, Code 2014, is amended
19 to read as follows:

20 1. a. A person commits murder in the second degree when the
21 person commits murder which is not murder in the first degree.

22 b. Murder in the second degree includes the following:

23 (1) The person kills a peace officer or reserve peace
24 officer when the officer is in the performance of any act which
25 is within the scope of the lawful duty or authority of that
26 officer and the person knew or should have known the individual
27 to be an officer.

28 (2) The person kills a correctional officer, jailer,
29 public employee, or hostage while the person is imprisoned in
30 a correctional institution under the jurisdiction of the Iowa
31 department of corrections, or in a city or county jail.

32 Sec. 4. Section 902.12, Code 2014, is amended to read as
33 follows:

34 **902.12 Minimum sentence for certain felonies — eligibility**
35 **for parole or work release.**



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1 1. A person serving a sentence for conviction of the
2 following felonies, including a person serving a sentence
3 for conviction of the following felonies prior to July 1,
4 2003, shall be denied parole or work release unless the person
5 has served at least seven-tenths of the maximum term of the
6 person's sentence:

7 ~~1- a.~~ Murder Except as provided in subsection 2, murder in
8 the second degree in violation of section 707.3.

9 ~~2- b.~~ Attempted murder in violation of section 707.11.

10 ~~3- c.~~ Sexual abuse in the second degree in violation of
11 section 709.3.

12 ~~4- d.~~ Kidnapping in the second degree in violation of
13 section 710.3.

14 ~~5- e.~~ Robbery in the first or second degree in violation of
15 section 711.2 or 711.3.

16 ~~6- f.~~ Vehicular homicide in violation of section 707.6A,
17 subsection 1 or 2, if the person was also convicted under
18 section 321.261, subsection 4, based on the same facts or
19 event that resulted in the conviction under section 707.6A,
20 subsection 1 or 2.

21 2. Except as provided in section 903A.2, subsection 1,
22 paragraph "b", a person serving a sentence for conviction of
23 murder in the second degree under section 707.3, subsection 1,
24 paragraph "b", shall serve one hundred percent of the maximum
25 term of the person's sentence and shall not be released on
26 parole or work release.

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 specifies that murder in the first degree includes
31 the intentional killing of a peace officer or reserve peace
32 officer when the officer is in the performance of any act which
33 is within the scope of the lawful duty or authority of that
34 officer and the person knew or should have known the individual
35 to be an officer. The bill further specifies that murder in

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jm/rj

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1 the first degree includes the intentional killing of a jailer
2 while the killer is incarcerated in a city or county jail.

3 Under current law, murder in the first degree includes the
4 intentional killing of a peace officer, correctional officer,
5 public employee, or hostage while the person is imprisoned in
6 a correctional institution under the jurisdiction of the Iowa
7 department of corrections, or in a city or county jail.

8 Murder in the first degree is a class "A" felony.

9 The bill bifurcates the penalty for murder in the second
10 degree. Under the bill, a person commits a class "B"
11 felony subject to a maximum term of confinement of 50 years,
12 classified as an 85 percent sentence under Code section
13 902.12, if the person does any of the following: kills a
14 peace officer or reserve peace officer when the officer is in
15 the performance of any act which is within the scope of the
16 lawful duty or authority of that officer and the person knew or
17 should have known the individual to be an officer; or kills a
18 correctional officer, jailer, public employee, or hostage while
19 the person is imprisoned in a correctional institution under
20 the jurisdiction of the Iowa department of corrections, or in
21 a city or county jail.

22 All other murder in the second degree offenses are a class
23 "B" felony subject to a maximum term of confinement of 50
24 years, classified as 70 percent sentences under Code section
25 902.12.



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House File 2399 - Introduced

HOUSE FILE 2399
BY DAWSON

A BILL FOR

1 An Act relating to the involuntary commitment of persons with
2 an intellectual disability.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5849YH (9) 85
jm/rj



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H.F. 2399

1 Section 1. NEW SECTION. 222.93 Involuntary commitment of
2 persons.

3 1. A person may petition the court for commitment of a
4 person with an intellectual disability under this chapter.

5 2. After a hearing on the petition, the court may
6 involuntarily commit a person with an intellectual disability
7 for treatment under this chapter if any of the following apply:

8 a. The person is likely to physically injure oneself or
9 others if allowed to remain at liberty without treatment.

10 b. The person is likely to inflict serious emotional
11 injury on the person's family or others who lack a reasonable
12 opportunity to avoid the person if the person is allowed to
13 remain at liberty without treatment.

14 c. The person is unable to fulfill the basic needs of the
15 person including but not limited to nourishment, clothing,
16 essential medical care, or shelter so that it is likely that
17 the person will suffer physical injury, physical debilitation,
18 or death.

19 3. If a person is committed pursuant to subsection 2, the
20 placement of the person shall be as follows:

21 a. Commit the person to any public or private facility
22 within or without the state, approved by the director of human
23 services.

24 b. Commit the person to the state resource center designated
25 by the administrator to serve the county in which the hearing
26 is being held, or to a special unit.

27 Sec. 2. Section 812.9, subsection 3, Code 2014, is amended
28 to read as follows:

29 3. a. Upon the termination of the defendant's placement
30 pursuant to subsection 1, or pursuant to section 812.8,
31 subsection 8, the state may commence civil commitment
32 proceedings or any other appropriate commitment proceedings.

33 b. If the defendant has an intellectual disability, the
34 state may commence commitment proceedings for placement at a
35 state resource center pursuant to section 222.93 or placement



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1 suffer physical injury, physical debilitation, or death.
2 Upon the commitment of a person with an intellectual
3 disability, the court shall commit the person to any public or
4 private facility within or without the state, approved by the
5 director of human services, or commit the person to the state
6 resource center designated by the administrator to serve the
7 county in which the hearing is being held, or to a special unit
8 established at a state mental health institute.

9 The bill may include a state mandate as defined in Code
10 section 25B.3. The bill makes inapplicable Code section 25B.2,
11 subsection 3, which would relieve a political subdivision from
12 complying with a state mandate if funding for the cost of
13 the state mandate is not provided or specified. Therefore,
14 political subdivisions are required to comply with any state
15 mandate included in the bill.



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House File 2400 - Introduced

HOUSE FILE 2400
BY PRICHARD

A BILL FOR

- 1 An Act providing an income tax credit for propane storage tanks
- 2 and related equipment, and including effective date and
- 3 retroactive applicability provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5843YH (2) 85
rn/sc



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H.F. 2400

1 Section 1. NEW SECTION. 422.11C Propane storage tank tax
2 credit.

3 1. The taxes imposed under this division, less the credits
4 allowed under section 422.12, shall be reduced by a propane
5 storage tank tax credit equal to seventy-five percent of the
6 cost of a propane storage tank and equipment directly related
7 to the storage of propane gas. A tax credit under this section
8 shall be limited to one storage tank per physical location
9 where the propane is stored for the taxpayer's own use. Any
10 credit in excess of the tax liability for the tax year shall
11 not be refunded, but may be credited to the tax liability for
12 the following ten tax years or until depleted, whichever is
13 earlier.

14 2. An individual may claim the tax credit allowed a
15 partnership, limited liability company, S corporation, estate,
16 or trust electing to have the income taxed directly to the
17 individual. The amount claimed by the individual shall be
18 based upon the pro rata share of the individual's earnings of a
19 partnership, limited liability company, S corporation, estate,
20 or trust.

21 3. The director of revenue shall adopt rules pursuant to
22 chapter 17A for the administration of this section.

23 Sec. 2. Section 422.33, Code 2014, is amended by adding the
24 following new subsection:

25 NEW SUBSECTION. 31. The taxes imposed under this division
26 shall be reduced by a propane storage tank tax credit allowed
27 under section 422.11C.

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

30 Sec. 4. RETROACTIVE APPLICABILITY. This Act applies
31 retroactively to January 1, 2014, for tax years beginning on
32 or after that date.

33 EXPLANATION

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

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1 This bill provides a corporate and individual income tax
2 credit for propane storage tanks and related equipment in an
3 amount equal to 75 percent of the cost of the storage tank and
4 equipment directly related to the storage of propane gas. The
5 bill provides that the credit shall be limited to one storage
6 tank per physical location where the propane is stored for the
7 claimant's own use. The bill states that any credit in excess
8 of the tax liability for the tax year shall not be refunded,
9 but may be credited to the tax liability for the following 10
10 tax years or until depleted, whichever is earlier. The bill
11 authorizes the director of revenue to adopt rules pursuant
12 to Code chapter 17A for the administration of the bill's
13 provisions.

14 The bill takes effect upon enactment, and is retroactively
15 applicable to January 1, 2014, for tax years beginning on or
16 after that date.



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House File 2401 - Introduced

HOUSE FILE 2401
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HF 2006)

A BILL FOR

1 An Act relating to the beginning farmer tax credit program,
2 including the agricultural assets transfer tax credit
3 and the custom farming contract tax credit, by extending
4 the carryover period, and including effective date and
5 retroactive applicability provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5548HV (4) 85
da/rj



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H.F. 2401

1 taxpayer's death.

2 Sec. 5. APPLICABILITY OF CARRYOVER PROVISIONS.

3 1. This section shall apply, notwithstanding the directive
4 to strike subsequent amendments to section 175.37, as provided
5 in 2013 Iowa Acts, chapter 125, section 25, subsection 3.

6 2. A tax credit issued, awarded, or allowed to a taxpayer
7 under section 175.37, as enacted in 2013 Iowa Acts, chapter
8 125, division I, that was first claimed in a tax year beginning
9 on or after January 1, 2013, and ending by December 31, 2017,
10 that was in excess of the taxpayer's liability, may be credited
11 to the tax liability of that taxpayer for the following ten tax
12 years, beginning with the tax year the tax credit was first
13 claimed, or until depleted, whichever is earlier.

14 3. The carryover provisions of this section shall continue
15 to be effective until no longer applicable, including by
16 application to tax years beginning on or after January 1, 2018.

17 Sec. 6. EFFECTIVE UPON ENACTMENT. This division of this
18 Act, being deemed of immediate importance, takes effect upon
19 enactment.

20 Sec. 7. RETROACTIVE APPLICABILITY. This division of
21 this Act applies retroactively to a tax credit first issued,
22 awarded, or allowed to a taxpayer for a tax year beginning on
23 or after January 1, 2013, and ending by December 31, 2017.

24 DIVISION III

25 FUTURE VERSION OF THE AGRICULTURAL ASSETS TRANSFER TAX

26 Sec. 8. APPLICABILITY OF CARRYOVER PROVISIONS.

27 Upon the repeal of amendments to section 175.37, as enacted in
28 2013 Iowa Acts, chapter 125, section 25, the following shall
29 apply: Section 175.137, subsection 7, Code 2013, is amended by
30 striking the words "five years" and inserting in lieu thereof
31 the words "ten tax years".

32 Sec. 9. EFFECTIVE DATE. This division of this Act, takes
33 effect January 1, 2018.

34 Sec. 10. APPLICABILITY. This division of this Act applies
35 to tax years beginning on or after January 1, 2018.

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da/rj



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1 to 10 years the period when a taxpayer may carry over a tax
2 credit under the agricultural assets transfer tax credit (Code
3 section 175.37) and the custom farming contract tax credit
4 (Code section 175.38). Both provisions are referred to as
5 part of the beginning farmer tax credit program (Code section
6 175.36A). A tax credit carryover provision allows a taxpayer
7 who has satisfied a tax liability in one tax year to save any
8 unused amount of the tax credit for use in a subsequent tax
9 year or tax years until no amount remains or a specific number
10 of years has elapsed.

11 BILL'S PROVISIONS — AGRICULTURAL ASSETS TRANSFER TAX
12 CREDIT. For the agricultural assets transfer tax credit, the
13 bill allows the extended 10-year carryover period to apply
14 to a taxpayer filing under three different versions of Code
15 section 175.37: (1) a tax credit which was first claimed in a
16 tax year beginning on or after January 1, 2009, and ending by
17 December 31, 2012; (2) a tax credit which was or may be first
18 claimed in a tax year beginning on or after January 1, 2013,
19 and ending by December 31, 2017; and (3) a tax credit which may
20 be first claimed on or after January 1, 2018. In each case, the
21 taxpayer may continue to apply the remaining amount of a tax
22 credit that was then applicable under Code section 175.37 for
23 the following 10 tax years notwithstanding that the section may
24 have been replaced by a subsequent version.

25 BILL'S PROVISIONS — CUSTOM FARMING CONTRACT TAX CREDIT.
26 For the custom farming contract tax credit, the bill allows
27 the extended 10-year carryover period to apply to a tax credit
28 first claimed in a tax year beginning on or after January
29 1, 2013, and ending by December 31, 2017. The taxpayer may
30 continue to use any remaining amount of the tax credit in
31 future tax years, regardless of the fact that the tax credit is
32 to be eliminated on December 31, 2017.

33 BILL'S PROVISIONS — APPLICABILITY AND EFFECTIVE DATES. The
34 bill applies to each taxpayer differently depending on the
35 version of the applicable law under which the taxpayer first

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1 claimed the tax credit. It applies retroactively to the tax
2 year beginning January 1, 2009, for a taxpayer who claimed
3 an agricultural assets transfer tax credit under the first
4 version of Code section 175.37. It applies retroactively to
5 the tax year beginning January 1, 2013, for a taxpayer who
6 claimed the same tax credit under the second version of Code
7 section 175.37. It also applies retroactively to the tax year
8 beginning January 1, 2013, for a taxpayer who claimed a custom
9 farming contract tax credit. The bill applies prospectively
10 to a tax year beginning on and after January 1, 2018, for a
11 taxpayer who will claim a tax credit under the third version of
12 the agricultural assets transfer tax credit. Those provisions
13 applying retroactively take effect upon enactment. The
14 provision applying prospectively takes effect on January 1,
15 2018.

16 BACKGROUND. In 2006, the general assembly enacted SF 2268
17 (2006 Iowa Acts, chapter 1161) establishing an agricultural
18 assets transfer tax credit, administered by the agricultural
19 development authority, to assist beginning farmers to acquire
20 agricultural assets by lease or rental arrangements. In 2013,
21 the general assembly enacted HF 599 (2013 Iowa Acts, chapter
22 125), creating the program which included the second version
23 of the agricultural assets transfer tax credit and the new
24 custom farming contract tax credit. HF 599 also increased from
25 \$6 million to \$12 million the ceiling limit used to support
26 the program through the issuance of tax credit certificates
27 (Code section 175.39). The program and the dollar amount
28 limit applied retroactively to tax years beginning on or after
29 January 1, 2013, and is to expire on December 31, 2017. The
30 Code editor is directed to codify the third version of the Code
31 section by restoring the tax credit with its \$6 million ceiling
32 limit to that existing immediately prior to the enactment
33 of HF 599. The custom farming contract tax credit is to be
34 eliminated on that same date.

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House File 2402 - Introduced

HOUSE FILE 2402
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO HSB 655)

A BILL FOR

1 An Act creating a derelict building grant program and fund.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6166HV (2) 85
tm/rj



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H.F. 2402

1 Section 1. NEW SECTION. 455B.861 Derelict building grant
2 program — fund.

3 1. As used in this section, unless the context otherwise
4 requires:

5 a. *“Abandoned building”* means a building that is owned by an
6 eligible community that has been abandoned for three or more
7 years.

8 b. *“Eligible community”* means a city with a population of
9 five thousand or fewer.

10 2. The department shall establish and administer a derelict
11 building grant program to provide financial assistance
12 to eligible communities to address abandoned buildings by
13 promoting waste abatement, diversion, selective dismantlement
14 of building components, and recycling. The program shall be
15 administered in accordance with rules adopted by the commission
16 pursuant to chapter 17A.

17 3. Financial assistance under the program shall consist
18 of grants in an amount not to exceed five hundred thousand
19 dollars. A grant shall not exceed seventy-five percent of the
20 total costs of promoting waste abatement, diversion, selective
21 dismantlement, and recycling of a single abandoned building.

22 4. Eligible costs for financial assistance under the
23 program include but are not limited to asbestos and other
24 hazardous material abatement and removal, the recovery and
25 processing of recyclable or reusable material through selective
26 dismantlement, and reimbursement for purchased recycled content
27 materials used in the renovation of buildings.

28 5. a. A derelict building grant fund is created in the
29 state treasury under the control of the department. The fund
30 shall include moneys appropriated by the general assembly and
31 any other moneys available to and obtained or accepted by the
32 department, including moneys from public or private sources.
33 Moneys in the fund are appropriated to the department and shall
34 be used exclusively to carry out the provisions of this section
35 as determined by the department, and shall not require further

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House File 2403 - Introduced

HOUSE FILE 2403
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 581)

A BILL FOR

1 An Act relating to wills including witness testimony,
2 distribution of property, and claims of personal
3 representatives, and including retroactive and other
4 applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5091HV (1) 85
rh/rj



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1 Section 1. Section 633.295, Code 2014, is amended to read
 2 as follows:

3 **633.295 Testimony of witnesses.**

4 The proof may be made by the oral or written testimony of
 5 one or more of the subscribing witnesses to the will. If such
 6 testimony is in writing, it shall be substantially in the
 7 following form executed and sworn to before or after the death
 8 of the decedent:

9 In the District Court of Iowa
 10 In and for County
 11 In the Matter of the Estate of

12, Deceased
 13 Probate No.

14 Testimony of Subscribing
 15 Witness on Probate of Will.

16 State of)
 17 County) ss

18 I,, being first duly sworn, state:

19 I reside in the County of, State of; I knew
 20 the identity of the testator on the day of (month),
 21 ... (year), the date of the instrument, the original or exact
 22 reproduction of which is attached hereto, now shown to me,
 23 and purporting to be the last will and testament of the said
 24, ~~deceased~~; I am one of the subscribing witnesses
 25 to said instrument; at the said date of said instrument, I
 26 knew the identity of, the other subscribing witness;
 27 that said instrument was exhibited to me and to the other
 28 subscribing witness by the testator, who declared the same to
 29 be the testator's last will and testament, and was signed by
 30 the testator at, in the County of, State of
 31, on the date shown in said instrument, in the presence
 32 of myself and the other subscribing witness; and the other
 33 subscribing witness and I then and there, at the request of the
 34 testator, in the presence of said testator and in the presence
 35 of each other, subscribed our names thereto as witnesses.

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1

2 Name of witness

3

4 Address

5 Subscribed and sworn to before me this ... day of

6 (month), ... (year)

7

8 Notary Public in and for

9 (Stamp) the State of

10 Sec. 2. Section 633.356, Code 2014, is amended to read as

11 follows:

12 **633.356 Distribution of property by affidavit.**

13 1. When the gross value of the decedent's personal property

14 that would otherwise be distributed by will or intestate

15 succession ~~does not exceed~~ is or has been, at any time since

16 the decedent's death, twenty-five thousand dollars or less

17 and there is no real property or the real property passes to

18 persons exempt from inheritance tax ~~pursuant to section 450.9~~

19 as joint tenants with ~~right~~ full rights of survivorship, and if

20 forty days have elapsed since the death of the decedent, ~~the a~~

21 ~~successor of the decedent~~ as defined in subsection 2 may, by

22 ~~filing~~ furnishing an affidavit prepared pursuant to subsection

23 3 or 8, and without procuring letters of appointment, do any of

24 the following with respect to one or more ~~particular~~ items of

25 such personal property:

26 a. Receive any ~~particular~~ item of tangible personal property

27 of the decedent.

28 b. Have any evidence of a debt, obligation, interest,

29 right, security, or chose in action belonging to the decedent

30 transferred.

31 c. Collect the proceeds from any life insurance policy or

32 any other item of property for which a beneficiary has not been

33 designated.

34 2. ~~"Successor of the decedent"~~ means:

35 a. If the decedent died testate, the reasonably

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1 ascertainable beneficiary or beneficiaries who succeeded to
 2 the ~~particular~~ item of property ~~of the decedent~~ under the
 3 decedent's will. For the purposes of this subsection the
 4 trustee of a trust created during the decedent's lifetime is a
 5 beneficiary under the decedent's will if the trust succeeds to
 6 the ~~particular item of~~ property under the decedent's will.

7 *b.* If the decedent died intestate, the reasonably
 8 ascertainable person or persons who succeeded to the ~~particular~~
 9 ~~item of~~ property ~~of the decedent~~ under the laws of intestate
 10 succession of this state.

11 *c.* If the decedent received medical assistance benefits from
 12 the state, the Iowa Medicaid agency that provided the benefits
 13 is a successor pursuant to subsection 8.

14 3. *a.* To collect money, receive tangible personal
 15 property, or have evidences of intangible personal property
 16 transferred under this ~~chapter~~ section, the a successor ~~of~~
 17 ~~the decedent~~ shall furnish to the holder of the decedent's
 18 property an affidavit under penalty of perjury stating all of
 19 the following:

20 (1) The decedent's name, social security number, and the
 21 date and place of ~~the decedent's~~ death.

22 (2) That at least forty days have elapsed since the death
 23 of the decedent, as shown by an attached certified copy of the
 24 death certificate of the decedent.

25 (3) That the gross value of the decedent's personal property
 26 that would otherwise be distributed by will or intestate
 27 succession ~~does not exceed~~ is, or has been at any time since
 28 the decedent's death, twenty-five thousand dollars or less
 29 and there is no real property or the real property passes to
 30 persons exempt from inheritance tax ~~pursuant to section 450.9~~
 31 as joint tenants with ~~right~~ full rights of survivorship.

32 (4) A general description of the property of the decedent
 33 that is to be paid, transferred, or delivered to or for the
 34 benefit of each successor.

35 (5) The name, address, and ~~social security tax~~



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1 ~~identification~~ number ~~of the successor of the decedent to the~~
2 ~~described property~~ and relationship to the decedent of each
3 successor, and whether the any successor is under a legal
4 disability.

5 (6) If applicable pursuant to subsection 2, paragraph `a`,
6 that the attached copy of the decedent's will is the last will
7 of the decedent and has been ~~admitted to probate or otherwise~~
8 ~~filed in~~ delivered to the office of a clerk of the district
9 court in accordance with Iowa law.

10 (7) That no persons other than ~~those~~ the successors listed
11 in the affidavit have a right to the interest of the decedent
12 in the described property.

13 (8) That the affiant requests that the described property
14 be paid, delivered, or transferred to ~~the successors of the~~
15 ~~decedent to the described property~~ or for the benefit of each
16 successor.

17 (9) That the affiant affirms under penalty of perjury that
18 the affidavit is true and correct.

19 ~~b. More than one person~~ If there are two or more successors,
20 any of the successors may execute an affidavit under this
21 subsection.

22 4. a. If the decedent had evidence of ownership of the
23 property described in the affidavit and the holder of the
24 property would have the right to require presentation of the
25 evidence of ownership before the duty of the holder to pay,
26 deliver, or transfer the property to the decedent would have
27 arisen, the evidence of the ownership, if available, shall be
28 presented with the affidavit to the holder of the decedent's
29 property.

30 b. If the evidence of ownership is not presented to the
31 holder of the property, the holder may require, as a condition
32 for the payment, delivery, or transfer of the property, that
33 the ~~successor~~ affiant provide the holder with a bond in a
34 reasonable amount determined by the holder to be sufficient to
35 indemnify the holder against all liability, claims, demands,

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1 loss, damages, costs, and expenses that the holder may incur
2 or suffer by reason of the payment, delivery, or transfer of
3 the property. This subsection does not preclude the holder
4 and the ~~successor~~ affiant from dispensing with the requirement
5 that a bond be provided, and instead entering into an agreement
6 satisfactory to the holder concerning the duty of the ~~successor~~
7 affiant to indemnify the holder.

8 *c.* Judgments rendered by any court in this state and
9 mortgages belonging to a decedent whose personal property is
10 being distributed pursuant to this section may, without prior
11 order of court, be released, discharged, or assigned, in whole
12 or in part, as to any ~~particular~~ property, and deeds may be
13 executed in performance of real estate contracts entered into
14 by the decedent, where an affidavit made pursuant to subsection
15 3 or 8 is filed in the office of the county recorder of the
16 county wherein any judgment, mortgage, or real estate contract
17 appears of record.

18 5. Reasonable proof of the identity of each successor ~~of the~~
19 ~~decedent~~ seeking distribution by virtue of the affidavit shall
20 be provided to the satisfaction of the holder of the decedent's
21 property.

22 6. *a.* If the requirements of this section are satisfied:

23 (1) The property described in the affidavit shall be paid,
24 delivered, or transferred to ~~the~~ or for the benefit of each
25 ~~successor of the decedent's interest in the property.~~

26 (2) A transfer agent of a security described in the
27 affidavit shall change registered ownership on the books of
28 the corporation from the decedent to ~~the person listed on the~~
29 ~~affidavit as the~~ or for the benefit of each successor ~~of the~~
30 ~~decedent's interest.~~

31 (3) The holder of the property may return the attached
32 certified copy of the decedent's death certificate to the
33 affiant.

34 *b.* If the holder of the decedent's property refuses to
35 pay, deliver, or transfer any property or evidence thereof to



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1 or for the benefit of the successor ~~of the decedent~~ within a
 2 reasonable time, ~~the~~ a successor may recover the property or
 3 compel its payment, delivery, or transfer in an action brought
 4 for that purpose against the holder of the property. If an
 5 action is brought against the holder under this subsection,
 6 the court shall award ~~attorney's~~ attorney fees to the person
 7 bringing the action if the court finds that the holder of the
 8 decedent's property acted unreasonably in refusing to pay,
 9 deliver, or transfer the property to or for the person benefit
 10 of the successor as required by this subsection.

11 7. a. If the requirements of this section are satisfied,
 12 receipt by the holder of the decedent's property of the
 13 affidavit under subsection 3 or 8 constitutes sufficient
 14 acquittance for the payment of money, delivery of property, or
 15 transferring the registered ownership of property pursuant to
 16 this ~~chapter~~ section and discharges the holder from any further
 17 liability with respect to the money or property. The holder
 18 may rely in good faith on the statements in the affidavit and
 19 has no duty to inquire into the truth of any statement in the
 20 affidavit.

21 b. If the requirements of this section are satisfied, the
 22 holder is not liable for any debt owed by the decedent by
 23 reason of paying money, delivering property, or transferring
 24 registered ownership of property pursuant to this ~~chapter~~
 25 section. If an action is brought against the holder under this
 26 section, the court shall award attorney fees to the holder if
 27 the court finds that the holder acted reasonably in paying,
 28 delivering, or transferring the property as required by this
 29 section.

30 8. a. ~~When a deceased distributee is entitled to money~~
 31 ~~or property claimed in an affidavit presented under this~~
 32 ~~section with respect to a deceased person whose estate is~~
 33 ~~being administered in this state, the personal representative~~
 34 ~~of the person whose estate is being administered shall~~
 35 ~~present the affidavit to the court in which the estate is~~

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1 ~~being administered. The court shall direct the personal~~
 2 ~~representative to pay the money or deliver the property to the~~
 3 ~~person identified by the affidavit as the successor of the~~
 4 ~~deceased distributee to the extent that the court determines~~
 5 ~~that the deceased distributee was entitled to the money or~~
 6 ~~property under the will or the laws of intestate succession.~~
 7 If an affidavit, executed under this section for a deceased
 8 distributee of an estate being administered in this state, is
 9 filed with the clerk of the district court in which the estate
 10 is being administered, the court shall direct the personal
 11 representative to pay the money or deliver the property to
 12 or for the benefit of each successor to the extent the court
 13 determines that the deceased distributee would have been
 14 entitled to money or property of the estate.

15 *b.* When the department of human services is entitled to
 16 money or property of a decedent pursuant to section 249A.53,
 17 subsection 2, and no affidavit has been presented by a
 18 ~~successor of the decedent~~ as defined in subsection 2, paragraph
 19 "a" or "b", within ninety days of the date of the decedent's
 20 death, the funds in the account or other property, up to the
 21 amount of the claim of the department, shall be paid to the
 22 department upon presentation by the department or an entity
 23 designated by the department of an affidavit to the holder
 24 of the decedent's property. Such affidavit shall include
 25 the information specified in subsection 3, except that the
 26 department may submit proof of payment of funeral expenses as
 27 verification of the decedent's death instead of a certified
 28 copy of the decedent's death certificate. The amount of the
 29 department's claim shall also be included in the affidavit,
 30 which shall entitle the department to receive the funds as
 31 ~~a successor of the decedent.~~ The department shall issue a
 32 refund within sixty days to any claimant with a superior
 33 priority pursuant to section 633.425, if notice of such claim
 34 is given to the department, or to the entity designated by
 35 the department to receive notice, within one year of the

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1 department's receipt of funds. This paragraph shall apply to
2 funds or property of the decedent transferred to the custody
3 of the treasurer of state as unclaimed property pursuant to
4 chapter 556.

5 9. The procedure provided by this section may be used only
6 if no administration of the decedent's estate is pending.

7 10. Upon receipt of an affidavit under subsection 3 and
8 reasonable proof under subsection 5 of the identity of each
9 successor seeking distribution by virtue of the affidavit, the
10 holder of the property shall disclose to the affiant whether
11 the value of the property held by the holder is, or has been
12 at any time since the decedent's death, twenty-five thousand
13 dollars or less. An affidavit furnished for the purpose of
14 determining whether the value of the property is, or has been
15 at any time since the decedent's death, twenty-five thousand
16 dollars or less need not contain the language required under
17 subsection 3, paragraph "a", subparagraph (3), but shall state
18 that the affiant reasonably believes that the gross value
19 of the decedent's personal property that would otherwise be
20 distributed by will or intestate succession is, or has been
21 at any time since the decedent's death, twenty-five thousand
22 dollars or less and there is no real property or the real
23 property passes to persons exempt from inheritance tax as joint
24 tenants with full rights of survivorship.

25 Sec. 3. Section 633.432, Code 2014, is amended to read as
26 follows:

27 **633.432 Allowance or disallowance of claim of personal**
28 **representative.**

29 1. The A temporary administrator appointed pursuant to
30 section 633.431 shall, after upon investigation, file a report
31 with the court recommending the allowance or disallowance
32 of such a claim filed pursuant to section 633.431. The
33 recommendation may, but need not, include information on the
34 substantive merits of allowing or disallowing the claim.
35 The recommendation shall include a statement that, upon

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1 investigation, a legitimate dispute either does or does not
2 exist as to such a claim.

3 2. Unless the court allows the claim, ~~it~~ the claim shall
4 ~~then~~ be disposed of as a contested claim in accordance with the
5 provisions of sections 633.439 to 633.448.

6 Sec. 4. 2013 Iowa Acts, chapter 33, section 9, is amended
7 to read as follows:

8 SEC. 9. APPLICABILITY.

9 1. The sections of this Act amending sections 633.273A, and
10 ~~633.279, and 633.295~~ apply to estates of decedents dying on or
11 after July 1, 2013.

12 1A. The section of this Act amending section 633.295 applies
13 to wills executed on or after July 1, 2013.

14 2. The sections of this Act amending sections 633.290 and
15 635.1 apply to petitions filed on or after July 1, 2013.

16 3. The section of this Act amending section 633.575 applies
17 to all judicial proceedings held on or after July 1, 2013, in
18 which an order for the appointment of a conservatorship is
19 sought or has been issued.

20 4. The section of this Act amending section 633A.4504
21 applies retroactively to all reports and accountings provided
22 by a trustee, unless an exception applies, to one year from
23 July 1, 2000.

24 Sec. 5. APPLICABILITY. The section of this Act amending
25 section 633.295 applies to wills executed on or after July 1,
26 2014.

27 Sec. 6. RETROACTIVE APPLICABILITY. The section of this Act
28 amending 2013 Iowa Acts, chapter 33, section 9, is applicable
29 retroactively to July 1, 2013.

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 relates to wills including witness testimony,
34 distribution of property, and claims of personal
35 representatives, and includes applicability provisions.

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1 PROBATE OF WILLS — TESTIMONY OF WITNESSES TO WILL
2 EXECUTION. The bill amends Code section 633.295 (affidavit
3 form for written testimony by witnesses to a will) to allow
4 execution of a self-proving will affidavit before or after the
5 decedent's death and not just after the decedent's death. This
6 amendment applies to wills executed on or after July 1, 2014.

7 The bill also amends an applicability provision in 2013
8 Iowa Acts, chapter 33, §9 (HF 591) to this same Code section
9 providing that witnesses to a will need only know the identity
10 of the testator and other witnesses. This amendment also
11 applies retroactively to wills executed on or after July 1,
12 2013, and not to estates of decedents dying on or after July 1,
13 2013.

14 TITLE AND POSSESSION OF DECEDENT'S PROPERTY — DISTRIBUTION
15 OF PROPERTY BY AFFIDAVIT. The bill amends Code section 633.356
16 relating to the distribution of property by affidavit where
17 the gross value of a decedent's personal property that would
18 otherwise be distributed by will or intestate succession is
19 \$25,000 or less and there is no real property or the property
20 passes to persons exempt from inheritance tax as joint tenants
21 with right of survivorship. In this situation currently, a
22 successor of the decedent may, by filing an affidavit, receive
23 any particular item of tangible personal property of the
24 decedent, have any evidence of a debt, obligation, interest,
25 right, security, or chose in action belonging to the decedent
26 transferred, and collect the proceeds from any life insurance
27 policy or any other item of property for which a beneficiary
28 has not been designated.

29 The amendments to this section specify this Code section
30 is applicable when the gross value of the decedent's personal
31 property is, or has been at any time since the decedent's
32 death, \$25,000 or less and there is no personal property or
33 the property passes to persons exempt from inheritance tax
34 as joint tenants with full rights of survivorship; define a
35 successor to include a reasonably ascertainable beneficiary

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1 if decedent died testate (with a will), or a reasonably
 2 ascertainable person if decedent died intestate (without
 3 a will), or an Iowa Medicaid agency that provided medical
 4 assistance benefits to the decedent; amend certain requirements
 5 relating to information contained in the affidavit to include
 6 all of the following: a general rather than a particular
 7 description of the decedent's property, a successor's tax
 8 identification number rather than social security number, and
 9 the relationship of each successor to the decedent, that a
 10 copy of the decedent's will if applicable has been delivered
 11 to the clerk of the district court, that the affiant (person
 12 making and signing the affidavit) has requested that the
 13 appropriate property be paid, delivered, or transferred to or
 14 for the benefit of each successor; that when there are two or
 15 more successors only one of the successors is required to sign
 16 the affidavit; that the holder of the property (person having
 17 possession, custody, or control of another's property) may
 18 return a certified copy of the decedent's death certificate
 19 to the affiant; that attorney fees may be awarded to a holder
 20 if the court finds the holder acted reasonably in paying,
 21 delivering, or transferring the requisite property; that when
 22 an affidavit is filed with the clerk of the district court in
 23 which the estate is being administered, the court shall direct
 24 the personal representative to pay the money or deliver the
 25 property to or for the benefit of each successor to the extent
 26 the court determines that the deceased distributee would have
 27 been entitled to money or property of the estate; and that
 28 an affidavit can be used to ascertain whether the value of a
 29 decedent's property exceeds the statutory \$25,000 limit.

30 CLASSIFICATION, ALLOWANCE, AND PAYMENT OF DEBTS AND
 31 CHARGES — TEMPORARY ADMINISTRATOR REPORT. The bill
 32 amends Code section 633.432 relating to the allowance or
 33 disallowance of a personal representative's claim (where
 34 the personal representative is a creditor of the decedent)
 35 against a decedent's estate and the contents of a temporary

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1 administrator's report to the court. The bill allows a
2 temporary administrator to limit the administrator's report
3 to a recommendation allowing or disallowing the claim by a
4 statement that, upon investigation, a legitimate dispute either
5 does or does not exist as to such a claim.



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House File 2404 - Introduced

HOUSE FILE 2404
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 631)

(COMPANION TO SF 2240)

A BILL FOR

1 An Act relating to nonsubstantive code corrections.

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

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1 provide for all of the following:

2 ~~(1)~~ (a) The method of appointment of members to the council
 3 by the governmental entities required to receive the services.

4 ~~(2)~~ (b) The duties of the customer council which shall be
 5 as follows:

6 ~~(a)~~ (i) Annual review and approval of the department of
 7 administrative services' business plan regarding services
 8 provided solely by the department of administrative services.

9 ~~(b)~~ (ii) Annual review and approval of the procedure
 10 for resolving complaints concerning services provided by the
 11 department of administrative services.

12 ~~(c)~~ (iii) Annual review and approval of the procedure
 13 for setting rates for the services provided solely by the
 14 department of administrative services.

15 ~~(3)~~ (c) A process for receiving input from affected
 16 governmental entities as well as for a biennial review by the
 17 customer council of the determinations made by the department
 18 of which services are funded by an appropriation to the
 19 department of administrative services and which services are
 20 funded by the governmental entities receiving the service,
 21 including any recommendations as to whether the department
 22 of administrative services shall be the sole provider of a
 23 service funded by the governmental entities receiving the
 24 service. The department, in consultation with the department
 25 of administrative services, may change the determination of
 26 a service if it is determined that the change is in the best
 27 interests of those governmental entities receiving the service.

28 ~~d-~~ (2) If a service to be provided may also be provided
 29 to the judicial branch and legislative branch, then the rules
 30 shall provide that the chief justice of the supreme court may
 31 appoint a member to the customer council, and the legislative
 32 council may appoint a member from the senate and a member from
 33 the house of representatives to the customer council, in their
 34 discretion.

35 Sec. 4. Section 10A.104, subsection 10, Code 2014, is



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1 amended to read as follows:

2 10. Enter into and implement agreements or compacts between
3 the state of Iowa and Indian tribes located in the state which
4 are entered into under the authority of the Indian Gaming
5 Regulatory Act (~~25, 25 U.S.C. § 2701 et seq.~~) seq. The
6 agreements or compacts shall contain provisions intended to
7 implement the policies and objectives of the Indian Gaming
8 Regulatory Act.

9 Sec. 5. Section 10A.105, subsection 3, Code 2014, is amended
10 to read as follows:

11 3. The state shall maintain records and materials related
12 to an agreement or compact entered into pursuant to the Indian
13 Gaming Regulatory Act (~~25, 25 U.S.C. § 2701 et seq.~~) seq., as
14 confidential records if confidentiality is required by the
15 terms of the agreement or compact.

16 Sec. 6. Section 13B.4B, subsection 2, paragraph b,
17 unnumbered paragraph 1, Code 2014, is amended to read as
18 follows:

19 Summary claims data may be released if the data ~~contains~~
20 ne does not contain information that is required to be kept
21 confidential pursuant to an attorney's obligations under the
22 Iowa rules of professional conduct. Such summary data may
23 include:

24 Sec. 7. Section 15J.2, subsection 13, Code 2014, is amended
25 to read as follows:

26 13. "*Substantially improved*" means that the cost of the
27 improvements ~~are~~ is equal to or ~~exceed~~ exceeds fifty percent of
28 the assessed value of the property, excluding the land, prior
29 to such improvements.

30 Sec. 8. Section 16.1, subsection 1, paragraph x, Code 2014,
31 is amended to read as follows:

32 *x. "Low or moderate income families"* means families who
33 cannot afford to pay enough to cause private enterprise in
34 their locality to build an adequate supply of decent, safe, and
35 sanitary dwellings for their use, and also includes, but is not

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1 limited to, ~~(1) elderly~~ the following:

2 (1) Elderly families, families in which one or more persons
3 are persons with disabilities, lower income families and very
4 low income families, ~~and (2) families.~~

5 (2) Families purchasing or renting qualified residential
6 housing.

7 Sec. 9. Section 16.2A, subsection 1, Code 2014, is amended
8 to read as follows:

9 1. A title guaranty division is created within the
10 authority. The powers of the division relating to the issuance
11 of title guaranties are vested in and shall be exercised by
12 a division board of five members appointed by the governor
13 subject to confirmation by the senate. The membership of
14 the division board shall include an attorney, an abstractor,
15 a real estate broker, a representative of a mortgage lender,
16 and a representative of the housing development industry. The
17 executive director of the authority shall appoint an attorney
18 as director of the title guaranty division, who shall serve as
19 an ex officio member of the division board. The appointment of
20 and compensation for the division director are exempt from the
21 merit system provisions of chapter 8A, subchapter IV.

22 Sec. 10. Section 24.9, Code 2014, is amended to read as
23 follows:

24 **24.9 Filing estimates — notice of hearing — amendments.**

25 1. a. Each municipality shall file with the secretary or
26 clerk thereof the estimates required to be made in sections
27 24.3 to 24.8, at least twenty days before the date fixed by
28 law for certifying the same to the levying board and shall
29 forthwith fix a date for a hearing thereon, and shall publish
30 such estimates and any annual levies previously authorized
31 as provided in section 76.2, with a notice of the time when
32 and the place where such hearing shall be held not less than
33 ten nor more than twenty days before the hearing. Provided
34 that in municipalities of less than two hundred population
35 such estimates and the notice of hearing thereon shall be



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1 posted in three public places in the district in lieu of
2 publication. For any other municipality such publication shall
3 be in a newspaper published therein, if any, if not, then in a
4 newspaper of general circulation therein.

5 ~~For any other municipality such publication shall be in~~
6 ~~a newspaper published therein, if any, if not, then in a~~
7 ~~newspaper of general circulation therein.~~

8 b. The department of management shall prescribe the form for
9 public hearing notices for use by municipalities.

10 2. Budget estimates adopted and certified in accordance
11 with this chapter may be amended and increased as the need
12 arises to permit appropriation and expenditure during the
13 fiscal year covered by the budget of unexpended cash balances
14 on hand at the close of the preceding fiscal year and which
15 cash balances had not been estimated and appropriated for
16 expenditure during the fiscal year of the budget sought to
17 be amended, and also to permit appropriation and expenditure
18 during the fiscal year covered by the budget of amounts of cash
19 anticipated to be available during the year from sources other
20 than taxation and which had not been estimated and appropriated
21 for expenditure during the fiscal year of the budget sought
22 to be amended. Such amendments to budget estimates may be
23 considered and adopted at any time during the fiscal year
24 covered by the budget sought to be amended, by filing the
25 amendments and upon publishing them and giving notice of the
26 public hearing in the manner required in this section. Within
27 ten days of the decision or order of the certifying or levying
28 board, the proposed amendment of the budget is subject to
29 protest, hearing on the protest, appeal to the state appeal
30 board and review by that body, all in accordance with sections
31 24.27 to 24.32, so far as applicable. A local budget shall be
32 amended by May 31 of the current fiscal year to allow time for a
33 protest hearing to be held and a decision rendered before June
34 30. An amendment of a budget after May 31 which is properly
35 appealed but without adequate time for hearing and decision

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1 before June 30 is void. Amendments to budget estimates
2 accepted or issued under this section are not within section
3 24.14.

4 Sec. 11. Section 28E.24, Code 2014, is amended to read as
5 follows:

6 **28E.24 Revenue and tax levies.**

7 1. a. The county board of supervisors shall certify to
8 the public safety commission the amount of revenue from the
9 county general fund credited to the unincorporated area in
10 the district based upon an average of revenues raised for law
11 enforcement purposes in the unincorporated area for the three
12 previous years. The public safety commission shall subtract
13 this amount from the amount of revenue to be contributed by
14 the unincorporated area. The difference is the amount of
15 additional revenue needed for unified law enforcement purposes.

16 b. In addition, the county board of supervisors and the
17 city council of each city in the district shall certify to
18 the public safety commission the amounts of revenue from the
19 county and from the city general fund credited to each city
20 in the district based upon an average of revenues raised for
21 law enforcement purposes in each city for the three previous
22 years. The public safety commission shall subtract the total
23 of these amounts from the amount of revenue to be contributed
24 by each city respectively. The difference for each city is the
25 amount of additional revenue needed for unified law enforcement
26 purposes.

27 2. The county board of supervisors and the council of each
28 city located within the district shall review the proposed
29 budget and upon the approval of the budget by the board
30 of supervisors and all city councils in the district, each
31 governing body shall determine the source of the additional
32 revenue needed for unified law enforcement purposes. If the
33 tax levy is approved as the source of revenue, the governing
34 body shall certify to the county auditor the amount of revenue
35 to be raised from the tax levy in either the unincorporated

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1 area of the district or a city in the district.

2 3. If the tax rate in any of the cities or the
3 unincorporated area exceeds the limitations prescribed in
4 section 28E.22, the public safety commission shall revise the
5 budget to conform with the tax limitations.

6 4. The county board of supervisors and the city council of
7 each city in the district shall deposit in the public safety
8 fund the amounts of revenue certified to the public safety
9 commission in this section based upon an average of revenues
10 raised for law enforcement purposes for the three previous
11 years.

12 5. If the average of revenues raised for law enforcement
13 purposes in the unincorporated area or a city for the previous
14 three years exceeds the amount of revenue needed for unified
15 law enforcement purposes, the unincorporated area or city is
16 only required to contribute the amount of revenue needed.

17 6. Taxes collected pursuant to the tax levies and other
18 moneys received from the county and cities in the district
19 shall be placed in a public safety fund and used only for the
20 operation of the district. Any unencumbered funds remaining
21 in the fund at the end of a fiscal year shall carry over to
22 the next fiscal year and may be used for the operation of the
23 district.

24 Sec. 12. Section 49.7, Code 2014, is amended to read as
25 follows:

26 **49.7 Reprecincting schedule and filing requirements.**

27 1. Where reprecincting is necessary, city councils
28 and county boards of supervisors or the temporary county
29 redistricting commission shall make any necessary changes
30 in precincts as soon as possible after the redistricting of
31 congressional and legislative districts becomes law.

32 2. a. City councils shall complete any changes in precinct
33 and ward boundaries necessary to comply with sections 49.3
34 and 49.5 not later than sixty days after the redistricting
35 of congressional and legislative districts becomes law, or

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1 September 1 of the year immediately following each year in
2 which the federal decennial census is taken, whichever is
3 later. Different compliance dates may be set by the general
4 assembly by joint resolution.

5 b. County boards of supervisors or the temporary county
6 redistricting commission shall complete any changes in precinct
7 and supervisor district boundaries necessary to comply with
8 sections 49.3, 49.4, and 331.209 not later than ninety days
9 after the redistricting of congressional and legislative
10 districts becomes law, or October 15 of the year immediately
11 following each year in which the federal decennial census is
12 taken, whichever is later. Different compliance dates may be
13 set by the general assembly by joint resolution.

14 3. Each county board of supervisors or the temporary county
15 redistricting commission and city council shall immediately
16 notify the state commissioner and the commissioner when the
17 boundaries of election precincts are changed, and shall provide
18 a map showing the new boundary lines. Each county board or
19 the temporary county redistricting commission and city council
20 shall certify to the state commissioner the populations of
21 the new election precincts or retained election precincts as
22 determined by the latest federal decennial census. Materials
23 filed with the state commissioner shall be postmarked no later
24 than the deadline specified in this section.

25 4. If the state commissioner determines that a county
26 board or the temporary county redistricting commission or city
27 council has failed to make the required changes by the dates
28 specified by this section, the state commissioner shall make
29 or cause to be made the necessary changes as soon as possible.
30 The state commissioner shall assess to the county or city, as
31 the case may be, the expenses incurred in making the necessary
32 changes. The state commissioner may request the services
33 of personnel and materials available to the legislative
34 services agency to assist the state commissioner in making
35 required changes in election precincts which become the state

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1 commissioner's responsibility.

2 5. Precinct boundaries shall become effective on January
 3 15 of the second year following the year in which the census
 4 was taken and shall be used for all subsequent elections.
 5 Precinct boundaries drawn by the state commissioner shall be
 6 incorporated into the ordinances of the city or county.

7 6. Changes made to precincts in years other than the year
 8 following the year in which the federal decennial census is
 9 taken shall be filed with the state commissioner as soon as
 10 possible.

11 Sec. 13. Section 49.64, Code 2014, is amended to read as
 12 follows:

13 **49.64 Number of ballots delivered.**

14 The commissioner shall cause ballots of the kind to be voted
 15 in each precinct to be delivered to the precinct election
 16 officials as follows: ~~in~~

17 1. In general elections which are presidential elections at
 18 least fifty-five ballots for every fifty votes, or fraction of
 19 fifty votes, cast in the precinct at the last preceding general
 20 election which was also a presidential election, ~~and in.~~

21 2. In general elections which are not presidential
 22 elections, at least fifty-five ballots for every fifty votes,
 23 or fraction of fifty votes, cast at the last preceding general
 24 election which was not a presidential election.

25 Sec. 14. Section 53.37, subsections 1, 2, and 4, Code 2014,
 26 are amended to read as follows:

27 1. This ~~division~~ subchapter is intended to implement the
 28 federal ~~Uniform~~ Uniformed and Overseas Citizens Absentee Voting
 29 Act, 42 U.S.C. § 1973ff et seq.

30 2. The term "*armed forces of the United States*", as used in
 31 this ~~division~~ subchapter, shall mean the army, navy, marine
 32 corps, coast guard, and air force of the United States.

33 4. For the purposes of this ~~division~~ subchapter, "*qualified*
 34 *voter*" means a person who is included within the term "*armed*
 35 *forces of the United States*" as described in this section, who



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1 would be qualified to register to vote under section 48A.5,
2 subsection 2, except for residency, and who is not disqualified
3 from registering to vote and voting under section 48A.6.

4 Sec. 15. Section 70A.26, Code 2014, is amended to read as
5 follows:

6 **70A.26 Disaster service volunteer leave.**

7 An employee of an appointing authority who is a certified
8 disaster service volunteer of the American red cross may be
9 granted leave with pay from work for not more than fifteen
10 working days in any twelve-month period to participate in
11 disaster relief services for the American red cross at the
12 request of the American red cross for the services of that
13 employee and upon the approval of the employee's appointing
14 authority without loss of seniority, pay, vacation time,
15 personal days, sick leave, insurance and health coverage
16 benefits, or earned overtime accumulation. The appointing
17 authority shall compensate an employee granted leave under this
18 section at the employee's regular rate of pay for those regular
19 work hours during which the employee is absent from work. An
20 employee deemed to be on leave under this section shall not be
21 deemed to be an employee of the state for purposes of workers'
22 compensation. An employee deemed to be on leave under this
23 section shall not be deemed to be an employee of the state for
24 purposes of the Iowa tort claims Act, chapter 669. Leave under
25 this section shall be granted only for services relating to a
26 disaster in the state of Iowa.

27 Sec. 16. Section 70A.39, subsection 4, Code 2014, is amended
28 to read as follows:

29 4. An employee deemed to be on leave under this section
30 shall not be deemed to be an employee of the state for purposes
31 of workers' compensation or for purposes of the Iowa tort
32 claims Act, chapter 669.

33 Sec. 17. Section 73A.21, subsection 6, paragraph h, Code
34 2014, is amended to read as follows:

35 h. The commissioner shall require a contractor or



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1 subcontractor to file, within ten days of receipt of a request,
2 any records enumerated in subsection 7. If the contractor or
3 subcontractor fails to provide the requested records within ten
4 days, the commissioner may direct, within fifteen days after
5 the end of the ten-day period, ~~that~~ the fiscal or financial
6 office charged with the custody and disbursement of funds of
7 the public body that contracted for construction of the public
8 improvement or undertook the public improvement, to immediately
9 withhold from payment to the contractor or subcontractor
10 up to twenty-five percent of the amount to be paid to the
11 contractor or subcontractor under the terms of the contract
12 or written instrument under which the public improvement is
13 being performed. The amount withheld shall be immediately
14 released upon receipt by the public body of a notice from
15 the commissioner indicating that the request for records as
16 required by this section has been satisfied.

17 Sec. 18. Section 85.64, Code 2014, is amended to read as
18 follows:

19 **85.64 Limitation of benefits.**

20 1. If an employee who has previously lost, or lost the
21 use of, one hand, one arm, one foot, one leg, or one eye,
22 becomes permanently disabled by a compensable injury which has
23 resulted in the loss of or loss of use of another such member
24 or organ, the employer shall be liable only for the degree of
25 disability which would have resulted from the latter injury
26 if there had been no preexisting disability. In addition to
27 such compensation, and after the expiration of the full period
28 provided by law for the payments thereof by the employer,
29 the employee shall be paid out of the "Second Injury Fund"
30 created by this ~~division~~ subchapter the remainder of such
31 compensation as would be payable for the degree of permanent
32 disability involved after first deducting from such remainder
33 the compensable value of the previously lost member or organ.

34 2. Any benefits received by any such employee, or to which
35 the employee may be entitled, by reason of such increased

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1 disability from any state or federal fund or agency, to which
2 said employee has not directly contributed, shall be regarded
3 as a credit to any award made against said second injury fund
4 as aforesaid.

5 Sec. 19. Section 88.5, subsection 3, paragraph b,
6 subparagraphs (3) and (4), Code 2014, are amended to read as
7 follows:

8 (3) A statement of the steps the employer has taken and will
9 take ~~(with, with specific dates)~~ dates, to protect employees
10 against the hazard covered by the standard.

11 (4) A statement of when the employer expects to be able
12 to comply with the standard and what steps the employer
13 has taken and what steps the employer will take ~~(with, with~~
14 ~~dates specified)~~ specified, to come into compliance with the
15 standard.

16 Sec. 20. Section 89.4, subsection 1, paragraph k,
17 subparagraph (3), Code 2014, is amended to read as follows:

18 (3) Water temperature in the boiler does not exceed ~~three~~
19 ~~hundred-fifty~~ 350 degrees Fahrenheit.

20 Sec. 21. Section 96.3, subsection 5, paragraph a, Code 2014,
21 is amended to read as follows:

22 *a. Duration of benefits.* The maximum total amount of
23 benefits payable to an eligible individual during a benefit
24 year shall not exceed the total of the wage credits accrued
25 to the individual's account during the individual's base
26 period, or twenty-six times the individual's weekly benefit
27 amount, whichever is the lesser. The director shall maintain
28 a separate account for each individual who earns wages in
29 insured work. The director shall compute wage credits for each
30 individual by crediting the individual's account with one-third
31 of the wages for insured work paid to the individual during
32 the individual's base period. However, the director shall
33 recompute wage credits for an individual who is laid off due to
34 the individual's employer going out of business at the factory,
35 establishment, or other premises at which the individual was

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1 last employed, by crediting the individual's account with
 2 one-half, instead of one-third, of the wages for insured work
 3 paid to the individual during the individual's base period.
 4 Benefits paid to an eligible individual shall be charged
 5 against the base period wage credits in the individual's
 6 account which have not been previously charged, in the inverse
 7 chronological order as the wages on which the wage credits are
 8 based were paid. However if the state ~~"off-indicator"~~ "off"
 9 indicator is in effect and if the individual is laid off due to
 10 the individual's employer going out of business at the factory,
 11 establishment, or other premises at which the individual was
 12 last employed, the maximum benefits payable shall be extended
 13 to thirty-nine times the individual's weekly benefit amount,
 14 but not to exceed the total of the wage credits accrued to the
 15 individual's account.

16 Sec. 22. Section 96.11, subsection 10, paragraph b, Code
 17 2014, is amended to read as follows:

18 *b.* In the administration of the provisions of section
 19 96.29 which are enacted to conform with the requirements of
 20 the Federal-State Extended Unemployment Compensation Act of
 21 1970, the department shall take such action as may be necessary
 22 to ~~insure~~ ensure that the provisions are so interpreted and
 23 applied as to meet the requirements of such federal Act as
 24 interpreted by the United States department of labor, and to
 25 secure to this state the full reimbursement of the federal
 26 share of extended benefits paid under this chapter that are
 27 reimbursable under the federal Act.

28 Sec. 23. Section 99F.9, Code 2014, is amended to read as
 29 follows:

30 **99F.9 Wagering — age restrictions.**

31 1. Except as permitted in this section, the licensee shall
 32 permit no form of wagering on gambling games.

33 ~~2. Reserved.~~

34 ~~3.~~ 2. The licensee may receive wagers only from a person
 35 present on a licensed excursion gambling boat, licensed



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1 gambling structure, or in a licensed racetrack enclosure.
 2 ~~4.~~ 3. The licensee shall exchange the money of each wagerer
 3 for tokens, chips, or other forms of credit to be wagered on
 4 the gambling games. However, nickels and quarters of legal
 5 tender may be used for wagering in lieu of tokens or other
 6 forms of credit. The licensee shall exchange the gambling
 7 tokens, chips, or other forms of wagering credit for money at
 8 the request of the wagerer.
 9 ~~5.~~ 4. A person under the age of twenty-one years shall not
 10 make or attempt to make a wager on an excursion gambling boat,
 11 gambling structure, or in a racetrack enclosure and shall not
 12 be allowed on the gaming floor of an excursion gambling boat
 13 or gambling structure or in the wagering area, as defined in
 14 section 99D.2, or on the gaming floor of a racetrack enclosure.
 15 However, a person eighteen years of age or older may be
 16 employed to work on the gaming floor of an excursion gambling
 17 boat or gambling structure or in the wagering area or on the
 18 gaming floor of a racetrack enclosure. A person who violates
 19 this subsection with respect to making or attempting to make
 20 a wager commits a scheduled violation under section 805.8C,
 21 subsection 5, paragraph "a".
 22 ~~6.~~ 5. a. A person under the age of twenty-one years shall
 23 not enter or attempt to enter the gaming floor or wagering
 24 area, as defined in section 99D.2, of a facility licensed under
 25 this chapter to operate gambling games.
 26 b. A person under the age of twenty-one years does not
 27 violate this subsection if any of the following circumstances
 28 apply:
 29 (1) The person is employed to work at the facility.
 30 (2) The person is an employee or agent of the commission,
 31 the division, a distributor, or a manufacturer, and acting
 32 within the scope of the person's employment.
 33 (3) The person is present in a racetrack enclosure and does
 34 not enter or attempt to enter the gaming floor or wagering area
 35 of the facility.

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1 c. A person who violates this subsection commits a simple
2 misdemeanor punishable as a scheduled violation under section
3 805.8C, subsection 5, paragraph "b".

4 ~~7.~~ 6. A licensee shall not accept a credit card as defined
5 in section 537.1301, subsection 17, to purchase coins, tokens,
6 or other forms of credit to be wagered on gambling games.

7 Sec. 24. Section 99F.11, subsection 3, paragraph d,
8 subparagraph (3), Code 2014, is amended to read as follows:

9 (3) One-half of the moneys remaining after the
10 appropriation in subparagraph (1) shall be credited, on a
11 quarterly basis, to the rebuild Iowa infrastructure fund
12 created in section 8.57.

13 Sec. 25. Section 101A.7, Code 2014, is amended to read as
14 follows:

15 **101A.7 Inspection of storage facility.**

16 1. The licensee's or permittee's explosive storage facility
17 shall be inspected at least once a year by a representative of
18 the state fire marshal's office, except that the state fire
19 marshal may, at those mining operations licensed and regulated
20 by the United States department of labor, accept an approved
21 inspection report issued by the United States department
22 of labor, mine safety and health administration, for the
23 twelve-month period following the issuance of the report. The
24 state fire marshal shall notify the appropriate city or county
25 governing board of licenses to be issued in their respective
26 jurisdictions pursuant to this chapter. The notification shall
27 contain the name of the applicant to be licensed, the location
28 of the facilities to be used in storing explosives, the types
29 and quantities of explosive materials to be stored, and other
30 information deemed necessary by either the governing boards
31 or the state fire marshal. The facility may be examined at
32 other times by the sheriff of the county where the facility is
33 located or by the local police authority if the facility is
34 located within a city of over ten thousand population and if
35 the sheriff or city council considers it necessary.

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1 2. If the state fire marshal finds the facility to be
2 improperly secured, the licensee or permittee shall immediately
3 correct the improper security and, if not so corrected, the
4 state fire marshal shall immediately confiscate the stored
5 explosives. Explosives may be confiscated by the county
6 sheriff or local police authority only if a situation that
7 is discovered during an examination by those authorities is
8 deemed to present an immediate danger. If the explosives are
9 confiscated by the county sheriff or local police authority,
10 they shall be delivered to the state fire marshal. The state
11 fire marshal shall hold confiscated explosives for a period of
12 thirty days under proper security unless the period of holding
13 is shortened pursuant to this section.

14 3. If the licensee or permittee corrects the improper
15 security within the thirty-day period, the explosives shall
16 be returned to the licensee or permittee after correction and
17 after the licensee or permittee has paid to the state an amount
18 equal to the expense incurred by the state in storing the
19 explosives during the period of confiscation. The amount of
20 expense shall be determined by the state fire marshal.

21 4. If the improper security is not corrected during the
22 thirty-day period, the state fire marshal shall dispose of the
23 explosives and the license or permit shall be canceled. A
24 canceled license or permit shall not be reissued for a period
25 of two years from the date of cancellation.

26 Sec. 26. Section 123.41, subsection 1, Code 2014, is amended
27 to read as follows:

28 1. Each application to obtain or renew a manufacturer's
29 license shall be submitted to the division electronically,
30 or in a manner prescribed by the administrator, and shall be
31 accompanied by a fee of three hundred fifty dollars payable to
32 the division. The administrator may in accordance with this
33 chapter grant and issue to a manufacturer a manufacturer's
34 license, valid for a one-year period after date of issuance,
35 ~~to a manufacturer~~ which shall allow the manufacture, storage,

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1 and wholesale disposition and sale of alcoholic liquors to the
2 division and to customers outside of the state.

3 Sec. 27. Section 123.50, subsection 2, Code 2014, is amended
4 to read as follows:

5 2. The conviction of any liquor control licensee, wine
6 permittee, or beer permittee for a violation of any of the
7 provisions of section 123.49, subject to subsection 3 of this
8 section, is grounds for the suspension or revocation of the
9 license or permit by the division or the local authority.
10 However, if any liquor control licensee is convicted of any
11 violation of section 123.49, subsection 2, paragraph "a",
12 "d", or "e", ~~of that section,~~ or any wine or beer permittee
13 is convicted of a violation of section 123.49, subsection
14 2, paragraph "a" or "e" of that section, the liquor control
15 license, wine permit, or beer permit shall be revoked and shall
16 immediately be surrendered by the holder, and the bond, if
17 any, of the license or permit holder shall be forfeited to the
18 division.

19 Sec. 28. Section 124.201, subsection 4, Code 2014, is
20 amended to read as follows:

21 4. If any new substance is designated as a controlled
22 substance under federal law and notice of the designation is
23 given to the board, the board shall similarly designate as
24 controlled the new substance under this chapter after the
25 expiration of thirty days from publication in the ~~Federal~~
26 ~~Register~~ federal register of a final order designating a
27 new substance as a controlled substance, unless within that
28 thirty-day period the board objects to the new designation. In
29 that case the board shall publish the reasons for objection
30 and afford all interested parties an opportunity to be heard.
31 At the conclusion of the hearing the board shall announce its
32 decision. Upon publication of objection to a new substance
33 being designated as a controlled substance under this chapter
34 by the board, control under this chapter is stayed until the
35 board publishes its decision. If a substance is designated as



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1 controlled by the board under this subsection the control shall
 2 be temporary and if, within sixty days after the next regular
 3 session of the general assembly convenes, the general assembly
 4 has not made the corresponding changes in this chapter, the
 5 temporary designation of control of the substance by the board
 6 shall be nullified.

7 Sec. 29. Section 135.64, subsection 3, Code 2014, is amended
 8 to read as follows:

9 3. In the evaluation of applications for certificates
 10 of need submitted by the university hospital at of Iowa
 11 City hospitals and clinics, the unique features of that
 12 institution relating to statewide tertiary health care, health
 13 science education, and clinical research shall be given due
 14 consideration. Further, in administering this division, the
 15 unique capacity of university hospitals for the evaluation
 16 of technologically innovative equipment and other new health
 17 services shall be utilized.

18 Sec. 30. Section 135.152, subsection 5, paragraph c, Code
 19 2014, is amended to read as follows:

20 c. The department, in cooperation with the department of
 21 human services, shall develop a standardized application form
 22 for the program and shall coordinate the determination of
 23 eligibility for the medical assistance and medically needy
 24 programs under chapter 249A, and for the obstetrical and
 25 newborn indigent patient care program.

26 Sec. 31. Section 135B.34, subsection 2, paragraph b,
 27 subparagraph (1), Code 2014, is amended to read as follows:

28 (1) If a person being considered for employment, other than
 29 employment involving the operation of a motor vehicle, has
 30 been convicted of a crime listed in subparagraph (2) but does
 31 not have a record of founded child or dependent adult abuse
 32 and the hospital has requested an evaluation in accordance
 33 with paragraph "a" to determine whether the crime warrants
 34 prohibition of the person's employment, the hospital may employ
 35 the person for not more than sixty calendar days pending



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1 completion of the evaluation.

2 Sec. 32. Section 137F.1, subsection 12, paragraph c, Code
3 2014, is amended to read as follows:

4 c. A food with a hydrogen ion concentration (pH) level of
5 4.6 or below when measured at ~~twenty-four~~ 24 degrees Centigrade
6 or ~~seventy-five~~ 75 degrees Fahrenheit.

7 Sec. 33. Section 163.4, Code 2014, is amended to read as
8 follows:

9 **163.4 Powers of assistants.**

10 ~~Such assistant~~ Assistant veterinarians shall have power,
11 under the direction of the department, to perform all acts
12 necessary to carry out the provisions of law relating to
13 infectious and contagious diseases among animals, and shall be
14 furnished by the department with the necessary supplies and
15 materials which shall be paid for out of the appropriation for
16 the eradication of infectious and contagious diseases among
17 animals.

18 Sec. 34. Section 163.5, Code 2014, is amended to read as
19 follows:

20 **163.5 Oaths.**

21 ~~Such assistant~~ Assistant veterinarians shall have power to
22 administer oaths and affirmations to appraisers acting under
23 this and the following chapters of this subtitle.

24 Sec. 35. Section 163.27, subsection 1, Code 2014, is amended
25 to read as follows:

26 1. Garbage shall not be fed to an animal unless such garbage
27 has been heated to a temperature of ~~two hundred twelve~~ 212
28 degrees Fahrenheit for thirty minutes, or other acceptable
29 method, as provided by rules adopted by the department.
30 However, this requirement shall not apply to an individual who
31 feeds to the individual's own animals only the garbage obtained
32 from the individual's own household.

33 Sec. 36. Section 175.5, unnumbered paragraph 1, Code 2014,
34 is amended to read as follows:

35 In the performance of its duties, implementation of its



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1 powers, and the selection of specific programs and projects to
2 receive its assistance under this chapter, the authority shall
3 be guided by the following principles:

4 Sec. 37. Section 176A.10, subsection 2, Code 2014, is
5 amended to read as follows:

6 2. An extension council of an extension district may choose
7 to be subject to the levy and revenue limits specified in
8 ~~subparagraphs (2) of subsection 1, paragraphs~~ paragraph "a"
9 through, subparagraph (2), paragraph "b", subparagraph (2),
10 paragraph "c", subparagraph (2), and paragraph "d", subparagraph
11 (2) and subsection 1, paragraph "e", for the purpose of the
12 annual levy for the fiscal year commencing July 1, 1991, which
13 levy is payable in the fiscal year beginning July 1, 1992.

14 Before an extension district may be subject to the levy and
15 revenue limits specified in ~~subparagraphs (2) of subsection 1,~~
16 ~~paragraphs~~ paragraph "a" through, subparagraph (2), paragraph
17 "b", subparagraph (2), paragraph "c", subparagraph (2), and
18 paragraph "d", subparagraph (2) and subsection 1, paragraph
19 "e", for fiscal years beginning on or after July 1, 1992, which
20 levy is payable in fiscal years beginning on or after July 1,
21 1993, the question of whether the district shall be subject to
22 the levy and revenue limits as specified in such paragraphs
23 must be submitted to the registered voters of the district.

24 The question shall be submitted at the time of a general
25 election. If the question is approved by a majority of those
26 voting on the question the levy and revenue limits specified
27 in ~~subparagraphs (2) of subsection 1, paragraphs~~ paragraph "a"
28 through, subparagraph (2), paragraph "b", subparagraph (2),
29 paragraph "c", subparagraph (2), and paragraph "d", subparagraph
30 (2) and subsection 1, paragraph "e", shall thereafter apply to
31 the extension district. The question need only be approved at
32 one general election. If a majority of those voting on the
33 question vote against the question, the district may continue
34 to submit the question at subsequent general elections until
35 approved.



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1 Sec. 38. Section 185C.6, subsection 2, Code 2014, is amended
2 to read as follows:

3 2. Three board elected directors. Each such director shall
4 be elected by the board. The candidate receiving the highest
5 number of votes by the board shall be elected to represent the
6 state on an at-large basis.

7 Sec. 39. Section 189A.2, subsections 7 and 8, Code 2014, are
8 amended to read as follows:

9 7. *"Federal Food, Drug, and Cosmetic Act"* means the Act so
10 entitled, approved June 25, 1938 (~~52, 52 Stat. 1040~~) 1040, and
11 Acts amendatory thereof or supplementary thereto.

12 8. *"Federal Meat Inspection Act"* means the Act so entitled
13 approved March 4, 1907 (~~34, 34 Stat. 1260~~) 1260, as amended by
14 the Wholesome Meat Act (~~81, 81 Stat. 584~~) 584; *"Federal Poultry
15 Products Inspection Act"* means the Act so entitled approved
16 August 28, 1957 (~~71, 71 Stat. 441~~) 441, as amended by the
17 Wholesome Poultry Products Act (~~82, 82 Stat. 791~~) 791; and
18 *"federal Acts"* means these two federal laws.

19 Sec. 40. Section 196.8, subsection 1, Code 2014, is amended
20 to read as follows:

21 1. All eggs offered for sale to an establishment must be
22 no lower than United States department of agriculture consumer
23 grade "B". From the time of candling and grading until they
24 reach the consumer, all eggs designated for human consumption
25 shall be held at a temperature not to exceed ~~forty-five~~
26 45 degrees Fahrenheit or ~~seven~~ 7 degrees Celsius ambient
27 temperature. The ~~forty-five~~ 45 degrees Fahrenheit or ~~seven~~ 7
28 degrees Celsius ambient temperature requirement applies to any
29 place or room in which eggs are stored, except inside a vehicle
30 during transportation where the ambient temperature may exceed
31 ~~forty-five~~ 45 degrees Fahrenheit or ~~seven~~ 7 degrees Celsius,
32 provided the transport vehicle is equipped with refrigeration
33 units capable of delivering air at a temperature not greater
34 than ~~forty-five~~ 45 degrees Fahrenheit or ~~seven~~ 7 degrees
35 Celsius and capable of cooling the vehicle to a temperature

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1 not greater than ~~forty-five~~ 45 degrees Fahrenheit or ~~seven~~ 7
2 degrees Celsius. All shell eggs shall be kept from freezing.

3 Sec. 41. Section 203C.3, subsection 7, Code 2014, is amended
4 to read as follows:

5 7. The actions of the department in connection with
6 petitioning for appointment as a receiver, and all actions
7 pursuant to such appointment shall not be subject to the
8 provisions of the administrative procedure Act, chapter 17A.

9 Sec. 42. Section 203C.28, Code 2014, is amended to read as
10 follows:

11 **203C.28 Tariff rates.**

12 1. A warehouse operator shall, at the time of application
13 for a license, file a tariff with the department which shall
14 contain rates to be charged for receiving, storage, and
15 load-out of grain. The tariff shall be posted in a conspicuous
16 place at the place of business of the licensee in a form
17 prescribed by the department and shall become effective at the
18 time the license becomes effective.

19 2. Storage charges shall commence on the date of delivery to
20 the warehouse. Storage, receiving, or load-out charges other
21 than those specified in the tariff may be made if the charge
22 is required by the terms of a written contract with the United
23 States government or any of its subdivisions or agencies.

24 3. Grain deposited with the warehouse for the sole purpose
25 of processing and redelivery to the depositor is subject only
26 to the charges listed under the grain bank section of the
27 tariff. Drying and cleaning of grain shall not be construed
28 as processing.

29 4. A tariff may be amended at any time and is effective
30 immediately, except that grain in store on the effective date
31 of a storage charge increase does not assume the increased rate
32 until the subsequent anniversary date of deposit. Any decrease
33 in storage rates shall be effective immediately and shall be
34 applicable to all grain in store on the effective date of the
35 decrease.

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1 5. A warehouse operator may file with the department and
2 publish the supplemental tariff applicable only to grain
3 meeting special descriptive standards or characteristics as
4 set forth in the supplemental tariff. A supplemental tariff
5 shall be in a form prescribed by the department and be posted
6 adjacent to the warehouse tariff.

7 6. All tariff charges shall be nondiscriminatory within
8 classes.

9 Sec. 43. Section 207.4, subsections 1 and 5, Code 2014, are
10 amended to read as follows:

11 1. a. Prior to beginning mining or removal of overburden
12 at mining site, an operator shall obtain a permit from the
13 division for the site. Application for a permit shall be made
14 upon a form provided by the division. The permit fee shall be
15 established by the division in an amount not to exceed the cost
16 of administering the permit provisions of this chapter.

17 b. The application shall include, but not be limited to:

18 ~~a-~~ (1) A legal description of the land where the site is
19 located and the estimated number of acres affected.

20 ~~b-~~ (2) A statement explaining the authority of the
21 applicant's legal right to operate a mine on the land.

22 ~~c-~~ (3) A reclamation plan meeting the requirements of this
23 chapter.

24 ~~d-~~ (4) A determination by an appropriate state or federal
25 agency of the probable hydrologic consequences of the mining
26 and reclamation operations, both on and off the mine site,
27 with respect to the hydrologic regime, quantity, and quality
28 of water in surface and groundwater systems including the
29 dissolved and suspended solids under seasonal flow conditions
30 and the collection of sufficient data for the mine site and
31 surrounding areas so that an assessment can be made by the
32 division of the probable cumulative impacts of all anticipated
33 mining in the area upon the hydrology of the area and
34 particularly upon water availability. If the division finds
35 that the probable total annual production at all locations of



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1 a coal mining operator will not exceed one hundred thousand
 2 tons, the determination of probable hydrologic consequences and
 3 a statement of the result of test borings on core samplings
 4 which the division may require shall upon the written request
 5 of the operator be performed by a qualified public or private
 6 laboratory designated by the division and the cost of the
 7 preparation of the determination and statement shall be assumed
 8 by the division.

9 5. a. A permit renewal shall be for a term not to exceed
 10 the period of the original permit.

11 b. Application for renewal shall be made at least one
 12 hundred twenty days prior to the expiration of the permit.
 13 Prior to the approval of a renewal of permit the division shall
 14 provide notice to the appropriate public authorities.

15 Sec. 44. Section 215.20, subsections 1 and 2, Code 2014, are
 16 amended to read as follows:

17 1. All liquefied petroleum gas, including but not limited
 18 to propane, butane, and mixtures of them, shall be kept,
 19 offered, exposed for sale, or sold by the pound, metered cubic
 20 foot of vapor, defined as one cubic foot at ~~sixty~~ 60 degrees
 21 Fahrenheit, or by the gallon, defined as two hundred thirty-one
 22 cubic inches at ~~sixty~~ 60 degrees Fahrenheit.

23 2. All metered sales exceeding one hundred gallons
 24 shall be corrected to a temperature of ~~sixty~~ 60 degrees
 25 Fahrenheit through use of an approved meter with a sealed
 26 automatic compensation mechanism. All sale tickets for sales
 27 exceeding one hundred gallons shall show the stamped delivered
 28 gallons and shall state that the temperature correction was
 29 automatically made.

30 Sec. 45. Section 225C.12, subsection 2, Code 2014, is
 31 amended to read as follows:

32 2. A county may claim reimbursement by filing with the
 33 administrator a claim in a form prescribed by the administrator
 34 by rule. Claims may be filed on a quarterly basis, and when
 35 received shall be verified as soon as reasonably possible by

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1 the administrator. The administrator shall certify to the
2 director of the department of administrative services the
3 amount to which each county claiming reimbursement is entitled,
4 and the director of the department of administrative services
5 shall issue warrants to the respective counties drawn upon
6 funds appropriated by the general assembly for the purpose of
7 this section. A county shall place funds received under this
8 section in the county mental health, ~~intellectual disability,~~
9 and ~~developmental~~ disabilities services fund created under
10 section 331.424A. If the appropriation for a fiscal year is
11 insufficient to pay all claims arising under this section, the
12 director of the department of administrative services shall
13 prorate the funds appropriated for that year among the claimant
14 counties so that an equal proportion of each county's claim is
15 paid in each quarter for which proration is necessary.

16 Sec. 46. Section 225C.32, Code 2014, is amended to read as
17 follows:

18 **225C.32 Plan appeals process.**

19 The department shall establish an appeals process by which
20 a mental health, ~~intellectual disability,~~ and ~~developmental~~
21 disabilities services coordinating board or an affected party
22 may appeal a decision of the department or of the coordinating
23 board.

24 Sec. 47. Section 226.9C, subsection 2, paragraph a, Code
25 2014, is amended to read as follows:

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

30 Sec. 48. Section 227.2, subsection 2, Code 2014, is amended
31 to read as follows:

32 2. A copy of the written report prescribed by subsection 1
33 shall be furnished to the county board of supervisors, to the
34 county mental health and ~~intellectual disability~~ disabilities
35 services coordinating board or to its advisory board if



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1 the county board of supervisors constitutes ex officio the
 2 coordinating board, to the administrator of the county care
 3 facility inspected and to its certified volunteer long-term
 4 care ombudsman, and to the department on aging.

5 Sec. 49. Section 229.21, subsection 2, Code 2014, is amended
 6 to read as follows:

7 2. When an application for involuntary hospitalization
 8 under section 229.6 or for involuntary commitment or treatment
 9 of persons with substance-related disorders under section ~~229.6~~
 10 ~~or~~ 125.75 is filed with the clerk of the district court in any
 11 county for which a judicial hospitalization referee has been
 12 appointed, and no district judge, district associate judge, or
 13 magistrate who is admitted to the practice of law in this state
 14 is accessible, the clerk shall immediately notify the referee
 15 in the manner required by section 229.7 or section 125.77. The
 16 referee shall discharge all of the duties imposed upon the
 17 court by sections 229.7 to 229.22 or sections 125.75 to 125.94
 18 in the proceeding so initiated. Subject to the provisions
 19 of subsection 4, orders issued by a referee, in discharge of
 20 duties imposed under this section, shall have the same force
 21 and effect as if ordered by a district judge. However, any
 22 commitment to a facility regulated and operated under chapter
 23 135C shall be in accordance with section 135C.23.

24 Sec. 50. Section 231.23A, subsection 4, Code 2014, is
 25 amended to read as follows:

26 4. The aging and disability resource center ~~program~~.

27 Sec. 51. Section 232.7, subsection 2, Code 2014, is amended
 28 to read as follows:

29 2. In any proceeding held or action taken under this chapter
 30 involving an Indian child, the applicable requirements of the
 31 federal Adoption and Safe Families Act of ~~1999~~ 1997, Pub. L.
 32 No. 105-89, shall be applied to the proceeding or action in a
 33 manner that complies with chapter 232B and the federal Indian
 34 Child Welfare Act, Pub. L. No. 95-608.

35 Sec. 52. Section 232.175, Code 2014, is amended to read as



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1 follows:

2 **232.175 Placement oversight.**

3 Placement oversight shall be provided pursuant to this
4 division when the parent, guardian, or custodian of a child
5 with an intellectual disability or other developmental
6 disability requests placement of the child in foster family
7 care for a period of more than thirty days. The oversight
8 shall be provided through review of the placement every six
9 months by the department's foster care review committees or
10 by a local citizen foster care review board. Court oversight
11 shall be provided prior to the initial placement and at
12 periodic intervals which shall not exceed twelve months. It
13 is the purpose and policy of this division to ensure the
14 existence of oversight safeguards as required by the federal
15 Adoption Assistance and Child Welfare Act of 1980, Pub. L. No.
16 96-272, as codified in 42 U.S.C. § 671(a)(16), 627(a)(2)(B),
17 and 675(1),(5), while maintaining parental decision-making
18 authority.

19 Sec. 53. Section 232.178, subsection 1, Code 2014, is
20 amended to read as follows:

21 1. For a placement initiated on or after July 1, 1992,
22 the department shall file a petition to initiate a voluntary
23 placement proceeding prior to the child's placement in
24 accordance with criteria established pursuant to the federal
25 Adoption Assistance and Child Welfare Act of 1980, Pub. L. No.
26 96-272, as codified in 42 U.S.C. § 627(a). For a placement
27 initiated before July 1, 1992, the department shall file a
28 petition to approve placement on or before September 1, 1992.

29 Sec. 54. Section 235A.18, subsection 1, paragraph a,
30 subparagraph (3), subparagraph division (b), Code 2014, is
31 amended to read as follows:

32 (b) Subparagraph division (a) shall not apply, and the
33 name of a person named in the initial data as having abused a
34 child shall remain in the registry as described in subparagraph
35 (1), if the department determined in the initial report

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1 and disposition data that the person committed child abuse
2 as defined in section 232.68, subsection 2, paragraph "a",
3 subparagraph (1), (4), or (6), and the child abuse resulted in
4 the child's death or a serious injury.

5 Sec. 55. Section 249A.26, subsection 8, Code 2014, is
6 amended to read as follows:

7 8. Notwithstanding section 8.39, the department may
8 transfer funds appropriated for the medical assistance program
9 to a separate account established in the department's case
10 management unit in an amount necessary to pay for expenditures
11 required to provide case management for mental health,
12 ~~intellectual disability, and developmental disabilities~~
13 services under the medical assistance program which are jointly
14 funded by the state and county, pending final settlement of the
15 expenditures. Funds received by the case management unit in
16 settlement of the expenditures shall be used to replace the
17 transferred funds and are available for the purposes for which
18 the funds were originally appropriated.

19 Sec. 56. Section 252.13, Code 2014, is amended to read as
20 follows:

21 **252.13 Recovery by county.**

22 1. Any county having expended money for the assistance or
23 support of a poor person under this chapter, may recover the
24 money from any of the following: ~~from~~

25 a. ~~From~~ the poor person if the person becomes able, or from
26 the person's estate, ~~from.~~

27 b. ~~From~~ relatives by action brought within two years from
28 the payment of the assistance or support, ~~from.~~

29 c. ~~From~~ the poor person by action brought within two years
30 after the person becomes able, ~~and from.~~

31 d. ~~From~~ the person's estate by filing the claim as provided
32 by law.

33 2. There shall be allowed against the person's estate a
34 claim of the sixth class for that portion of the liability to
35 the county which exceeds the total amount of all claims of



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1 the first through the fifth classes, inclusive, as defined in
2 section 633.425, which are allowed against that estate.

3 Sec. 57. Section 252B.4, subsection 5, paragraph b, Code
4 2014, is amended to read as follows:

5 *b.* A foreign reciprocating country or foreign country with
6 which the state has an arrangement as provided in 42 U.S.C.
7 ~~§ 659A~~ §659a.

8 Sec. 58. Section 252B.13A, subsection 2, paragraph a, Code
9 2014, is amended to read as follows:

10 *a.* The collection services center shall meet the
11 requirements for a state disbursement unit pursuant to 42
12 U.S.C. ~~§ 654B~~ §654b, section 252B.14, and this section by
13 October 1, 1999.

14 Sec. 59. Section 252B.13A, subsection 2, paragraph b,
15 subparagraph (4), Code 2014, is amended to read as follows:

16 (4) Furnishing, upon request, timely information on the
17 current status of support payments as provided in 42 U.S.C.
18 ~~§ 654B(b)(4)~~ §654b(b)(4), in a manner consistent with state
19 law.

20 Sec. 60. Section 252B.24, subsection 1, unnumbered
21 paragraph 1, Code 2014, is amended to read as follows:

22 Beginning October 1, 1998, the unit shall operate a state
23 case registry to the extent determined by applicable time
24 frames and other provisions of 42 U.S.C. ~~§ 654A(e)~~ §654a(e)
25 and this section. The unit and the judicial branch shall
26 enter into a cooperative agreement for the establishment and
27 operation of the registry by the unit. The state case registry
28 shall include records with respect to all of the following:

29 Sec. 61. Section 252B.24, subsection 2, paragraphs a and c,
30 Code 2014, are amended to read as follows:

31 *a.* Provision to the unit of information, orders, and
32 documents necessary for the unit to meet requirements described
33 in 42 U.S.C. ~~§ 654A(e)~~ §654a(e) and this section.

34 *c.* Use of automation, as appropriate, to meet the
35 requirements described in 42 U.S.C. ~~§ 654A(e)~~ §654a(e) and this



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1 of the receipts for special education instruction programs in
 2 all districts that ~~has~~ have a positive balance determined under
 3 paragraph "a" for the base year, or the state aid portion of all
 4 of the positive balances determined under paragraph "a" for the
 5 base year, whichever is less, to be used for supplemental aid
 6 payments to school districts. Except as otherwise provided in
 7 this ~~lettered~~ paragraph "b", supplemental aid paid to a district
 8 is equal to the state aid portion of the district's negative
 9 balance. The school budget review committee shall direct the
 10 director of the department of management to make the payments
 11 to school districts under this ~~lettered~~ paragraph "b".

12 Sec. 66. Section 258.16, subsection 3, paragraph c, Code
 13 2014, is amended to read as follows:

14 *c.* Provide for development of a five-year plan addressing
 15 the delivery of quality vocational education instructional
 16 programs pursuant to section 256.11, subsection 4, ~~and section~~
 17 256.11, subsection 5, paragraph "h", and section 260C.14,
 18 subsection 1. The plan shall be updated annually.

19 Sec. 67. Section 260C.18A, subsection 2, paragraph c, Code
 20 2014, is amended to read as follows:

21 *c.* For the development and implementation of career
 22 academies designed to provide new career preparation
 23 opportunities for high school students that are formally
 24 linked with postsecondary career and technical education
 25 programs. For purposes of this section, "career academy"
 26 means a program of study that combines a minimum of two
 27 years of secondary education with an associate degree, or the
 28 equivalent, career preparatory program in a nonduplicative,
 29 sequential course of study that is standards based, integrates
 30 academic and technical instruction, utilizes work-based and
 31 worksite learning where appropriate and available, utilizes an
 32 individual career planning process with parent involvement,
 33 and leads to an associate degree or postsecondary diploma or
 34 certificate in a career field that prepares an individual for
 35 entry and advancement in a high-skill and reward career field



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1 and further education. The state board, in conjunction with
 2 the division of community colleges and workforce preparation
 3 of the department ~~of education~~, shall adopt administrative
 4 rules for the development and implementation of such career
 5 academies pursuant to section 256.11, subsection 5, paragraph
 6 "h", section 260C.1, and Tit. II of Pub. L. No. 105-332, Carl D.
 7 Perkins Vocational and Technical Education Act of 1998.

8 Sec. 68. Section 260C.58, Code 2014, is amended to read as
 9 follows:

10 **260C.58 Bonds or notes.**

11 1. To pay all or any part of the cost of carrying out any
 12 project at any institution the board is authorized to borrow
 13 money and to issue and sell negotiable bonds or notes and to
 14 refund and refinance bonds or notes issued for any project or
 15 for refunding purposes at a lower rate, the same rate, or a
 16 higher rate or rates of interest and from time to time as often
 17 as the board shall find it to be advisable and necessary so
 18 to do. Bonds or notes issued by the board for residence hall
 19 or dormitory purposes at any institution, including dining
 20 or other facilities and additions, or issued for refunding
 21 purposes, may either be sold in the manner specified for the
 22 selling of certificates under section 260E.6 and the proceeds
 23 applied to the payment of the obligations being refunded,
 24 or the refunding bonds or notes may be exchanged for and in
 25 payment and discharge of the obligations being refunded. A
 26 finding by the board in the resolution authorizing the issuance
 27 of the refunding bonds or notes, that the bonds or notes being
 28 refunded were issued for a purpose specified in this ~~division~~
 29 subchapter and constitute binding obligations of the board,
 30 shall be conclusive and may be relied upon by any holder of
 31 any refunding bond or note issued under the provisions of this
 32 ~~division~~ subchapter. The refunding bonds or notes may be sold
 33 or exchanged in installments at different times or an entire
 34 issue or series may be sold or exchanged at one time. Any issue
 35 or series of refunding bonds or notes may be exchanged in part

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1 or sold in parts in installments at different times or at one
2 time. The refunding bonds or notes may be sold or exchanged
3 at any time on, before, or after the maturity of any of the
4 outstanding notes, bonds or other obligations to be refinanced
5 thereby and may be issued for the purpose of refunding a like
6 or greater principal amount of bonds or notes, except that the
7 principal amount of the refunding bonds or notes may exceed
8 the principal amount of the bonds or notes to be refunded to
9 the extent necessary to pay any premium due on the call of the
10 bonds or notes to be refunded, to fund interest in arrears or
11 about to become due, or to allow for sufficient funding of the
12 escrow account on the bonds to be refunded.

13 2. All bonds or notes issued under the provisions of this
14 ~~division~~ subchapter shall be payable from and shall be secured
15 by an irrevocable first lien pledge of a sufficient portion
16 of the following: the net rents, profits and income derived
17 from the operation of residence halls, dormitories, dining or
18 other incidental facilities and additions, including necessary
19 real and personal property, acquired or improved in whole or
20 in part with the proceeds of such bonds or notes, regardless
21 of the manner of such acquisition or improvement; and the
22 net rents, profits and income not pledged for other purposes
23 derived from the operation of any other residence halls or
24 dormitories, including dining or other incidental facilities
25 and additions, at the particular institution. In addition, the
26 board may secure any bonds or notes issued by borrowing money,
27 by mortgaging any real estate or improvements erected on real
28 estate, or by pledging rents, profits, and income received from
29 property for the discharge of mortgages. All bonds or notes
30 issued under the provisions of this ~~division~~ subchapter shall
31 have all the qualities of negotiable instruments under the laws
32 of this state.

33 Sec. 69. Section 260C.62, Code 2014, is amended to read as
34 follows:

35 **260C.62 Accounts.**



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1 1. A certified copy of each resolution providing for the
2 issuance of bonds or notes under this ~~division~~ subchapter shall
3 be filed with the treasurer of the institution on behalf of
4 which the bonds or notes are issued and the treasurer shall
5 keep and maintain separate accounts for each issue of bonds
6 or notes in accordance with the covenants and directions
7 set out in the resolution providing for the issuance of the
8 bonds or notes. All rates, fees, or rentals collected for
9 the use of and services provided by the residence halls and
10 dormitories, including dining and other incidental facilities,
11 at each institution shall be held in trust by the treasurer,
12 separate and apart from all other funds, to be used only for
13 the purposes specified in this ~~division~~ subchapter and as may
14 be required and provided for by the proceedings of the board
15 authorizing the issuance of bonds or notes. The treasurer of
16 each institution shall disburse funds from the proper account
17 for the payment of the principal of and interest on the bonds
18 or notes in accordance with the directions and covenants of the
19 resolution authorizing the issuance of the bonds or notes.

20 2. If the amount of bonds or notes issued under this chapter
21 exceeds the actual costs of the projects for which the bonds or
22 notes were issued, the amount of the difference shall be used
23 to pay the principal and interest due on bonds or notes issued
24 under this chapter.

25 Sec. 70. Section 260F.6, subsection 2, Code 2014, is amended
26 to read as follows:

27 2. To provide funds for the present payment of the costs
28 of a training program by the business, the community college
29 may provide to the business an advance of the moneys to be used
30 to pay for the program costs as provided in the agreement. To
31 receive the funds for this advance from the job training fund
32 established in subsection 1, the community college shall submit
33 an application to the ~~economic development~~ authority. The
34 amount of the advance shall not exceed fifty thousand dollars
35 for any business site, or one hundred thousand dollars within



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1 a three-fiscal-year period for any business site. If the
2 project involves a consortium of businesses, the maximum award
3 per project shall not exceed one hundred thousand dollars.
4 Participation in a consortium does not affect a business
5 site's eligibility for individual project assistance. Prior
6 to approval a business shall agree to match program amounts in
7 accordance with criteria established by the authority.

8 Sec. 71. Section 260F.6B, Code 2014, is amended to read as
9 follows:

10 **260F.6B High technology apprenticeship program.**

11 The community colleges and the ~~economic development~~
12 authority are authorized to fund high technology apprenticeship
13 programs which comply with the requirements specified in
14 section 260C.44 and which may include both new and statewide
15 apprenticeship programs. Notwithstanding the provisions
16 of section 260F.6, subsection 2, relating to maximum award
17 amounts, moneys allocated to the community colleges with high
18 technology apprenticeship programs shall be distributed to the
19 community colleges based upon contact hours under the programs
20 administered during the prior fiscal year as determined by the
21 department of education. The ~~economic development~~ authority
22 shall adopt rules governing this section's operation and
23 participant eligibility.

24 Sec. 72. Section 260F.7, Code 2014, is amended to read as
25 follows:

26 **260F.7 ~~Economic development authority~~ Authority to**
27 **coordinate.**

28 The ~~economic development~~ authority, in consultation with
29 the department of education and the department of workforce
30 development, shall coordinate the jobs training program. A
31 project shall not be funded under this chapter unless the
32 ~~economic development~~ authority approves the project. The
33 authority shall adopt rules pursuant to chapter 17A governing
34 the program's operation and eligibility for participation in
35 the program. The authority shall establish by rule criteria

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1 for determining what constitutes an eligible business.

2 Sec. 73. Section 261.19, subsections 1 and 2, Code 2014, are
3 amended to read as follows:

4 1. A health care professional recruitment program is
5 established to be administered by the college student aid
6 commission for Des Moines university — osteopathic medical
7 center. The program shall consist of a loan repayment program
8 for health care professionals. The commission shall regularly
9 adjust the service requirement under each aspect of the program
10 to provide, to the extent possible, an equal financial benefit
11 for each period of service required.

12 2. A health care professional shall be eligible for the
13 loan repayment program if the health care professional agrees
14 to practice in an eligible rural community in this state. Des
15 Moines university — osteopathic medical center shall recruit
16 and place health care professionals in rural communities which
17 have agreed to provide additional funds for the recipient's
18 loan repayment. The contract for the loan repayment shall
19 stipulate the time period the recipient shall practice in an
20 eligible rural community in this state. In addition, the
21 contract shall stipulate that the recipient repay any funds
22 paid on the recipient's loan by the commission if the recipient
23 fails to practice in an eligible rural community in this state
24 for the required period of time.

25 Sec. 74. Section 262.57, Code 2014, is amended to read as
26 follows:

27 **262.57 Bonds or notes.**

28 1. To pay all or any part of the cost of carrying out any
29 project at any institution the board is authorized to borrow
30 money and to issue and sell negotiable bonds or notes and
31 to refund and refinance bonds or notes heretofore issued or
32 as may be hereafter issued for any project or for refunding
33 purposes at a lower rate, the same rate, or a higher rate or
34 rates of interest and from time to time as often as the board
35 shall find it to be advisable and necessary so to do. Such



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1 bonds or notes may be sold by said board at public sale in
2 the manner prescribed by chapter 75, but if the board shall
3 find it to be advantageous and in the public interest to do
4 so, such bonds or notes may be sold by the board at private
5 sale without published notice of any kind and without regard
6 to the requirements of chapter 75 in such manner and upon such
7 terms as may be prescribed by the resolution authorizing the
8 same. Bonds or notes issued to refund other bonds or notes
9 heretofore or hereafter issued by the board for residence hall
10 or dormitory purposes at any institution, including dining or
11 other facilities and additions, or heretofore or hereafter
12 issued for refunding purposes, may either be sold in the
13 manner hereinbefore specified and the proceeds thereof applied
14 to the payment of the obligations being refunded, or the
15 refunding bonds or notes may be exchanged for and in payment
16 and discharge of the obligations being refunded, and a finding
17 by the board in the resolution authorizing the issuance of
18 such refunding bonds or notes that the bonds or notes being
19 refunded were issued for a purpose specified in this ~~division~~
20 subchapter and constitute binding obligations of the board
21 shall be conclusive and may be relied upon by any holder of
22 any refunding bond or note issued under the provisions of this
23 ~~division~~ subchapter. The refunding bonds or notes may be sold
24 or exchanged in installments at different times or an entire
25 issue or series may be sold or exchanged at one time. Any issue
26 or series of refunding bonds or notes may be exchanged in part
27 or sold in parts in installments at different times or at one
28 time. The refunding bonds or notes may be sold or exchanged
29 at any time on, before, or after the maturity of any of the
30 outstanding notes, bonds, or other obligations to be refinanced
31 thereby and may be issued for the purpose of refunding a like
32 or greater principal amount of bonds or notes, except that the
33 principal amount of the refunding bonds or notes may exceed
34 the principal amount of the bonds or notes to be refunded to
35 the extent necessary to pay any premium due on the call of the

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1 bonds or notes to be refunded or to fund interest in arrears or
2 about to become due.

3 2. All bonds or notes issued under the provision of this
4 ~~division~~ subchapter shall be payable solely and only from and
5 shall be secured by an irrevocable pledge of a sufficient
6 portion of the net rents, profits and income derived from the
7 operation of residence halls, dormitories, dining or other
8 incidental facilities and additions, including necessary real
9 and personal property, acquired or improved in whole or in part
10 with the proceeds of such bonds or notes, regardless of the
11 manner of such acquisition or improvement, and the net rents,
12 profits and income not pledged for other purposes derived from
13 the operation of any other residence halls or dormitories,
14 including dining or other incidental facilities and additions,
15 at the particular institution. All bonds or notes issued under
16 the provisions of this ~~division~~ subchapter shall have all the
17 qualities of negotiable instruments under the laws of this
18 state.

19 Sec. 75. Section 262.61, Code 2014, is amended to read as
20 follows:

21 **262.61 Accounts.**

22 1. A certified copy of each resolution providing for the
23 issuance of bonds or notes under this ~~division~~ subchapter shall
24 be filed with the treasurer of the institution on behalf of
25 which the bonds or notes are issued and it shall be the duty
26 of said treasurer to keep and maintain separate accounts for
27 each issue of bonds or notes in accordance with the covenants
28 and directions set out in the resolution providing for the
29 issuance thereof. All rates, fees or rentals collected for
30 the use of and services provided by the residence halls and
31 dormitories, including dining and other incidental facilities
32 therefor, at each institution shall be held in trust by the
33 treasurer thereof, separate and apart from all other funds,
34 to be used solely and only for the purposes specified in this
35 ~~division~~ subchapter and as may be required and provided for

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1 by the proceedings of the board authorizing the issuance of
2 bonds or notes. It shall be the duty of the treasurer of each
3 institution to disburse funds from the proper account for
4 the payment of the principal of and interest on the bonds or
5 notes in accordance with the directions and covenants of the
6 resolution authorizing the issuance thereof.

7 2. If the amount of bonds or notes issued under this chapter
8 exceeds the actual costs of the projects for which the bonds or
9 notes were issued, the amount of the difference shall be used
10 to pay the principal and interest due on bonds or notes issued
11 under this chapter.

12 Sec. 76. Section 275.23A, subsection 2, Code 2014, is
13 amended to read as follows:

14 2. Following each federal decennial census the school
15 board shall determine whether the existing director district
16 boundaries meet the standards in subsection 1 according to
17 the most recent federal decennial census. In addition to the
18 authority granted to voters to change the number of directors
19 or method of election as provided in sections 275.35, 275.36,
20 and 278.1, the board of directors of a school district may,
21 following a federal decennial census, by resolution and in
22 accordance with this section, authorize a change in the method
23 of election as set forth in section 275.12, subsection 2, or
24 a change to either five or seven directors after the board
25 conducts a hearing on the resolution. If the board proposes to
26 change the number of directors from seven to five directors,
27 the resolution shall include a plan for reducing the number
28 of directors. If the board proposes to increase the number
29 of directors to seven directors, two directors shall be
30 added according to the procedure described in section 277.23,
31 subsection 2. If necessary, the board of directors shall
32 redraw the director district boundaries. The director district
33 boundaries shall be described in the resolution adopted by
34 the school board. The resolution shall be adopted no earlier
35 than November 15 of the second year immediately following the

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1 year in which the federal decennial census is taken ~~not~~ and
 2 no later than May 15 of the third year immediately following
 3 the year in which the federal decennial census is taken.
 4 A copy of the plan shall be filed with the area education
 5 agency administrator of the area education agency in which the
 6 school's electors reside. If the board does not provide for
 7 an election as provided in sections 275.35, 275.36, and 278.1
 8 and adopts a resolution to change the number of directors or
 9 method of election in accordance with this subsection, the
 10 district shall change the number of directors or method of
 11 election as provided unless, within twenty-eight days following
 12 the action of the board, the secretary of the board receives a
 13 petition containing the required number of signatures, asking
 14 that an election be called to approve or disapprove the action
 15 of the board in adopting the resolution. The petition must be
 16 signed by eligible electors equal in number to not less than
 17 one hundred or thirty percent of the number of voters at the
 18 last preceding regular school election, whichever is greater.
 19 The board shall either rescind its action or direct the
 20 county commissioner of elections to submit the question to the
 21 registered voters of the school district at an election held
 22 on a date specified in section 39.2, subsection 4, paragraph
 23 "c". If a majority of those voting on the question at the
 24 election favors disapproval of the action of the board, the
 25 district shall not change the number of directors or method of
 26 election. If a majority of those voting on the question does
 27 not favor disapproval of the action, the board shall certify
 28 the results of the election to the department of management and
 29 the district shall change the number of directors or method of
 30 election as provided in this subsection. At the expiration of
 31 the twenty-eight-day period, if no petition is filed, the board
 32 shall certify its action to the department of management and
 33 the district shall change the number of directors or method of
 34 election as provided in this subsection.

35 Sec. 77. Section 297.36, Code 2014, is amended to read as

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1 follows:

2 **297.36 Loan agreements.**

3 1. a. In order to make immediately available proceeds of
4 the voter-approved physical plant and equipment levy which
5 has been approved by the voters as provided in section 298.2,
6 the board of directors may, with or without notice, borrow
7 money and enter into loan agreements in anticipation of the
8 collection of the tax with a bank, investment banker, trust
9 company, insurance company, or insurance group.

10 b. By resolution, the board shall provide for an annual levy
11 which is within the limits of the voter-approved physical plant
12 and equipment levy to pay for the amount of the principal and
13 interest due each year until maturity. The board shall file
14 a certified copy of the resolution with the auditor of each
15 county in which the district is located. The filing of the
16 resolution with the auditor makes it the duty of the auditor
17 to annually levy the amount certified for collection until
18 funds are realized to repay the loan and interest on the loan
19 in full.

20 c. The loan must mature within the period of time authorized
21 by the voters and shall bear interest at a rate which does not
22 exceed the limits under chapter 74A. A loan agreement entered
23 into pursuant to this section shall be in a form as the board
24 of directors shall by resolution provide and the loan shall be
25 payable as to both principal and interest from the proceeds
26 of the annual levy of the voter-approved physical plant and
27 equipment levy, or so much thereof as will be sufficient to pay
28 the loan and interest on the loan.

29 d. The proceeds of a loan must be deposited in the physical
30 plant and equipment levy fund. Warrants paid from this fund
31 must be for purposes authorized for the voter-approved physical
32 plant and equipment levy.

33 2. This section does not limit the authority of the board
34 of directors to levy the full amount of the voter-approved
35 physical plant and equipment levy, but if and to whatever

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1 extent the tax is levied in any year in excess of the amount
2 of principal and interest falling due in that year under a
3 loan agreement, the first available proceeds, to an amount
4 sufficient to meet maturing installments of principal and
5 interest under the loan agreement, shall be paid into the
6 debt service fund for the loan before the taxes are otherwise
7 made available to the school corporation for other school
8 purposes, and the amount required to be annually set aside to
9 pay principal of and interest on the money borrowed under the
10 loan agreement constitutes a first charge upon the proceeds of
11 the voter-approved physical plant and equipment levy, which tax
12 shall be pledged to pay the loan and the interest on the loan.

13 3. This section is supplemental and in addition to existing
14 statutory authority to finance the purposes specified in
15 section 298.2 for the physical plant and equipment levy, and
16 for the borrowing of money and execution of loan agreements in
17 connection with that section, and is not subject to any other
18 law. The fact that a school corporation may have previously
19 borrowed money and entered into loan agreements under authority
20 of this section does not prevent the school corporation from
21 borrowing additional money and entering into further loan
22 agreements if the aggregate of the amount payable under all
23 of the loan agreements does not exceed the proceeds of the
24 voter-approved physical plant and equipment levy.

25 Sec. 78. Section 312.2, subsection 2, unnumbered paragraph
26 1, Code 2014, is amended to read as follows:

27 The treasurer of state shall before making the allotments
28 in subsection 1 credit annually to the highway grade crossing
29 safety fund the sum of seven hundred thousand dollars, credit
30 annually from the road use tax fund the sum of nine hundred
31 thousand dollars to the highway railroad grade crossing surface
32 repair fund, credit monthly to the primary road fund the
33 dollars yielded from an allotment of sixty-five hundredths of
34 one percent of all road use tax funds for the express purpose
35 of carrying out ~~subsection 11 of section 307A.2, subsection 11,~~

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1 section 313.4, subsection 2, and section 307.45, and credit
2 annually to the primary road fund the sum of five hundred
3 thousand dollars to be used for paying expenses incurred by the
4 state department of transportation other than expenses incurred
5 for extensions of primary roads in cities. All unobligated
6 funds provided by this subsection, except those funds credited
7 to the highway grade crossing safety fund, shall at the end of
8 each year revert to the road use tax fund. Funds in the highway
9 grade crossing safety fund shall not revert to the road use tax
10 fund except to the extent they exceed five hundred thousand
11 dollars at the end of any biennium. The cost of each highway
12 railroad grade crossing repair project shall be allocated in
13 the following manner:

14 Sec. 79. Section 321.258, Code 2014, is amended to read as
15 follows:

16 **321.258 Arrangement of lights on official traffic-control**
17 **signals.**

18 1. Colored lights placed on a vertical official
19 traffic-control signal face shall be arranged from the top to
20 the bottom in the following order when used:

- 21 a. Circular red, ~~circular.~~
- 22 b. Circular yellow, ~~circular.~~
- 23 c. Circular green, ~~straight.~~
- 24 d. Straight through yellow arrow, ~~straight.~~
- 25 e. Straight through green arrow, ~~left.~~
- 26 f. Left turn yellow arrow, ~~left.~~
- 27 g. Left turn green arrow, ~~right.~~
- 28 h. Right turn yellow arrow, ~~and right.~~
- 29 i. Right turn green arrow.

30 2. Colored lights placed on a horizontal official
31 traffic-control signal face shall be arranged from the left to
32 the right in the following order when used:

- 33 a. Circular red, ~~circular.~~
- 34 b. Circular yellow, ~~left.~~
- 35 c. Left turn yellow arrow, ~~left.~~



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1 d. Left turn green arrow, ~~circular.~~
2 e. Circular green, ~~straight.~~
3 f. Straight through yellow arrow, ~~straight.~~
4 g. Straight through green arrow, ~~right.~~
5 h. Right turn yellow arrow, ~~and right.~~
6 i. Right turn green arrow.

7 Sec. 80. Section 321.440, subsection 1, Code 2014, is
8 amended to read as follows:

9 1. Every solid rubber tire on a vehicle shall have rubber on
10 its entire traction surface at least one inch thick above the
11 edge of the flange of the entire periphery. Any pneumatic tire
12 on a vehicle shall be considered unsafe if it has:

13 a. Any part of the ply or cord exposed.
14 b. Any bump, bulge or separation.
15 c. A tread design depth of less than one-sixteenth of
16 an inch measured in any two or more adjacent tread grooves,
17 exclusive of tie bars or, for those tires with tread wear
18 indicators, worn to the level of the tread wear indicators in
19 any two tread grooves.

20 d. A marking "not for highway use", "for racing purposes
21 only", "unsafe for highway use".
22 e. Tread or sidewall cracks, cuts or snags deep enough to
23 expose the body cord.
24 f. Such other conditions as may be reasonably demonstrated
25 to render it unsafe.
26 g. Been regrooved or recut below the original tread design
27 depth, excepting special tires which have extra under tread
28 rubber and are identified as such, or if a pneumatic tire was
29 originally designed without grooves or tread.

30 Sec. 81. Section 331.382, subsection 8, paragraph a, Code
31 2014, is amended to read as follows:

32 a. The board is subject to chapter 161F, chapters 357
33 through 358, ~~or~~ chapter 468, subchapters I through III, chapter
34 468, subchapter IV, parts 1 and 2, or chapter 468, subchapter
35 V, as applicable, in acting relative to a special district

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1 authorized under any of those chapters.

2 Sec. 82. Section 341A.18, Code 2014, is amended to read as
3 follows:

4 **341A.18 Civil rights respected.**

5 1. A person shall not be appointed or promoted to, or
6 demoted or discharged from, any position subject to civil
7 service, or in any way favored or discriminated against with
8 respect to employment in the sheriff's office because of the
9 person's political or religious opinions or affiliations or
10 race or national origin or sex, or age.

11 2. a. A person holding a position subject to civil service
12 shall not, during the person's scheduled working hours or when
13 performing duties or when using county equipment or at any
14 time on county property, take part in any way in soliciting
15 any contribution for any political party or any person seeking
16 political office, nor shall such employee engage in any
17 political activity that will impair the employee's efficiency
18 during working hours or cause the employee to be tardy or
19 absent from work. The provisions of this section do not
20 preclude any employee from holding any office for which no pay
21 is received or any office for which only token pay is received.

22 b. A person shall not seek or attempt to use any political
23 endorsement in connection with any appointment to a position
24 subject to civil service.

25 c. A person shall not use or promise to use, directly
26 or indirectly, any official authority or influence, whether
27 possessed or anticipated, to secure or attempt to secure for
28 any person an appointment or advantage in the appointment to
29 a position subject to civil service, or an increase in pay or
30 other advantage in employment in any such position, for the
31 purpose of influencing the vote or political action of any
32 person or for any consideration.

33 d. An employee shall not use the employee's official
34 authority or influence for the purpose of interfering with an
35 election or affecting the results thereof.

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1 3. Any officer or employee subject to civil service who
2 violates any of the provisions of this section shall be subject
3 to suspension, dismissal, or demotion subject to the right of
4 appeal herein.

5 4. All employees shall retain the right to vote as they
6 please and to express their opinions on all subjects.

7 5. An officer or employee subject to civil service and
8 a chief deputy sheriff or second deputy sheriff, who becomes
9 a candidate for a partisan elective office for remuneration,
10 upon request, shall automatically be given a leave of absence
11 without pay, commencing thirty days before the date of the
12 primary election and continuing until the person is eliminated
13 as a candidate or wins the primary, and commencing thirty days
14 before the date of the general election and continuing until
15 the person is eliminated as a candidate or wins the general
16 election, and during the leave period shall not perform any
17 duties connected with the office or position so held. The
18 officer or employee subject to civil service, or chief deputy
19 sheriff or second deputy sheriff, may, however, use accumulated
20 paid vacation time for part or all of any leave of absence
21 under this section. The county shall continue to provide
22 health benefit coverages, and may continue to provide other
23 fringe benefits, to any officer or employee subject to civil
24 service, or to any chief deputy sheriff or second deputy
25 sheriff during any leave of absence under this section.

26 Sec. 83. Section 392.5, Code 2014, is amended to read as
27 follows:

28 **392.5 Library board.**

29 1. a. A city library board of trustees functioning on the
30 effective date of the city code shall continue to function in
31 the same manner until altered or discontinued as provided in
32 this section.

33 b. In order for the board to function in the same manner,
34 the council shall retain all applicable ordinances, and shall
35 adopt as ordinances all applicable state statutes repealed by



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1 1972 Iowa Acts, ~~chapter~~ ch. 1088.

2 2. A library board may accept and control the expenditure of
3 all gifts, devises, and bequests to the library.

4 3. a. A proposal to alter the composition, manner of
5 selection, or charge of a library board, or to replace it with
6 an alternate form of administrative agency, is subject to the
7 approval of the voters of the city.

8 b. The proposal may be submitted to the voters at any city
9 election by the council on its own motion. Upon receipt of a
10 valid petition as defined in section 362.4, requesting that a
11 proposal be submitted to the voters, the council shall submit
12 the proposal at the next regular city election. A proposal
13 submitted to the voters must describe with reasonable detail
14 the action proposed.

15 c. If a majority of those voting approves the proposal, the
16 city may proceed as proposed.

17 d. If a majority of those voting does not approve the
18 proposal, the same or a similar proposal may not be submitted
19 to the voters of the city for at least four years from the date
20 of the election at which the proposal was defeated.

21 Sec. 84. Section 403.8, subsection 3, Code 2014, is amended
22 to read as follows:

23 3. The requirement that real property or an interest in
24 real property transferred or retained for the purpose of
25 a development or redevelopment be sold, leased, otherwise
26 transferred, or retained at not less than its fair market
27 value does not apply if the developer enters into a written
28 assessment agreement with the municipality pursuant to section
29 403.6, subsections 18 and 19 and the minimum actual value
30 contained in the assessment agreement would indicate that there
31 will be sufficient taxable valuations to permit the collection
32 of incremental taxes as provided in ~~subsection 2~~ of section
33 403.19, subsection 2, to cause the indebtedness and other costs
34 incurred by the municipality with respect to the property
35 or interest transferred or retained to be repayable as to



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1 principal within four tax years following the commencement of
2 full operation of the development.

3 Sec. 85. Section 403.9, subsection 1, Code 2014, is amended
4 to read as follows:

5 1. A municipality shall have power to periodically issue
6 bonds in its discretion to pay the costs of carrying out the
7 purposes and provisions of this chapter, including, but not
8 limited to, the payment of principal and interest upon any
9 advances for surveys and planning, and the payment of interest
10 on bonds, herein authorized, not to exceed three years from
11 the date the bonds are issued. The municipality shall have
12 power to issue refunding bonds for the payment or retirement
13 of such bonds previously issued by it. Said bonds shall be
14 payable solely from the income and proceeds of the fund and
15 portion of taxes referred to in ~~subsection 2~~ of section 403.19,
16 subsection 2, and revenues and other funds of the municipality
17 derived from or held in connection with the undertaking and
18 carrying out of urban renewal projects under this chapter. The
19 municipality may pledge to the payment of the bonds the fund
20 and portion of taxes referred to in ~~subsection 2~~ of section
21 403.19, subsection 2, and may further secure the bonds by a
22 pledge of any loan, grant or contribution from the federal
23 government or other source in aid of any urban renewal projects
24 of the municipality under this chapter, or by a mortgage of any
25 such urban renewal projects, or any part thereof, title which
26 is vested in the municipality.

27 Sec. 86. Section 419.4, subsection 2, paragraph b,
28 subparagraph (2), Code 2014, is amended to read as follows:

29 (2) A municipality shall also have the power to provide
30 that the project and improvements shall be constructed by
31 the municipality, the lessee, the lessee's designee, the
32 contracting party, or the contracting party's designee, or any
33 one or more of them on real estate owned by the municipality,
34 the lessee, the lessee's designee, the contracting party, or
35 the contracting party's designee, as the case may be, and that

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1 the bond proceeds shall be disbursed by the trustee bank or
2 banks, trust company or trust companies, during construction
3 upon the estimate, order or certificate of the lessee, the
4 lessee's designee, the contracting party, or the contracting
5 party's designee.

6 Sec. 87. Section 422.11S, subsection 8, paragraph a,
7 subparagraph (2), Code 2014, is amended to read as follows:

8 (2) *"Total approved tax credits"* means for the tax year
9 beginning in the 2006 calendar year, two million five hundred
10 thousand dollars, for the tax year beginning in the 2007
11 calendar year, five million dollars, and for tax years
12 beginning on or after January 1, 2008, but before January 1,
13 2012, seven million five hundred thousand dollars, for tax
14 years beginning on or after January 1, 2012, but before January
15 1, 2014, eight million seven hundred fifty thousand dollars,
16 and for tax years beginning on or after January 1, 2014, twelve
17 million dollars.

18 Sec. 88. Section 422.12C, subsection 2, Code 2014, is
19 amended to read as follows:

20 2. a. The taxes imposed under this division, less the
21 amounts of nonrefundable credits allowed under this division,
22 may be reduced by an early childhood development tax credit
23 equal to twenty-five percent of the first one thousand dollars
24 which the taxpayer has paid to others for each dependent, as
25 defined in the Internal Revenue Code, ages three through five
26 for early childhood development expenses. In determining the
27 amount of early childhood development expenses for the tax year
28 beginning in the 2006 calendar year only, such expenses paid
29 during November and December of the previous tax year shall
30 be considered paid in the tax year for which the tax credit
31 is claimed. This credit is available to a taxpayer whose net
32 income is less than forty-five thousand dollars. If the early
33 childhood development tax credit is claimed for a tax year, the
34 taxpayer and the taxpayer's spouse shall not claim the child
35 and dependent care credit under subsection 1.

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1 ~~b.~~ As used in this subsection, ~~“early:~~

2 ~~(1)~~ *“Early childhood development expenses”* means services

3 provided to the dependent by a preschool, as defined in section

4 237A.1, materials, and other activities as follows:

5 ~~a.~~ (a) Books that improve child development, including

6 textbooks, music books, art books, teacher’s editions, and

7 reading books.

8 ~~b.~~ (b) Instructional materials required to be used in a

9 child development or educational lesson activity, including but

10 not limited to paper, notebooks, pencils, and art supplies.

11 ~~c.~~ (c) Lesson plans and curricula.

12 ~~d.~~ (d) Child development and educational activities outside

13 the home, including drama, art, music, and museum activities,

14 and the entrance fees for such activities, but not including

15 food or lodging, membership fees, or other nonacademic

16 expenses.

17 ~~(2)~~ *“Early childhood development expenses”* does not include

18 services, materials, or activities for the teaching of

19 religious tenets, doctrines, or worship, the purpose of which

20 is to inculcate those tenets, doctrines, or worship.

21 Sec. 89. Section 422.33, subsections 2, 4, and 7, Code 2014,

22 are amended to read as follows:

23 2. a. If the trade or business of the corporation is

24 carried on entirely within the state, the tax shall be imposed

25 on the entire net income, but if the trade or business is

26 carried on partly within and partly without the state or if

27 income is derived from sources partly within and partly without

28 the state, or if income is derived from trade or business

29 and sources, all of which are not entirely in the state, the

30 tax shall be imposed only on the portion of the net income

31 reasonably attributable to the trade or business or sources

32 within the state, with the net income attributable to the state

33 to be determined as follows:

34 ~~a.~~ (1) Nonbusiness interest, dividends, rents and

35 royalties, less related expenses, shall be allocated within and

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1 without the state in the following manner:

2 ~~(1)~~ (a) Nonbusiness interest, dividends, and royalties
3 from patents and copyrights shall be allocable to this state if
4 the taxpayer's commercial domicile is in this state.

5 ~~(2)~~ (b) Nonbusiness rents and royalties received from real
6 property located in this state are allocable to this state.

7 ~~(3)~~ (c) Nonbusiness rents and royalties received from
8 tangible personal property are allocable to this state to the
9 extent that the property is utilized in this state; or in their
10 entirety if the taxpayer's commercial domicile is in this state
11 and the taxpayer is not taxable in the state in which the
12 property is utilized. The extent of utilization of tangible
13 personal property in a state is determined by multiplying the
14 rents and royalties by a fraction, the numerator of which is
15 the number of days of physical location of the property in the
16 state during the rental or royalty period in the taxable year
17 and the denominator of which is the number of days of physical
18 location of the property everywhere during all rental or
19 royalty periods in the taxable year. If the physical location
20 of the property during the rental or royalty period is unknown,
21 or unascertainable by the taxpayer tangible personal property
22 is utilized in the state in which the property was located at
23 the time the rental or royalty payor obtained possession.

24 ~~(4)~~ (d) Nonbusiness capital gains and losses from the sale
25 or other disposition of assets shall be allocated as follows:

26 (i) Gains and losses from the sale or other disposition
27 of real property located in this state are allocable to this
28 state.

29 (ii) Gains and losses from the sale or other disposition of
30 tangible personal property are allocable to this state if the
31 property had a situs in this state at the time of the sale or
32 disposition or if the taxpayer's commercial domicile is in this
33 state and the taxpayer is not taxable in the state in which the
34 property had a situs.

35 (iii) Gains and losses from the sale or disposition of

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1 intangible personal property are allocable to this state if the
 2 taxpayer's commercial domicile is in this state.

3 ~~b-~~ (2) Net nonbusiness income of the above class having
 4 been separately allocated and deducted as above provided,
 5 the remaining net business income of the taxpayer shall be
 6 allocated and apportioned as follows:

7 ~~(1)~~ (a) Business interest, dividends, rents, and royalties
 8 shall be reasonably apportioned within and without the state
 9 under rules adopted by the director.

10 ~~(2)~~ (b) Capital gains and losses from the sale or other
 11 disposition of assets shall be apportioned to the state based
 12 upon the business activity ratio applicable to the year the
 13 gain or loss is determined if the corporation determines Iowa
 14 taxable income by a sales, gross receipts or other business
 15 activity ratio. If the corporation has only allocable income,
 16 capital gains and losses from the sale or other disposition of
 17 assets shall be allocated in accordance with ~~paragraph "a",~~
 18 subparagraph ~~(4)~~ (1), subparagraph division (d).

19 ~~(3)~~ (c) Where income is derived from business other than
 20 the manufacture or sale of tangible personal property, the
 21 income shall be specifically allocated or equitably apportioned
 22 within and without the state under rules of the director.

23 ~~(4)~~ (d) Where income is derived from the manufacture or
 24 sale of tangible personal property, the part attributable to
 25 business within the state shall be in that proportion which
 26 the gross sales made within the state bear to the total gross
 27 sales.

28 ~~(5)~~ (e) Where income consists of more than one class of
 29 income as provided in ~~subparagraphs (1) to (4)~~ subparagraph
 30 divisions (a) through (d) of this ~~paragraph~~ subparagraph, it
 31 shall be reasonably apportioned by the business activity ratio
 32 provided in rules adopted by the director.

33 ~~(6)~~ (f) The gross sales of the corporation within the
 34 state shall be taken to be the gross sales from goods delivered
 35 or shipped to a purchaser within the state regardless of



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1 the F.O.B. point or other conditions of the sale, excluding
2 deliveries for transportation out of the state.

3 b. For the purpose of this section, ~~the word "sale"~~
4 subsection:

5 (1) "Sale" shall include exchange, ~~and the word~~
6 "manufacture".

7 (2) "Manufacture" shall include the extraction and recovery
8 of natural resources and all processes of fabricating and
9 curing. ~~The words "tangible~~

10 (3) "Tangible personal property" shall be taken to mean
11 corporeal personal property, such as machinery, tools,
12 implements, goods, wares, and merchandise, and shall not be
13 taken to mean money deposits in banks, shares of stock, bonds,
14 notes, credits, or evidence of an interest in property and
15 evidences of debt.

16 4. a. In addition to all taxes imposed under this division,
17 there is imposed upon each corporation doing business within
18 the state the greater of the tax determined in subsection 1,
19 paragraphs "a" through "d" or the state alternative minimum tax
20 equal to sixty percent of the maximum state corporate income
21 tax rate, rounded to the nearest one-tenth of one percent, of
22 the state alternative minimum taxable income of the taxpayer
23 computed under this subsection.

24 b. The state alternative minimum taxable income of a
25 taxpayer is equal to the taxpayer's state taxable income as
26 computed with the adjustments in section 422.35 and with the
27 following adjustments:

28 ~~a.~~ (1) Add items of tax preference included in federal
29 alternative minimum taxable income under section 57, except
30 subsections (a)(1) and (a)(5), of the Internal Revenue Code,
31 make the adjustments included in federal alternative minimum
32 taxable income under section 56, except subsections (a)(4) and
33 (d), of the Internal Revenue Code, and add losses as required
34 by section 58 of the Internal Revenue Code. In making the
35 adjustment under section 56(c)(1) of the Internal Revenue Code,

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1 interest and dividends from federal securities and interest and
2 dividends from state and other political subdivisions and from
3 regulated investment companies exempt from federal income tax
4 under the Internal Revenue Code, net of amortization of any
5 discount or premium, shall be subtracted.

6 ~~b.~~ (2) Apply the allocation and apportionment provisions of
7 subsection 2.

8 ~~c.~~ (3) Subtract an exemption amount of forty thousand
9 dollars. This exemption amount shall be reduced, but not
10 below zero, by an amount equal to twenty-five percent of the
11 amount by which the alternative minimum taxable income of the
12 taxpayer, computed without regard to the exemption amount in
13 this paragraph, exceeds one hundred fifty thousand dollars.

14 ~~d.~~ (4) In the case of a net operating loss computed for a
15 tax year beginning after December 31, 1986, which is carried
16 back or carried forward to the current taxable year, the net
17 operating loss shall be reduced by the amount of items of
18 tax preference and adjustments arising in the tax year which
19 is taken into account in computing the net operating loss
20 in section 422.35, subsection 11. The deduction for a net
21 operating loss for a tax year beginning after December 31,
22 1986, which is carried back or carried forward to the current
23 taxable year shall not exceed ninety percent of the alternative
24 minimum taxable income determined without regard for the net
25 operating loss deduction.

26 7. a. (1) There is allowed as a credit against the tax
27 determined in subsection 1 for a tax year an amount equal to
28 the minimum tax credit for that tax year.

29 (2) The minimum tax credit for a tax year is the excess,
30 if any, of the net minimum tax imposed for all prior tax
31 years beginning on or after January 1, 1987, over the amount
32 allowable as a credit under this subsection for those prior tax
33 years.

34 b. (1) The allowable credit under paragraph "a" for a tax
35 year shall not exceed the excess, if any, of the tax determined

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1 in subsection 1 over the state alternative minimum tax as
 2 determined in subsection 4.

3 (2) The net minimum tax for a tax year is the excess, if
 4 any, of the tax determined in subsection 4 for the tax year
 5 over the tax determined in subsection 1 for the tax year.

6 Sec. 90. Section 422.70, subsection 1, paragraphs b, c, and
 7 d, Code 2014, are amended to read as follows:

8 *b.* To require by subpoena the attendance and testimony of
 9 witnesses; ~~to~~.

10 *c.* To issue and sign subpoenas.

11 ~~e-~~ *d.* To administer oaths, to examine witnesses and receive
 12 evidence.

13 ~~d-~~ *e.* To compel witnesses to produce for examination books,
 14 papers, records, and documents relating to any matter which the
 15 director has the authority to investigate or determine.

16 Sec. 91. Section 423.3, subsection 60, paragraph h, Code
 17 2014, is amended to read as follows:

18 *h.* (1) "Prosthetic device" means a replacement, corrective,
 19 or supportive device including repair and replacement parts for
 20 the same worn on or in the body to do any of the following:

21 ~~(1)~~ (a) Artificially replace a missing portion of the body.

22 ~~(2)~~ (b) Prevent or correct physical deformity or
 23 malfunction.

24 ~~(3)~~ (c) Support a weak or deformed portion of the body.

25 (2) "Prosthetic device" includes but is not limited to
 26 orthopedic or orthotic devices, ostomy equipment, urological
 27 equipment, tracheostomy equipment, and intraocular lenses.

28 Sec. 92. Section 426A.8, Code 2014, is amended to read as
 29 follows:

30 **426A.8 Excess remitted — appeals.**

31 1. If the amount of credit apportioned to any property
 32 eligible for military service tax exemption under this chapter
 33 in any year shall exceed the total tax, exclusive of any
 34 special assessments levied against such property eligible
 35 for military service tax exemption, then the excess shall



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1 be remitted by the county treasurer to the department of
 2 revenue to be redeposited in the general fund of the state and
 3 reallocated the following year by the department.

4 2. a. If any claim for exemption made has been denied
 5 by the board of supervisors, and the action is subsequently
 6 reversed on appeal, the same credit shall be allowed on the
 7 assessed valuation, not to exceed the amount of the military
 8 service tax exemption involved in the appeal, as was allowed on
 9 other military service tax exemption valuations for the year
 10 or years in question, and the director of revenue, the county
 11 auditor, and the county treasurer shall credit and change their
 12 books and records accordingly.

13 b. If the appealing taxpayer has paid one or both of
 14 the installments of the tax payable in the year or years in
 15 question on such military service tax exemption valuation,
 16 remittance shall be made to the county treasurer in the amount
 17 of such credit.

18 c. The amount of the credit shall be allocated and paid
 19 from the surplus redeposited in the general fund of the state
 20 provided for in ~~the first paragraph of this section~~ subsection
 21 1.

22 Sec. 93. Section 426A.11, subsections 1 and 2, Code 2014,
 23 are amended to read as follows:

24 1. The property, not to exceed two thousand seven hundred
 25 seventy-eight dollars in taxable value, of any veteran, as
 26 defined in section 35.1, of World War I.

27 2. The property, not to exceed one thousand eight hundred
 28 fifty-two dollars in taxable value, of an honorably separated,
 29 retired, furloughed to a reserve, placed on inactive status,
 30 or discharged veteran, as defined in section 35.1, subsection
 31 2, paragraph "a" or "b".

32 Sec. 94. Section 426B.5, subsection 1, paragraph d,
 33 subparagraph (1), subparagraph divisions (a) and (b), Code
 34 2014, are amended to read as follows:

35 (a) The county is levying the maximum amount allowed for



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1 the county's mental health, ~~intellectual disability,~~ and
2 ~~developmental~~ disabilities services fund under section 331.424A
3 for the fiscal year in which the funding is distributed.

4 (b) In the latest fiscal year reported in accordance with
5 section 331.403, the county's mental health, ~~intellectual~~
6 ~~disability,~~ and ~~developmental~~ disabilities services fund ending
7 balance under generally accepted accounting principles was
8 equal to or less than twenty-five percent of the county's
9 actual gross expenditures for that fiscal year.

10 Sec. 95. Section 426B.5, subsection 2, paragraph a, Code
11 2014, is amended to read as follows:

12 a. For the purposes of this subsection, unless the context
13 otherwise requires, "services fund" means a county's mental
14 health, ~~intellectual disability,~~ and ~~developmental~~ disabilities
15 services fund created in section 331.424A.

16 Sec. 96. Section 445.37, Code 2014, is amended to read as
17 follows:

18 **445.37 When delinquent.**

19 1. a. If the semiannual installment of any tax has not
20 been paid before October 1 succeeding the levy, that amount
21 becomes delinquent from October 1 after due. However, in those
22 instances when the last day of September is a Saturday or
23 Sunday, that amount becomes delinquent on the second business
24 day of October. If the second installment is not paid before
25 April 1 succeeding its maturity, it becomes delinquent from
26 April 1 after due. However, in those instances when the last
27 day of March is a Saturday or Sunday, that amount becomes
28 delinquent on the second business day of April. This paragraph
29 applies to all taxes as defined in section 445.1, subsection 6.

30 b. However, if there is a delay in the delivery of the tax
31 list referred to in chapter 443 to the county treasurer, the
32 amount of ad valorem taxes and manufactured or mobile home
33 taxes due shall become delinquent thirty days after the date of
34 delivery or on the delinquent date of the first installment,
35 whichever date occurs later. The delay shall not affect the



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1 due dates for special assessments and rates or charges. The
2 delinquent date for special assessments and rates or charges
3 is the same as the first installment delinquent date for ad
4 valorem taxes, including any extension, in absence of a statute
5 to the contrary.

6 2. a. To avoid interest on delinquent taxes, a payment must
7 be received by the treasurer on or before the last business
8 day of the month preceding the delinquent date, or mailed with
9 appropriate postage and applicable fees paid, and a United
10 States postal service postmark affixed to the payment envelope,
11 with the postmark bearing a date preceding the delinquent
12 date. Items returned to the sender by the United States postal
13 service for insufficient postage or applicable fees shall be
14 assessed interest, unless the appropriate postage and fees are
15 paid and the items are postmarked again before the delinquent
16 date. However, if the last calendar day of a month falls on a
17 Saturday, Sunday, or a holiday, that amount becomes delinquent
18 on the second business day of the following month.

19 b. To avoid interest on current or delinquent taxes, for
20 payments made through a county treasurer's authorized internet
21 site only, if the last day of the month falls on a Saturday,
22 Sunday, or a holiday, the electronic payment must be initiated
23 by midnight on the first business day of the next month. All
24 other electronic payments must be initiated by midnight on the
25 last day of the month preceding the delinquent date.

26 Sec. 97. Section 452A.2, subsection 27, paragraph a,
27 subparagraph (2), Code 2014, is amended to read as follows:

28 (2) Any liquid advertised, offered for sale, sold
29 for use as, or commonly or commercially used as a fuel
30 for propelling motor vehicles which, when subjected to
31 distillation of gasoline, naphtha, kerosene and similar
32 petroleum products [ASTM (American society for testing and
33 materials) international designation D-86], shows not less
34 than ten percent distilled (recovered) below ~~three hundred~~
35 ~~forty-seven~~ 347 degrees Fahrenheit (~~one hundred seventy-five~~



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1 (175 degrees Centigrade) and not less than ninety-five percent
2 distilled (recovered) below ~~four hundred sixty-four~~ 464 degrees
3 Fahrenheit (~~two hundred forty~~ (240 degrees Centigrade)).

4 Sec. 98. Section 452A.2, subsection 27, paragraph b, Code
5 2014, is amended to read as follows:

6 *b. "Motor fuel"* does not include special fuel, and does not
7 include liquefied gases which would not exist as liquids at a
8 temperature of ~~sixty~~ 60 degrees Fahrenheit and a pressure of
9 fourteen and seven-tenths pounds per square inch absolute, or
10 naphthas and solvents unless the liquefied gases or naphthas
11 and solvents are used as a component in the manufacture,
12 compounding, or blending of a liquid within paragraph "a",
13 subparagraph (2), in which event the resulting product shall be
14 deemed to be motor fuel. "Motor fuel" does not include methanol
15 unless blended with other motor fuels for use in an aircraft or
16 for propelling motor vehicles.

17 Sec. 99. Section 452A.3, subsection 4, Code 2014, is amended
18 to read as follows:

19 4. For compressed natural gas used as a special fuel, the
20 rate of tax that is equivalent to the motor fuel tax shall
21 be sixteen cents per hundred cubic feet adjusted to a base
22 temperature of ~~sixty~~ 60 degrees Fahrenheit and a pressure of
23 fourteen and seventy-three hundredths pounds per square inch
24 absolute.

25 Sec. 100. Section 452A.86, Code 2014, is amended to read as
26 follows:

27 **452A.86 Method of determining gallonage.**

28 The exclusive method of determining gallonage of any
29 purchases or sales of motor fuel, undyed special fuel,
30 compressed natural gas, or liquefied petroleum gas as defined
31 in this chapter and distillate fuels shall be on a gross volume
32 basis. A temperature-adjusted or other method shall not be
33 used, except as it applies to liquefied petroleum gas and
34 the sale or exchange of petroleum products between petroleum
35 refiners. All invoices, bills of lading, or other records of

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1 sale or purchase and all returns or records required to be
2 made, kept, and maintained by a supplier, restrictive supplier,
3 importer, exporter, blender, or compressed natural gas or
4 liquefied petroleum gas dealer or user shall be made, kept,
5 and maintained on the gross volume basis. For purposes of
6 this section, "*distillate fuels*" means any fuel oil, gas oil,
7 topped crude oil, or other petroleum oils derived by refining
8 or processing crude oil or unfinished oils which have a boiling
9 range at atmospheric pressure which falls completely or in part
10 between ~~five hundred fifty~~ 550 and ~~twelve hundred~~ 1,200 degrees
11 Fahrenheit.

12 Sec. 101. Section 455B.471, subsections 7 and 8, Code 2014,
13 are amended to read as follows:

14 7. "*Petroleum*" means petroleum, including crude oil or any
15 fraction of crude oil which is liquid at standard conditions
16 of temperature and pressure (~~sixty~~ 60 degrees Fahrenheit and
17 fourteen and seven-tenths pounds per square inch absolute).

18 8. "*Regulated substance*" means an element, compound,
19 mixture, solution or substance which, when released into the
20 environment, may present substantial danger to the public
21 health or welfare or the environment. Regulated substance
22 includes substances designated in 40 C.F.R., pts. 61 and
23 116, and 40 C.F.R. § 401.15, and petroleum including crude
24 oil or any fraction of crude oil which is liquid at standard
25 conditions of temperature and pressure (~~sixty~~ 60 degrees
26 Fahrenheit and fourteen and seven-tenths pounds per square inch
27 absolute). However, regulated substance does not include a
28 substance regulated as a hazardous waste under the Resource
29 Conservation and Recovery Act of 1976. Substances may be added
30 or deleted as regulated substances by rule of the commission
31 pursuant to section 455B.474.

32 Sec. 102. Section 455E.11, subsection 2, paragraph b,
33 subparagraph (3), subparagraph division (b), subparagraph
34 subdivision (ii), Code 2014, is amended to read as follows:

35 (ii) Not more than six percent of the moneys is appropriated

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1 annually to the state hygienic laboratory to assist in well
 2 testing.

3 (iii) For purposes of this subparagraph division, "*cistern*"
 4 means an artificial reservoir constructed underground for the
 5 purpose of storing rainwater.

6 Sec. 103. Section 455G.2, subsection 13, Code 2014, is
 7 amended to read as follows:

8 13. "*Petroleum*" means petroleum, including crude oil or any
 9 fraction of crude oil which is liquid at standard conditions
 10 of temperature and pressure (~~sixty~~ 60 degrees Fahrenheit and
 11 fourteen and seven-tenths pounds per square inch absolute).

12 Sec. 104. Section 455G.13, subsection 2, paragraph b, Code
 13 2014, is amended to read as follows:

14 *b.* An ~~owner~~ owner's or operator's liability for a release
 15 for which coverage is admitted under the underground storage
 16 tank insurance fund established in section 455G.11, Code 2003,
 17 shall not exceed the amount of the deductible.

18 Sec. 105. Section 455G.13, subsection 10, paragraph a, Code
 19 2014, is amended to read as follows:

20 *a.* Upon payment by the fund for corrective action or
 21 third-party liability pursuant to this subchapter, the rights
 22 of the claimant to recover payment from any potentially
 23 responsible party~~r~~ are assumed by the board to the extent paid
 24 by the fund. A claimant is precluded from receiving double
 25 compensation for the same injury.

26 Sec. 106. Section 456A.37, subsection 1, paragraph a, Code
 27 2014, is amended to read as follows:

28 *a.* "*Aquatic invasive species*" means a nonnative wildlife or
 29 plant species that ~~have~~ has been determined by the department
 30 to pose a significant threat to the aquatic resources or water
 31 infrastructure of the state.

32 Sec. 107. Section 462A.2, subsection 32, Code 2014, is
 33 amended to read as follows:

34 32. "*Proceeds*" includes whatever is received when collateral
 35 or proceeds are sold, exchanged, collected, or otherwise



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1 disposed of. The term also includes the account arising when
2 the right to payment is earned under a contract right. Money,
3 checks, and the like are ~~cash~~ ~~proceeds~~ cash proceeds. All
4 other proceeds are noncash proceeds.

5 Sec. 108. Section 468.188, Code 2014, is amended to read as
6 follows:

7 **468.188 Public improvements which divide a district —**
8 **procedure.**

9 1. If it should develop that any type of public improvement,
10 other than the forces of nature, has caused such a change in
11 the district as to effectively sever and cut off some of the
12 land in the district from other lands in the district and from
13 the improvements in the district in such a way as to deprive
14 the land of any further benefits from the improvement, or in
15 some manner to divide the benefits that may be derived from
16 two separated portions of the improvement, then the board
17 of supervisors or the board of trustees in charge may upon
18 notice to interested parties and hearing as provided by this
19 subchapter, parts 1 through 5, for the original establishment
20 of a district make an order to remove lands so deprived of
21 benefits from the district without any reclassification, or
22 may subdivide the district into two separate entities if the
23 public improvement splits the district into two separate units,
24 each of which may still derive some separate benefits from the
25 separated portions of the district.

26 2. If the public improvement is such as to leave two
27 separate portions of the improvement that are still operable
28 and of benefit to the land on each side of the division made by
29 the public improvement, then the board may divide the district
30 into two separate units so that each may perform further work
31 on the improvements in their respective parts, but neither
32 shall be charged for work completed on the opposite side of
33 the new improvement that divides them and may only be charged
34 for the work done in that portion of the district remaining on
35 their side of the division.

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1 3. The same authority provided in this section shall vest in
 2 the board of supervisors or the board of trustees in the event
 3 a drainage district in any manner relinquishes its control over
 4 any portion of its improvements or its obligation to maintain
 5 same to another district and lands may be removed from the
 6 district or the district may be divided as provided in this
 7 section.

8 4. The board may further in dividing the district award to
 9 each of the separated portions of the district the improvement
 10 remaining in each portion, determine the value of the
 11 improvement so remaining on each side and secondly determine
 12 the contributions of the lands in the separated portions to the
 13 improvements and the upkeep of the earlier district, and if
 14 the contribution is proportionate neither side shall owe the
 15 other portion of the district any money, but if contribution
 16 is disproportionate, the board shall determine an equitable
 17 adjustment and the amount of payment required for one portion
 18 to pay to the other to buy the existing improvement.

19 5. If land is eliminated from any further benefits, there
 20 need not be any reclassification and the board may remove the
 21 same from the district in the same manner as if the land has
 22 been destroyed in whole by the erosion of a river and spread
 23 any deficiency in assessment among the remaining lands as
 24 provided by section 468.49.

25 6. *"Type of public improvement"* for the purpose of this
 26 section includes drainage or levee improvements or new
 27 highways.

28 Sec. 109. Section 468.500, subsection 1, paragraph b, Code
 29 2014, is amended to read as follows:

30 b. A drainage or levee district under the control of a city
 31 council as provided in subchapter II, part 3, may be placed
 32 under the control and management of a board of trustees by the
 33 city council following the procedures provided in subchapter
 34 II, part 2, for the county board of supervisors.

35 Sec. 110. Section 468.500, subsection 2, Code 2014, is



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1 amended to read as follows:

2 2. An overlying drainage or levee district that controls and
3 manages improvements and rights-of-way surrendered by a board
4 of supervisors or board of trustees of a contained district,
5 in accordance with sections 468.256 through 468.259, shall
6 continue to be controlled and managed by a board of trustees as
7 provided in subchapter II, part 3.

8 Sec. 111. Section 479.5, Code 2014, is amended to read as
9 follows:

10 **479.5 Application for permit.**

11 1. A pipeline company doing business in this state shall
12 file with the board its verified petition asking for a permit
13 to construct, maintain and operate its pipeline or lines along,
14 over or across the public or private highways, grounds, waters
15 and streams of any kind of this state. Any pipeline company
16 now owning or operating a pipeline in this state shall be
17 issued a permit by the board upon supplying the information as
18 provided for in section 479.6.

19 2. A pipeline company doing business in this state and
20 proposing to engage in underground storage of gas within this
21 state shall file with the board its verified petition asking
22 for a permit to construct, maintain and operate facilities for
23 the underground storage of gas to include the construction,
24 placement, maintenance and operation of machinery, appliances,
25 fixtures, wells, pipelines, and stations necessary for the
26 construction, maintenance and operation of the gas underground
27 storage facilities.

28 3. a. A pipeline company shall hold informational meetings
29 in each county in which real property or property rights
30 will be affected at least thirty days prior to filing the
31 petition for a new pipeline. A member of the board or a person
32 designated by the board shall serve as the presiding officer
33 at each meeting, shall present an agenda for the meeting which
34 shall include a summary of the legal rights of the affected
35 landowners, and shall distribute and review the statement of



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1 individual rights required under section 6B.2A. A formal record
2 of the meeting shall not be required.

3 b. The meeting shall be held at a location reasonably
4 accessible to all persons, companies, or corporations which may
5 be affected by the granting of the permit.

6 4. a. The pipeline company seeking the permit for a new
7 pipeline shall give notice of the informational meeting to each
8 person determined to be a landowner affected by the proposed
9 project and each person in possession of or residing on the
10 property. For the purposes of the informational meeting,
11 "landowner" means a person listed on the tax assessment rolls
12 as responsible for the payment of real estate taxes imposed on
13 the property and "pipeline" means a line transporting a solid,
14 liquid, or gaseous substance, except water, under pressure
15 in excess of one hundred fifty pounds per square inch and
16 extending a distance of not less than five miles or having a
17 future anticipated extension of an overall distance of five
18 miles.

19 b. The notice shall set forth the name of the applicant;
20 the applicant's principal place of business; the general
21 description and purpose of the proposed project; the general
22 nature of the right-of-way desired; the possibility that the
23 right-of-way may be acquired by condemnation if approved by
24 the utilities board; a map showing the route of the proposed
25 project; a description of the process used by the utilities
26 board in making a decision on whether to approve a permit
27 including the right to take property by eminent domain; that
28 the landowner has a right to be present at such meeting and
29 to file objections with the board; and a designation of the
30 time and place of the meeting. The notice shall be served by
31 certified mail with return receipt requested not less than
32 thirty days previous to the time set for the meeting, and shall
33 be published once in a newspaper of general circulation in
34 the county. The publication shall be considered notice to
35 landowners whose residence is not known and to each person in

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1 possession of or residing on the property provided a good faith
 2 effort to notify can be demonstrated by the pipeline company.

3 5. A pipeline company seeking rights under this chapter
 4 shall not negotiate or purchase any easements or other
 5 interests in land in any county known to be affected by the
 6 proposed project prior to the informational meeting.

7 Sec. 112. Section 481A.1, subsection 35, Code 2014, is
 8 amended to read as follows:

9 35. "*Whitetail*" means an animal belonging to the *cervidae*
 10 *Cervidae* family and classified as part of the *virginianus*
 11 *Virginianus* species of the ~~*odocoileus*~~ *Odocoileus* genus,
 12 commonly referred to as whitetail.

13 Sec. 113. Section 481A.10A, Code 2014, is amended to read
 14 as follows:

15 **481A.10A Farmer advisory committee.**

16 1. The director shall establish a farmer advisory committee
 17 for the purpose of providing information to the department
 18 regarding crop and tree damage caused by deer, wild turkey, and
 19 other predators.

20 2. Members of the committee shall include a representative
 21 designated by each of the following organizations: ~~the~~

22 a. ~~The~~ Iowa corn growers association, ~~the~~.

23 b. ~~The~~ Iowa farm bureau federation, ~~the~~.

24 c. ~~The~~ Iowa farmers union, ~~the~~.

25 d. ~~The~~ Iowa state horticulture society, ~~the~~.

26 e. ~~The~~ Iowa Christmas tree growers association, ~~the~~.

27 f. ~~The~~ Iowa nursery and landscape association, ~~the~~.

28 g. ~~The~~ department of agriculture and land stewardship, ~~and~~
 29 ~~the~~.

30 h. ~~The~~ Iowa state university agricultural extension service.

31 3. The committee shall meet with a representative of the
 32 department of natural resources on a semiannual basis. The
 33 committee shall serve without compensation or reimbursement for
 34 expenses.

35 Sec. 114. Section 483A.54, Code 2014, is amended to read as



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1 follows:

2 **483A.54 Nonliability of the state and its officials.**

3 1. Bonds issued are special limited obligations of the
 4 commission and are not a debt or liability of the state or
 5 any other political subdivision within the meaning of any
 6 constitutional or statutory debt limitation and are not a
 7 pledge of the state's credit or taxing power within the meaning
 8 of any constitutional or statutory limitation or provision
 9 and, except as provided in this ~~division~~ subchapter, an
 10 appropriation shall not be made, directly or indirectly, by the
 11 state or any political subdivision of the state for the payment
 12 of bonds. The bonds are special obligations of the commission
 13 payable solely from the wildlife habitat bond fund. Funds from
 14 the general fund of the state shall not be used to pay interest
 15 or principal on the bonds if revenues deposited in the wildlife
 16 habitat bond fund are insufficient.

17 2. The members of the commission or other person executing
 18 the bonds is not personally liable for the payment of the
 19 bonds. The bonds are valid and binding obligations of the
 20 commission notwithstanding the fact that before the delivery of
 21 the bonds any of the officers whose signatures appear on the
 22 bonds cease to be officers of the state. From and after the
 23 sale and delivery of the bonds, they shall be incontestable by
 24 the commission.

25 Sec. 115. Section 493.9, Code 2014, is amended to read as
 26 follows:

27 **493.9 Change in stock.**

28 Any such corporation may, by appropriate amendments to its
 29 articles of incorporation, adopted by a ~~two-third~~ two-thirds
 30 affirmative vote of each class of stock then issued and
 31 outstanding and affected by such amendment, change its common
 32 or preferred stock having a par value to an equal, greater or
 33 less number of shares of stock having no par value, and, in
 34 connection therewith, may fix the amount of capital represented
 35 by such shares of stock without par value.

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1 but not more than 10 .75 .60 .50
 2 More than 10,
 3 but not more than 20 .65 .50 .45
 4 More than 20 .45 .35 .35

5 ~~(ii)~~ (b) For annuities and guaranteed interest contracts
 6 valued on a change-in-fund basis, the factors shown in
 7 subparagraph ~~subdivision (i)~~ division (a) of this subparagraph
 8 ~~division~~ increased by:

Plan Type			
	A	B	C
9			
10			
11	.15	.25	.05

12 ~~(iii)~~ (c) For annuities and guaranteed interest contracts
 13 valued on an issue-year basis, other than those with no
 14 cash settlement options, which do not guarantee interest on
 15 considerations received more than one year after issue or
 16 purchase and for annuities and guaranteed interest contracts
 17 valued on a change-in-fund basis which do not guarantee
 18 interest rates on considerations received more than twelve
 19 months beyond the valuation date, the factors shown in
 20 subparagraph ~~subdivision (i)~~ division (a) of this subparagraph
 21 ~~division~~ or derived in subparagraph ~~subdivision (ii)~~ division
 22 (b) of this subparagraph ~~division~~ increased by:

Plan Type			
	A	B	C
23			
24			
25	.05	.05	.05

26 ~~(iv)~~ (d) For other annuities with cash settlement options
 27 and guaranteed interest contracts with cash settlement options,
 28 the guarantee duration is the number of years for which the
 29 contract guarantees interest rates in excess of the calendar
 30 year statutory valuation interest rate for life insurance
 31 policies with guarantee durations in excess of twenty years.
 32 For other annuities with no cash settlement options and for
 33 guaranteed interest contracts with no cash settlement options,
 34 the guarantee duration is the number of years from the date
 35 of issue or date of purchase to the date annuity benefits are



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1 scheduled to commence.

2 ~~(v)~~ (e) *“Plan type”*, as used in subparagraph ~~subdivisions~~
3 ~~(i), (ii), and (iii)~~ divisions (a), (b), and (c) of this
4 subparagraph ~~division~~, is defined as follows:

5 ~~(A)~~ (i) *“Plan Type A”*: At any time, the policyholder
6 may withdraw funds only with an adjustment to reflect changes
7 in interest rates or asset values since receipt of the funds
8 by the insurance company, or may withdraw funds without that
9 adjustment but in installments over five years or more, or may
10 withdraw funds as in immediate life annuity; or no withdrawal
11 is permitted.

12 ~~(B)~~ (ii) *“Plan Type B”*: Before expiration of the interest
13 rate guarantee, the policyholder may withdraw funds only with
14 an adjustment to reflect changes in interest rates or asset
15 values since receipt of the funds by the insurance company, or
16 may withdraw funds without that adjustment but in installments
17 over five years or more; or no withdrawal is permitted. At the
18 end of interest rate guarantee, funds may be withdrawn without
19 adjustment in a single sum or installments over less than five
20 years.

21 ~~(C)~~ (iii) *“Plan Type C”*: The policyholder may withdraw
22 funds before expiration of interest rate guarantee in a single
23 sum or installments over less than five years either without
24 adjustment to reflect changes in interest rates or asset values
25 since receipt of the funds by the insurance company, or subject
26 only to a fixed surrender charge stipulated in the contract as
27 a percentage of the fund.

28 ~~(vi)~~ (f) A company may elect to value guaranteed interest
29 contracts with cash settlement options and annuities with
30 cash settlement options on either an issue-year basis or on
31 a change-in-fund basis. Guaranteed interest contracts with
32 no cash settlement options and other annuities with no cash
33 settlement options must be valued on an issue-year basis.
34 As used in this section, an issue-year basis of valuation
35 refers to a valuation basis under which the interest rate used



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1 to determine the minimum valuation standard for the entire
2 duration of the annuity or guaranteed interest contract is the
3 calendar year valuation interest rate for the year of issue
4 or year of purchase of the annuity or guaranteed interest
5 contract, and the change-in-fund basis of valuation refers to a
6 valuation basis under which the interest rate used to determine
7 the minimum valuation standard applicable to each change in the
8 fund held under the annuity or guaranteed interest contract is
9 the calendar year valuation interest rate for the year of the
10 change in the fund.

11 Sec. 117. Section 514.1, subsection 2, Code 2014, is amended
12 to read as follows:

13 2. For the purposes of this chapter, ~~"subscriber":~~

14 a. "Health care" means that care necessary for the purpose
15 of preventing, alleviating, curing, or healing human physical
16 or mental illness, injury, or disability.

17 b. "Provider" means a person as defined in section 4.1,
18 subsection 20, which is licensed or authorized in this state to
19 furnish health care services.

20 c. "Subscriber" means an individual who enters into a
21 contract for health care services with a corporation subject
22 to this chapter and includes a person eligible for mandatory
23 medical assistance or optional medical assistance as defined
24 under chapter 249A, with respect to whom the department
25 of human services has entered into a contract with a firm
26 operating under this chapter. ~~For purposes of this chapter,~~
27 ~~"provider" means a person as defined in section 4.1, subsection~~
28 ~~20, which is licensed or authorized in this state to furnish~~
29 ~~health care services. "Health care" means that care necessary~~
30 ~~for the purpose of preventing, alleviating, curing, or healing~~
31 ~~human physical or mental illness, injury, or disability.~~

32 Sec. 118. Section 514I.10, subsection 1, Code 2014, is
33 amended to read as follows:

34 1. Cost sharing for eligible children whose family income
35 is below one hundred fifty percent of the federal poverty



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1 level shall not exceed the standards permitted under 42 U.S.C.
2 ~~§ 1396(o)(a)(3)~~ §1396o(a)(3) or ~~§ 1396(o)(b)(1)~~ §1396o(b)(1).

3 Sec. 119. Section 521B.102, subsection 5, paragraph b,
4 subparagraph (1), Code 2014, is amended to read as follows:

5 (1) The association shall satisfy the association's minimum
6 capital and surplus requirements through the capital and
7 surplus equivalents ~~(net, net of liabilities)~~ liabilities, of
8 the association and its members, which shall include a joint
9 central fund that may be applied to any unsatisfied obligation
10 of the association or any of its members, in an amount
11 determined by the commissioner to provide adequate protection.

12 Sec. 120. Section 554.1110, Code 2014, is amended to read
13 as follows:

14 ~~554.1110 Rules for filing and indexing~~ Rules for filing and
15 indexing.

16 The secretary of state shall make and promulgate rules for
17 all filing and indexing pursuant to this chapter and chapter
18 554B including but not limited to rules on whether statements
19 and documents shall be indexed in real estate records.

20 Sec. 121. Section 554.1201, subsection 2, paragraph p, Code
21 2014, is amended to read as follows:

22 *p.* "*Document of title*" means a record that in the regular
23 course of business or financing is treated as adequately
24 evidencing that the person in possession or control of the
25 record is entitled to receive, control, hold, and dispose of
26 the record and the goods the record covers and that purports
27 to be issued by or addressed to a bailee and to cover goods
28 in the bailee's possession which are either identified or are
29 fungible portions of an identified mass. The term includes a
30 bill of lading, transport document, dock warrant, dock receipt,
31 warehouse receipt, and order for delivery of goods. An
32 *electronic* "*electronic document of title title*" means a document
33 of title evidenced by a record consisting of information stored
34 in an electronic medium. A *tangible* "*tangible document of*
35 *title title*" means a document of title evidenced by a record

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1 consisting of information that is inscribed on a tangible
 2 medium.

3 Sec. 122. Section 554.2311, subsection 2, Code 2014, is
 4 amended to read as follows:

5 2. Unless otherwise agreed specifications relating to
 6 assortment of the goods are at the buyer's option and except as
 7 otherwise provided in section 554.2319, subsection 1, paragraph
 8 "c", and section 554.2319, subsection 3, specifications or
 9 arrangements relating to shipment are at the seller's option.

10 Sec. 123. Section 556.1, subsection 12, Code 2014, is
 11 amended to read as follows:

12 12. a. "Property" means a fixed and certain interest
 13 in or right in an intangible that is held, issued, or owed
 14 in the course of a holder's business, or by a government or
 15 governmental entity, and all income or increment therefrom,
 16 including that which is referred to as or evidenced by any of
 17 the following:

18 ~~a-~~ (1) Money, check, draft, deposit, interest, dividend,
 19 and income.

20 ~~b-~~ (2) Credit balance, customer overpayment, gift
 21 certificate, security deposit, refund, credit memorandum,
 22 unpaid wage, unused airline ticket, unused ticket, mineral
 23 proceeds, and unidentified remittance and electronic fund
 24 transfer.

25 ~~c-~~ (3) Stock or other evidence of ownership interests in
 26 a business association.

27 ~~d-~~ (4) Bond, debenture, note, or other evidence of
 28 indebtedness.

29 ~~e-~~ (5) Money deposited to redeem stocks, bonds, coupons,
 30 and other securities, or to make distributions.

31 ~~f-~~ (6) An amount due and payable under the terms of an
 32 insurance policy, including policies providing life insurance,
 33 property and casualty insurance, workers' compensation
 34 insurance, or health and disability benefits insurance.

35 ~~g-~~ (7) An amount distributable from a trust or custodian



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1 fund established under a plan to provide health, welfare,
2 pension, vacation, severance, retirement, death, stock
3 purchase, profit sharing, employee savings, supplemental
4 unemployment insurance, or similar benefits.

5 ~~h.~~ (8) Amounts distributable from a mineral interest in
6 land.

7 ~~i.~~ (9) Any other fixed and certain interest or right in an
8 intangible that is held, issued, or owing in the course of a
9 holder's business, or by a government or governmental entity.

10 b. "Property" does not include credits, advance payments,
11 overpayments, refunds, or credit memoranda shown on the books
12 and records of a business association with respect to another
13 business association unless the balance is property described
14 in section 556.2 held by a banking organization or financial
15 organization.

16 Sec. 124. Section 559.2, subsections 1 and 2, Code 2014, are
17 amended to read as follows:

18 1. General, special, or otherwise.

19 2. Vested, contingent, or conditional.

20 Sec. 125. Section 562A.2, subsection 2, paragraph c, Code
21 2014, is amended to read as follows:

22 c. To ~~insure~~ ensure that the right to the receipt of rent is
23 inseparable from the duty to maintain the premises.

24 Sec. 126. Section 562A.12, subsection 7, Code 2014, is
25 amended to read as follows:

26 7. The ~~bad-faith~~ bad-faith retention of a deposit by a
27 landlord, or any portion of the rental deposit, in violation
28 of this section shall subject the landlord to punitive damages
29 not to exceed twice the monthly rental payment in addition to
30 actual damages.

31 Sec. 127. Section 589.16, Code 2014, is amended to read as
32 follows:

33 **589.16 Tax sales legalized.**

34 In all instances where a county treasurer heretofore
35 conducted a tax sale at the time provided in section 7259,



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1 Code 1935, or section 7262, ~~both of the Code, 1935~~, sales made
2 at such tax sale or any adjournment thereof shall not be held
3 invalid by reason of the failure of the county treasurer to
4 have brought forward the delinquent tax of prior years upon the
5 current tax lists in use by the said county treasurer at the
6 time of conducting the sale, or by reason of the failure of the
7 county treasurer to have offered all the property unsold before
8 each adjournment of said sale and said tax sales are hereby
9 legalized and declared valid notwithstanding the provisions of
10 section 7193, Code 1935, and section 7259, ~~both of the Code,~~
11 1935, provided the delinquent taxes for which the said real
12 estate was sold had been brought forward upon the current tax
13 list of the year preceding the year in which the said tax
14 sale was conducted. Provided, however, that no tax sale so
15 legalized and validated shall affect a special assessment if
16 the same continues to remain a lien notwithstanding a tax deed
17 now or hereafter issued pursuant to such tax sale.

18 Sec. 128. Section 600.1, unnumbered paragraph 2, Code 2014,
19 is amended to read as follows:

20 If a proceeding held under this chapter involves an Indian
21 child as defined in section 232B.3 and the proceeding is
22 subject to the Iowa Indian child welfare Act under chapter
23 232B, the proceeding and other actions taken in connection
24 with the proceeding or this chapter shall comply with chapter
25 232B. In any proceeding held or action taken under this chapter
26 involving an Indian child, the applicable requirements of the
27 federal Adoption and Safe Families Act of ~~1999~~ 1997, Pub. L.
28 No. 105-89, shall be applied to the proceeding or action in a
29 manner that complies with chapter 232B and the federal Indian
30 Child Welfare Act, Pub. L. No. 95-608.

31 Sec. 129. Section 600A.3, unnumbered paragraph 2, Code
32 2014, is amended to read as follows:

33 If a proceeding held under this chapter involves an Indian
34 child as defined in section 232B.3 and the proceeding is
35 subject to the Iowa Indian child welfare Act under chapter

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1 232B, the proceeding and other actions taken in connection
2 with the proceeding or this chapter shall comply with chapter
3 232B. In any proceeding held or action taken under this chapter
4 involving an Indian child, the applicable requirements of the
5 federal Adoption and Safe Families Act of ~~1999~~ 1997, Pub. L.
6 No. 105-89, shall be applied to the proceeding or action in a
7 manner that complies with chapter 232B and the federal Indian
8 Child Welfare Act, Pub. L. No. 95-608.

9 Sec. 130. Section 602.11101, subsection 2, paragraph a,
10 Code 2014, is amended to read as follows:

11 a. For the period beginning July 1, 1983, and ending June
12 30, 1987, the provisions of division I ~~(articles of 1983 Iowa~~
13 Acts, ch. 186, articles 1 through 10) 10 of this chapter, take
14 effect only to the extent that the provisions do not conflict
15 with the scheduled state assumption of responsibility for the
16 components of the court system, and the amendments and repeals
17 of divisions II and III of 1983 Iowa Acts, ch. 186, take effect
18 only to the extent necessary to implement that scheduled state
19 assumption of responsibility. If an amendment or repeal to a
20 Code section in division II or III of 1983 Iowa Acts, ch. 186,
21 is not effective during the period beginning July 1, 1983, and
22 ending June 30, 1987, the Code section remains in effect for
23 that period. On July 1, 1987, 1983 Iowa Acts, ~~chapter ch.~~ ch. 186,
24 takes effect in its entirety.

25 Sec. 131. Section 633.356, subsection 3, paragraph a,
26 subparagraph (6), Code 2014, is amended to read as follows:

27 (6) If applicable, that the attached copy of the decedent's
28 will is the last will of the decedent and has been admitted
29 to probate or otherwise filed in the office of a clerk of the
30 district court.

31 Sec. 132. Section 633.361, subsection 6, Code 2014, is
32 amended to read as follows:

33 6. Name, relationship and post office address of each
34 beneficiary under the will ~~(if if the decedent died testate)~~
35 testate or of each heir ~~(if if the decedent died intestate)~~



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1 intestate. If any persons take by representation, the personal
 2 representative shall list the deceased person through whom
 3 those persons take and shall also list the persons taking under
 4 that deceased person.

5 Sec. 133. Section 633.510, subsection 2, Code 2014, is
 6 amended to read as follows:

7 2. That the said absentee has property in this state
 8 ~~(describing, describing~~ it with reasonable ~~certainty)~~
 9 certainty, all or part of which is situated in the county in
 10 which the petition is filed.

11 Sec. 134. Section 633.647, subsection 3, Code 2014, is
 12 amended to read as follows:

13 3. To make payments to, or for the benefit of, the ward in
 14 any of the following ways:

15 a. Directly to the ward.

16 b. Directly for the maintenance, welfare, and education of
 17 the ward.

18 c. To the legal guardian of the person of the ward—or.

19 d. To anyone who at the time shall have the custody and care
 20 of the person of the ward.

21 Sec. 135. Section 657.11, subsection 3, Code 2014, is
 22 amended to read as follows:

23 3. a. This section does not apply to a person during any
 24 period that the person is classified as a chronic violator
 25 under this subsection as to any confinement feeding operation
 26 in which the person holds a controlling interest, as defined
 27 by rules adopted by the department of natural resources. This
 28 section shall apply to the person on and after the date that
 29 the person is removed from the classification of chronic
 30 violator. For purposes of this subsection, "*confinement feeding*
 31 *operation*" means an animal feeding operation in which animals
 32 are confined to areas which are totally roofed, and which
 33 are regulated by the department of natural resources or the
 34 environmental protection commission.

35 ~~a.~~ b. (1) A person shall be classified as a chronic



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1 violator if the person has committed three or more violations
2 as described in this subsection prior to, on, or after July 1,
3 1996. In addition, in relation to each violation, the person
4 must have been subject to either of the following:

5 (a) The assessment of a civil penalty by the department or
6 the commission in an amount equal to three thousand dollars or
7 more.

8 (b) A court order or judgment for a legal action brought
9 by the attorney general after referral by the department or
10 commission.

11 (2) Each violation must have occurred within five years
12 prior to the date of the latest violation, counting any
13 violation committed by a confinement feeding operation in which
14 the person holds a controlling interest. A violation occurs
15 on the date the department issues an administrative order to
16 the person assessing a civil penalty of three thousand dollars
17 or more, or on the date the department notifies a person in
18 writing that the department will recommend that the commission
19 refer, or the commission refers the case to the attorney
20 general for legal action, or the date of entry of the court
21 order or judgment, whichever occurs first. A violation under
22 this subsection shall not be counted if the civil penalty
23 ultimately imposed is less than three thousand dollars, the
24 department or commission does not refer the action to the
25 attorney general, the attorney general does not take legal
26 action, or a court order or judgment is not entered against
27 the person. A person shall be removed from the classification
28 of chronic violator on the date on which the person and all
29 confinement feeding operations in which the person holds a
30 controlling interest have committed less than three violations
31 described in this subsection for the prior five years.

32 ~~b.~~ c. For purposes of counting violations, a continuing and
33 uninterrupted violation shall be considered as one violation.
34 Different types of violations shall be counted as separate
35 violations regardless of whether the violations were committed

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1 during the same period. The violation must be a violation of
2 a state statute, or a rule adopted by the department, which
3 applies to a confinement feeding operation and any related
4 animal feeding operation structure, including an anaerobic
5 lagoon, earthen manure storage basin, formed manure storage
6 structure, or egg washwater storage structure; or any related
7 pollution control device or practice. The structure, device,
8 or practice must be part of the confinement feeding operation.
9 The violation must be one of the following:

10 (1) Constructing or operating a related animal feeding
11 operation structure or installing or using a related pollution
12 control device or practice, for which the person must obtain
13 a permit, in violation of statute or rules adopted by the
14 department, including the terms or conditions of the permit.

15 (2) Intentionally making a false statement or
16 misrepresenting information to the department as part of an
17 application for a construction permit for the related animal
18 feeding operation structure, or the installation of the related
19 pollution control device or practice, for which the person must
20 obtain a construction permit from the department.

21 (3) Failing to obtain a permit or approval by the department
22 for a permit to construct or operate a confinement feeding
23 operation or use a related animal feeding operation structure
24 or pollution control device or practice, for which the person
25 must obtain a permit from the department.

26 (4) Operating a confinement feeding operation, including a
27 related animal feeding operation structure or pollution control
28 device or practice, which causes pollution to the waters of the
29 state, if the pollution was caused intentionally, or caused
30 by a failure to take measures required to abate the pollution
31 which resulted from an act of God.

32 (5) Failing to submit a manure management plan as required,
33 or operating a confinement feeding operation required to have
34 a manure management plan without having submitted the manure
35 management plan.

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1 Sec. 136. Section 692.5, Code 2014, is amended to read as
2 follows:

3 **692.5 Right of notice, access and challenge.**

4 1. Any person or the person's attorney shall have the
5 right to examine and obtain a copy of criminal history data
6 filed with the department that refers to the person. The
7 person or person's attorney shall present or mail to the
8 department written authorization and the person's fingerprint
9 identification. The department shall not copy the fingerprint
10 identification and shall return or destroy the identification
11 after the copy of the criminal history data is made. The
12 department may prescribe reasonable hours and places of
13 examination.

14 2. Any person who files with the division a written
15 statement to the effect that a statement contained in the
16 criminal history data that refers to the person is nonfactual,
17 or information not authorized by law to be kept, and requests
18 a correction or elimination of that information that refers
19 to that person shall be notified within twenty days by the
20 division, in writing, of the division's decision or order
21 regarding the correction or elimination. Judicial review of
22 the actions of the division may be sought in accordance with
23 the terms of the Iowa administrative procedure Act, chapter
24 17A. Immediately upon the filing of the petition for judicial
25 review the court shall order the division to file with the
26 court a certified copy of the criminal history data and in no
27 other situation shall the division furnish an individual or the
28 individual's attorney with a certified copy, except as provided
29 by this chapter.

30 3. Upon the request of the petitioner, the record and
31 evidence in a judicial review proceeding shall be closed to
32 all but the court and its officers, and access thereto shall
33 be refused unless otherwise ordered by the court. The clerk
34 shall maintain a separate docket for such actions. A person,
35 other than the petitioner, shall not permit a copy of any of

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1 the testimony or pleadings or the substance thereof to be made
2 available to any person other than a party to the action or
3 the party's attorney. Violation of this section shall be a
4 public offense, punishable under section 692.7. The provisions
5 of this section shall be the sole right of action against the
6 department, its subdivisions, or employees regarding improper
7 storage or release of criminal history data.

8 4. Whenever the division corrects or eliminates data as
9 requested or as ordered by the court, the division shall advise
10 all agencies or individuals who have received the incorrect
11 information to correct their files. Upon application to the
12 district court and service of notice on the commissioner of
13 public safety, any individual may request and obtain a list of
14 all persons and agencies who received criminal history data
15 referring to the individual, unless good cause be shown why the
16 individual should not receive ~~said~~ the list.

17 Sec. 137. Section 707.11, subsection 1, Code 2014, is
18 amended to read as follows:

19 1. A person commits the offense of attempt to commit murder
20 when, with the intent to cause the death of another person
21 and not under circumstances which would justify the person's
22 actions, the person does any act by which the person expects
23 to set in motion a force or chain of events which will cause or
24 result in the death of the other person.

25 Sec. 138. Section 715C.1, subsection 11, Code 2014, is
26 amended to read as follows:

27 11. a. "*Personal information*" means an individual's first
28 name or first initial and last name in combination with any
29 one or more of the following data elements that relate to the
30 individual if any of the data elements are not encrypted,
31 redacted, or otherwise altered by any method or technology in
32 such a manner that the name or data elements are unreadable:

33 ~~a.~~ (1) Social security number.

34 ~~b.~~ (2) Driver's license number or other unique

35 identification number created or collected by a government



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1 body.

2 ~~e-~~ (3) Financial account number, credit card number, or
3 debit card number in combination with any required security
4 code, access code, or password that would permit access to an
5 individual's financial account.

6 ~~d-~~ (4) Unique electronic identifier or routing code, in
7 combination with any required security code, access code, or
8 password that would permit access to an individual's financial
9 account.

10 ~~e-~~ (5) Unique biometric data, such as a fingerprint, retina
11 or iris image, or other unique physical representation or
12 digital representation of biometric data.

13 b. "Personal information" does not include information
14 that is lawfully obtained from publicly available sources, or
15 from federal, state, or local government records lawfully made
16 available to the general public.

17 Sec. 139. Section 719.1, subsections 1 and 2, Code 2014, are
18 amended to read as follows:

19 1. a. A person commits interference with official acts when
20 the person knowingly resists or obstructs anyone known by the
21 person to be a peace officer, emergency medical care provider
22 under chapter 147A, or fire fighter, whether paid or volunteer,
23 in the performance of any act which is within the scope of the
24 lawful duty or authority of that officer, emergency medical
25 care provider under chapter 147A, or fire fighter, whether paid
26 or volunteer, or who knowingly resists or obstructs the service
27 or execution by any authorized person of any civil or criminal
28 process or order of any court.

29 ~~a-~~ b. Interference with official acts is a simple
30 misdemeanor. In addition to any other penalties, the
31 punishment imposed under this paragraph shall include
32 assessment of a fine of not less than two hundred fifty
33 dollars.

34 ~~b-~~ c. If a person commits interference with official acts,
35 as defined in this subsection, which results in bodily injury,



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1 the person commits a serious misdemeanor.

2 ~~e.~~ d. If a person commits interference with official acts,
3 as defined in this subsection, which results in serious injury,
4 the person commits an aggravated misdemeanor.

5 ~~d.~~ e. If a person commits an interference with official
6 acts, as defined in this subsection, and in so doing inflicts
7 bodily injury other than serious injury, that person commits an
8 aggravated misdemeanor.

9 ~~e.~~ f. If a person commits an interference with official
10 acts, as defined in this subsection, and in so doing inflicts
11 or attempts to inflict serious injury, or displays a dangerous
12 weapon, as defined in section 702.7, or is armed with a
13 firearm, that person commits a class "D" felony.

14 2. a. A person under the custody, control, or supervision
15 of the department of corrections commits interference with
16 official acts when the person knowingly resists, obstructs, or
17 interferes with a correctional officer, agent, employee, or
18 contractor, whether paid or volunteer, in the performance of
19 the person's official duties.

20 ~~a.~~ b. Interference with official acts in violation of this
21 subsection is a serious misdemeanor.

22 ~~b.~~ c. If a person violates this subsection and in so doing
23 commits an assault, as defined in section 708.1, the person
24 commits an aggravated misdemeanor.

25 ~~e.~~ d. If a person violates this subsection and the
26 violation results in bodily injury to another, the person
27 commits an aggravated misdemeanor.

28 ~~d.~~ e. If a person violates this subsection and the
29 violation results in serious injury to another, the person
30 commits a class "D" felony.

31 ~~e.~~ f. If a person violates this subsection and in so
32 doing inflicts or attempts to inflict bodily injury other
33 than serious injury to another, displays a dangerous weapon,
34 as defined in section 702.7, or is armed with a firearm, the
35 person commits a class "D" felony.



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1 ~~f.~~ g. If a person violates this subsection and uses or
2 attempts to use a dangerous weapon, as defined in section
3 702.7, or inflicts serious injury to another, the person
4 commits a class "C" felony.

5 Sec. 140. Section 904.602, subsection 10, Code 2014, is
6 amended to read as follows:

7 10. Regulations, procedures, and policies that govern the
8 internal administration of the department and the judicial
9 district departments of correctional services under chapter
10 905, which if released may jeopardize the secure operation of a
11 correctional institution operation or program are confidential
12 unless otherwise ordered by a court. These records include
13 procedures on inmate movement and control, staffing patterns
14 and regulations, emergency plans, internal investigations,
15 equipment use and security, building plans, operation,
16 and security, security procedures for inmate, staff, and
17 visits, daily operation records, and contraband and medicine
18 control. These records are exempt from the public inspection
19 requirements in section 17A.3 and section 22.2.

20 ~~These records are exempt from the public inspection~~
21 ~~requirements in section 17A.3 and section 22.2.~~

DIVISION II

CORRESPONDING CHANGES

24 Sec. 141. Section 99F.15, subsection 6, Code 2014, is
25 amended to read as follows:

26 6. Except for wagers on gambling games or exchanges for
27 money as provided in section 99F.9, subsection 4 3, a licensee
28 who exchanges tokens, chips, or other forms of credit to be
29 used on gambling games for anything of value commits a simple
30 misdemeanor.

31 Sec. 142. Section 99F.16, subsection 2, Code 2014, is
32 amended to read as follows:

33 2. Except for coins authorized in section 99F.9, subsection
34 4 3, all moneys, coin, and currency found in close proximity of
35 wagers, or of records of wagers are presumed forfeited. The



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1 burden of proof is upon the claimant of the property to rebut
2 this presumption.

3 Sec. 143. Section 422.34A, subsection 8, Code 2014, is
4 amended to read as follows:

5 8. Utilizing a distribution facility within this state,
6 owning or leasing property at a distribution facility within
7 this state that is used at or distributed from the distribution
8 facility, or selling property shipped or distributed from
9 a distribution facility. For purposes of this subsection,
10 *"distribution facility"* means an establishment where shipments
11 of tangible personal property are processed for delivery
12 to customers. *"Distribution facility"* does not include an
13 establishment where retail sales of tangible personal property
14 or returns of such property are undertaken with respect to
15 retail customers on more than twelve days a year except for a
16 distribution facility which processes customer sales orders
17 by mail, telephone, or electronic means, if the distribution
18 facility also processes shipments of tangible personal property
19 to customers provided that not more than ten percent of the
20 dollar amount of goods are delivered and shipped so as to be
21 included in the gross sales of the corporation within this
22 state as provided in section 422.33, subsection 2, paragraph ~~"b"~~
23 "a", subparagraph ~~(6)~~ (2), subparagraph division (f).

24 Sec. 144. Section 422.36, subsection 6, Code 2014, is
25 amended to read as follows:

26 6. A foreign corporation is not required to file a return
27 if its only activities in Iowa are the storage of goods for a
28 period of sixty consecutive days or less in a warehouse for
29 hire located in this state whereby the foreign corporation
30 transports or causes a carrier to transport such goods
31 to that warehouse and provided that none of the goods are
32 delivered or shipped so as to be included in the gross sales
33 of the corporation within this state as provided in section
34 422.33, subsection 2, paragraph ~~"b"~~ "a", subparagraph ~~(6)~~ (2),
35 subparagraph division (f).

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1 Sec. 145. Section 805.8C, subsection 5, paragraphs a and b,
2 Code 2014, are amended to read as follows:

3 a. For violations of legal age for gambling wagering under
4 section 99D.11, subsection 7, section 99F.9, subsection 5 4,
5 and section 725.19, subsection 1, the scheduled fine is five
6 hundred dollars. Failure to pay the fine by a person under the
7 age of eighteen shall not result in the person being detained
8 in a secure facility.

9 b. For legal age violations for entering or attempting
10 to enter a facility under section 99F.9, subsection 6 5, the
11 scheduled fine is five hundred dollars. Failure to pay the
12 fine by a person under the age of eighteen shall not result in
13 the person being detained in a secure facility.

14 DIVISION III

15 DIRECTIVES

16 Sec. 146. CODE EDITOR DIRECTIVES.

17 1. Sections 53.38, 53.39, 53.41, 53.44, 53.48, 53.49,
18 53.50, 53.51, 53.52, 73.15, 73.21, 85.63, 85.67, 85.68,
19 234.24, 234.26, 234.27, 234.28, 260C.56, 260C.57, 260C.61,
20 260C.63, 260C.64, 260C.65, 260C.67, 262.53, 262.56, 262.59,
21 262.60, 262.62, 262.63, 262.64, 262.65, 263.13, 358.36, 358.37,
22 461A.75, 461A.76, 461A.78, 462A.85, 476.26, 476.82, 483A.56,
23 and 499.71, are amended by striking the word "division" and
24 inserting in lieu thereof the word "subchapter".

25 2. Sections 53.46, subsections 1, 3, 5, 6, and 7; 53.53,
26 subsections 1 and 3; 73.16, subsection 2, paragraph "c";
27 85.65A, subsection 3, paragraph "e"; 85.66, subsection 1;
28 262.55, unnumbered paragraph 1; 263.11, unnumbered paragraph
29 1; 462A.77, subsection 9; 462A.83, unnumbered paragraph 1;
30 476.23, subsections 2 and 4; 476.25, subsection 1; 476.42,
31 unnumbered paragraph 1; 476.42, subsection 1, paragraph
32 "b"; 476.42, subsection 4, paragraph "b"; 476.44, subsection
33 2, paragraph "a"; 476.72, unnumbered paragraph 1; 476.76,
34 unnumbered paragraph 1; 483A.50, unnumbered paragraph 1;
35 483A.50, subsection 1; 483A.51, subsections 2, 5, and 6;

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1 499.61, unnumbered paragraph 1; 499.69, subsection 1, paragraph
2 "a"; and 499.69, subsection 1, paragraph "b", subparagraph (3),
3 are amended by striking the word "division" and inserting in
4 lieu thereof the word "subchapter".

5 3. Sections 144A.12, 331.449, 331.470, 554.9801, 554.9802,
6 554.9803, 554.9805, and 554.9809 are amended by striking,
7 within the Iowa Acts citation, the word "chapter" and inserting
8 in lieu thereof the abbreviation "ch".

9 4. Sections 202B.202, subsections 2 and 3; 490.1703,
10 subsection 1, unnumbered paragraph 1; 490.1703, subsection
11 2; 514C.27, subsection 1, unnumbered paragraph 1; 516B.2,
12 unnumbered paragraph 1; 535.2, subsection 6, paragraph "a";
13 554.9804, subsection 1; 554.9806, subsection 1, paragraph "a";
14 554.9806, subsection 2, paragraph "b"; 554.9806, subsection
15 3, paragraph "a"; 554.9807, subsections 2 and 5; 602.11101,
16 subsection 2, paragraph "b"; and 602.11101, subsection 3, are
17 amended by striking, within the Iowa Acts citation, the word
18 "chapter" and inserting in lieu thereof the abbreviation "ch".

19 5. Section 589.22 is amended by striking, within the Iowa
20 Acts citation, the letters "ch" and inserting in lieu thereof
21 the abbreviation "ch".

22 6. Sections 202B.202, subsection 1; 426C.4, subsection
23 1, paragraph "b", subparagraph (2); 504.1703, subsection 1,
24 unnumbered paragraph 1; 504.1703, subsection 2; and 508.38,
25 subsection 11, are amended by striking, within the Iowa Acts
26 citation, the letters "ch" and inserting in lieu thereof the
27 abbreviation "ch".

28 7. Section 155A.43 is amended by striking, within the Iowa
29 Acts citation, the words "chapter" and "section" and inserting
30 in lieu thereof the abbreviation "ch." and the symbol "§".

31 8. Sections 8.57, subsection 2; 135C.2, subsection 5;
32 144D.4, subsection 10; 233A.1, subsection 3; 233B.1, subsection
33 3; and 411.30, subsection 1, paragraph "c", are amended by
34 striking, within the Iowa Acts citation, the words "chapter"
35 and "section" and inserting in lieu thereof the abbreviation

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1 "ch." and the symbol "§".

2 9. Section 554.11101 is amended by striking, within the Iowa
3 Acts citation, the words "chapter" and "sections" and inserting
4 in lieu thereof the abbreviation "ch." and the symbol "§".

5 10. Sections 12E.3A, subsection 1; 16.54, subsection
6 2; 135.153, subsection 1; 135.166, subsection 1; 249L.4,
7 subsection 5, paragraph "a"; 312A.3, subsection 1, paragraph
8 "a"; 315.4, subsection 1, paragraph "a", subparagraph (2);
9 455E.11, subsection 2, paragraph "a", subparagraph (2),
10 subparagraph division (f); and 505.32, subsection 2, paragraph
11 "g", are amended by striking, within the Iowa Acts citation,
12 the word "section" and inserting in lieu thereof the symbol
13 "§".

14 11. Section 446.45 is amended by striking, within the
15 Iowa Acts citation, the word "sections" and inserting in lieu
16 thereof the symbol "§".

17 12. Section 229.39, subsection 3, paragraph "a", is amended
18 by striking, within the Iowa Acts citation, the word "sections"
19 and inserting in lieu thereof the symbol "§".

20 **EXPLANATION**

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

23 This bill makes Code changes and corrections that are
24 considered to be nonsubstantive and noncontroversial, in
25 addition to style changes. Changes made include updating
26 or correcting names of and references to public and private
27 entities and funds, corrections to references to federal
28 Acts, changes to format, correcting internal Code and Iowa
29 Acts references and terminology, making various corrections
30 to spelling and grammar, punctuation changes, and numbering,
31 renumbering, and reorganizing various provisions to eliminate
32 unnumbered paragraphs and to facilitate citation. The Code
33 sections in which the technical, grammatical, and other
34 nonsubstantive changes are made include the following:

35 **DIVISION I.**

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1 Code section 2.10: Numbers unnumbered paragraphs to
2 eliminate the unanchored unnumbered paragraph within this
3 provision relating to payment of per diem to members of the
4 general assembly.

5 Code section 2.48: Adds a subsection headnote to a
6 provision relating to subsequent reviews of tax expenditures or
7 incentives by the legislative oversight committee. All other
8 subsections in the Code section have subsection headnotes.

9 Code section 8.6: Combines a paragraph relating to rules
10 pertaining to customer councils with another paragraph that
11 also relates to those rules, and renumbers the resulting
12 paragraph.

13 Code sections 10A.104 and 10A.105: Updates punctuation
14 by replacing parentheses with commas around citations to the
15 federal Indian Gaming Regulatory Act, in provisions regarding
16 agreements or compacts between the state of Iowa and Indian
17 tribes to implement the federal Act and the confidentiality of
18 related records and materials.

19 Code section 13B.4B: Updates the style of language relating
20 to when summary claims data, which has been submitted to
21 the state public defender and pertains to an attorney's
22 representation of an indigent client, may be released.

23 Code section 15J.2: Corrects the subject-verb agreement in
24 language defining what constitutes a substantial improvement
25 to property.

26 Code section 16.1: Reformats and adds the words "the
27 following" to eliminate a nonconforming Code numbering scheme
28 in language defining the term "low or moderate income families"
29 for purposes of provisions under the jurisdiction of the Iowa
30 finance authority.

31 Code section 16.2A: Adds the word "division" before the
32 word "board" in two places in language relating to the board
33 of the title guaranty division of the Iowa finance authority.
34 The term "board" is defined in Code chapter 16 to mean the Iowa
35 finance authority board of directors.

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1 Code section 24.9: Numbers unnumbered paragraphs to
2 facilitate citation to this provision pertaining to the process
3 for adoption and certification of municipal budget estimates.

4 Code section 28E.24: Numbers unnumbered paragraphs to
5 facilitate citation to this provision pertaining to the
6 determination of the amount and sources of revenue for a
7 unified law enforcement district created by a Code chapter 28E
8 agreement.

9 Code section 49.7: Numbers unnumbered paragraphs to
10 facilitate citation to this provision pertaining to the
11 schedule and filing requirement for changes to election
12 precinct boundary lines after the redistricting if
13 congressional and legislative districts becomes law.

14 Code section 49.64: Numbers items in a series that appears
15 after a colon and which describes the number of ballots that
16 are to be delivered to an election precinct by the commissioner
17 of elections in presidential and nonpresidential elections.

18 Code section 53.37: Replaces chapter subunit references
19 to "division" with chapter subunit references to "subchapter"
20 and corrects the name of a federal Act pertaining to absentee
21 voting by members of the armed forces and oversees citizens,
22 in this provision regarding absentee voting by members of the
23 armed forces.

24 Code sections 70A.26 and 70A.39: Adds, to facilitate
25 hypertext linkage, a numeric citation to the Code chapter which
26 contains Iowa tort claims Act after a reference to that Act by
27 name in provisions relating to disaster service volunteer leave
28 by public employees and the bone marrow and organ donation
29 incentive program.

30 Code section 73A.21: Strikes an extraneous "that" in
31 language relating to the remedies for the failure of a
32 contractor or subcontractor of a public improvement to file
33 records after receiving a request for records from the labor
34 commissioner.

35 Code section 85.64: Replaces a chapter subunit reference to

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1 "division" with a chapter subunit reference to "subchapter" and
2 numbers unnumbered paragraphs to facilitate citation to this
3 provision regarding limitations of benefits for an employee who
4 becomes permanently disabled due to a compensable injury to or
5 loss of a member or organ if the employee has previously lost
6 or lost use of a different member or organ.

7 Code section 88.5: Updates punctuation by replacing a set of
8 parentheses with commas in language relating to the contents of
9 an application for an order for a temporary variance from an
10 occupational safety or health standard.

11 Code section 89.4: Changes the language of an exception from
12 boiler regulations, for continuous coil-type boilers that are
13 used only for steam vapor, that describes the water temperature
14 that the water inside the boiler cannot exceed, so that the
15 expression of temperature is in numerals, not in words.

16 Code section 96.3: Moves a quotation mark to correct a
17 reference to the term "off" indicator to conform to other
18 instances of that same term in other provisions of Code chapter
19 96, which pertains to unemployment compensation. The term
20 appears correctly in Code section 96.19, subsections 21, 29,
21 and 30, and Code section 96.29, subsection 5.

22 Code section 96.11: Changes the word "insure" to "ensure" in
23 language relating to the taking of actions by the department
24 to make certain that the Iowa extended unemployment insurance
25 benefit language is interpreted and applied in a manner which
26 meets federal requirements.

27 Code section 99F.9: Renumbers to eliminate a reserved
28 subsection within this provision regulating wagering on
29 gambling games. Internal references to this provision are
30 corrected in Division II of this bill.

31 Code section 99F.11: Adds a numeric citation after a
32 reference to the rebuild Iowa infrastructure fund by name to
33 facilitate hypertext linkage to the statute in which the fund
34 is created in language relating to distribution of tax revenues
35 from gambling games.

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1 Code section 101A.7: Numbers unnumbered paragraphs to
2 facilitate citation to this provision relating to inspection
3 by the state fire marshal's office of storage facilities for
4 explosives.

5 Code section 123.41: Moves the words "to a manufacturer" to
6 improve the readability of language relating to application,
7 granting, and renewal of licenses to allow the manufacture,
8 storage, and wholesale disposition and sale of alcoholic
9 liquors.

10 Code section 123.50: Corrects the form of two citations to
11 Code section 123.49 to facilitate hypertext linkage to that
12 Code section in language stating that if a liquor control
13 licensee or wine or beer permittee is convicted of certain
14 offenses, the conviction constitutes grounds for revocation or
15 suspension of the person's license or permit.

16 Code section 124.201: Changes the capitalization of a
17 reference to the term "federal register" in language regarding
18 the designation of controlled substances to conform the
19 capitalization of the term to other instances of the term
20 elsewhere in the Code.

21 Code section 135.64: Corrects a reference to the university
22 of Iowa hospitals and clinics by name in language relating to
23 applications for certificates of need that are submitted by
24 that institution.

25 Code section 135.152: Adds the word "for" to improve
26 the readability of language relating to determinations of
27 eligibility for assistance under the medical assistance and
28 medically needy programs and the obstetrical and newborn
29 indigent patient care program.

30 Code section 135B.34: Adds the word "adult" to correct
31 a reference to dependent adult abuse in language relating
32 to employment screening for persons being considered for
33 employment in hospitals.

34 Code section 137F.1: Changes an exception to the definition
35 of potentially hazardous food that describes the hydrogen

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1 ion concentration of certain food when measured at certain
2 temperatures by changing the description of temperature levels
3 from words to numbers.

4 Code sections 163.4 and 163.5: Strikes the extraneous
5 word "such" in language describing the powers of assistant
6 veterinarians.

7 Code section 163.27: Changes language describing the
8 boiling requirements for garbage that is to be fed to animals
9 by changing the description of temperature levels from words
10 to numbers.

11 Code section 175.5: Adds the word "and" before the last
12 item in a series to correct the grammar of language describing
13 the duties and powers of the Iowa finance authority under the
14 chapter relating to agricultural development.

15 Code section 176A.10: Corrects internal references to
16 subparagraphs to allow for hypertext linkage in this provision
17 relating to taxation for county agricultural extension
18 education.

19 Code section 185C.6: Adds the word "an" before the words
20 "at-large" in language describing the election of directors
21 to the Iowa corn promotion board to conform the language to
22 similar language elsewhere in the Code describing at-large
23 representation by elected officials.

24 Code section 189A.2: Updates punctuation by replacing
25 parentheses with commas in citations to various federal Acts
26 within definitions referring to those Acts in the Code chapter
27 relating to meat and poultry inspection.

28 Code section 196.8: Changes language describing the
29 temperature limit for storage of eggs intended for human
30 consumption by changing the description of temperature levels
31 from words to numbers.

32 Code section 203C.3: Adds, to facilitate hypertext
33 linkage, a numeric reference to the Code chapter containing
34 the administrative procedure Act, after a reference to that
35 Act by name, in language relating to the appointment of the



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1 department of agriculture and land stewardship as the receiver
2 for agricultural commodities stored in the warehouse of a
3 licensee whose license has been suspended.

4 Code section 203C.28: Numbers unnumbered paragraphs to
5 facilitate citation to a provision relating to tariff rates on
6 the receiving, storage, and load-out of grain by warehouses for
7 agricultural products.

8 Code section 207.4: Numbers and renumbers to eliminate
9 unanchored unnumbered paragraphs in language relating to coal
10 mine site permits.

11 Code section 215.20: Changes language describing the
12 temperature at which liquefied petroleum gas shall be kept,
13 offered, exposed for sale, or sold by the pound or metered
14 cubic foot of vapor by changing the description of the
15 temperature level from words to numbers.

16 Code section 225C.12: Corrects the name of the mental
17 health and disabilities fund in language relating to local
18 deposit and use of state funds appropriated for mental health
19 and disability services to conform to the changes made by 2012
20 Acts, chapter 1120, to the name of the county fund contained in
21 Code section 331.424A.

22 Code sections 225C.32 and 227.2: Updates the name of the
23 local board that coordinates mental health and disability
24 services to conform the name to the changes made to the names
25 of entities, funds, and services for persons with mental health
26 and other disabilities by 2012 Acts, chapter 1120.

27 Code section 226.9C: Corrects the name of the mental health
28 and disabilities fund in language relating to the splitting
29 of charges for services between the fund established in Code
30 section 331.424A and the county's budget for substance abuse
31 expenditures to conform to the change made to the name of that
32 fund by 2012 Acts, chapter 1120.

33 Code section 229.21: Moves a reference to Code section
34 229.6 to place the reference both in Code order and with the
35 language relating to involuntary hospitalization that the



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1 reference modifies in this provision relating to the filing of
2 applications for involuntary hospitalization of persons with
3 mental health or substance-related disorders.

4 Code section 231.23A: Strikes the word "program" from
5 language listing the aging and disability resource center as
6 an entity that is administered by the department on aging to
7 conform to changes made to the enabling statute for the center,
8 Code section 231.64, by 2013 Acts, chapter 29, §29.

9 Code section 232.7: Corrects the year of enactment in a
10 citation to the federal Adoption and Safe Families Act in this
11 provision relating to juvenile court proceedings involving an
12 Indian child. Public law number 105-89 was signed on November
13 19, 1997, by President Bill Clinton.

14 Code sections 232.175 and 232.178: Corrects the name of the
15 federal Adoption Assistance and Child Welfare Act in language
16 relating to foster care placement of children in conformance
17 with that Act.

18 Code section 235A.18: Adds the word "that" to improve the
19 readability of language regarding the retention of a person's
20 name on the child abuse registry.

21 Code section 249A.26: Changes language relating to case
22 management for mental health and disabilities services
23 to conform to the changes made by 2012 Acts, chapter
24 1120, to names of the entities, funds, and services that
25 provide assistance to persons with mental health and other
26 disabilities.

27 Code section 252.13: Numbers unnumbered paragraphs and
28 creates a lettered list in language describing the recovery of
29 expenditures made by counties for the assistance or support of
30 the poor from various persons and entities.

31 Code sections 252B.4, 252B.13A, and 252.24: Corrects
32 multiple federal United States Code section citations by
33 lower-casing the lettered portion of the alphanumeric section
34 cited in provisions governing the collection of child support.

35 Code section 256.35: Corrects a reference in this provision

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1 establishing the regional autism assistance program to the
2 child health specialty clinics of the university of Iowa
3 hospitals and clinics by name to conform the reference to other
4 references to the clinics elsewhere in the Code.

5 Code section 256.39: Changes a verb to a noun to conform
6 the usage in this paragraph describing an element that must be
7 included in a career pathways program to the language contained
8 in the prefatory clause and to the usage in the remaining
9 paragraphs of the subsection.

10 Code section 256F.2: Corrects the subject-verb agreement in
11 this definition of an "innovation zone consortium".

12 Code section 257.31: Corrects the subject-verb agreement
13 and replaces generic paragraph references with specific
14 letter references in language relating to the appropriation of
15 supplemental aid to certain school districts.

16 Code section 258.16: Corrects an internal reference to
17 facilitate hypertext linkage in language relating to planning
18 for vocational education instructional programs.

19 Code section 260C.18A: Strikes the words "of education"
20 after a reference to the department of education in language
21 relating to the development of career academies. The term
22 "department" is defined in Code chapter 260C as meaning the
23 department of education.

24 Code sections 260C.58 and 260C.62: Numbers unnumbered
25 paragraphs to facilitate citation and replaces chapter subunit
26 references to "division" with chapter subunit references
27 to "subchapter" in two provisions relating to bonding for
28 community college facilities.

29 Code sections 260F.6, 260F.6B, and 260F.7: Strikes the
30 words "economic development" that appear before the word
31 "authority" in two Iowa jobs training program provisions. The
32 term "authority" is defined in Code chapter 260F as meaning the
33 economic development authority.

34 Code section 261.19: Corrects a reference by name to the Des
35 Moines university — osteopathic medical center within language

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1 establishing the health care professional recruitment program
2 to conform the reference to other references to that medical
3 center elsewhere in the Code.

4 Code sections 262.57 and 262.61: Numbers unnumbered
5 paragraphs to facilitate citation and replaces chapter subunit
6 references to "division" with chapter subunit references
7 to "subchapter" in two provisions relating to bonding for
8 facilities at board of regents institutions.

9 Code section 275.23A: Changes the word "nor" to "and not" to
10 correct the grammar of a sentence that established the timing
11 for adoption of a resolution by a school board to authorize
12 a change in the boundaries, the number of directors, or the
13 method of election of directors of an existing school district
14 director district.

15 Code section 297.36: Numbers unnumbered paragraphs to
16 facilitate citation to this provision regarding loan agreements
17 that are entered into by school boards in anticipation of
18 collection of a voter-approved tax levy to fund physical plant
19 and equipment improvements.

20 Code section 312.2: Reformats an internal reference to
21 facilitate hypertext linkage in language relating to allotments
22 from the road use tax fund.

23 Code section 321.258: Reformats an extended series into
24 a lettered list to improve the readability of this provision
25 regarding arrangement of lights on official traffic-control
26 signals.

27 Code section 321.440: Updates the punctuation in a lettered
28 list to conform to current Code style in a provision that
29 enumerates the defects that will cause a pneumatic tire to be
30 deemed unsafe.

31 Code section 331.382: Strikes an extraneous "or" in a series
32 of citations to Code chapters and portions of Code chapters,
33 which a county board must follow when taking action regarding
34 the special districts that are authorized under those Code
35 chapters.

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1 Code section 341A.18: Numbers unnumbered paragraphs to
2 facilitate citation to this provision enumerating the civil
3 rights and responsibilities of persons who seek or obtain civil
4 service employment.

5 Code section 392.5: Numbers unnumbered paragraphs and
6 modifies the format of an existing Iowa Acts reference in
7 this provision relating to local library boards to facilitate
8 citation and to conform to the Iowa Acts reference to
9 references which are modified elsewhere in this bill.

10 Code sections 403.8 and 403.9: Reformats internal
11 references to facilitate hypertext linkage in these two
12 provisions in the urban renewal chapter.

13 Code section 419.4: Adds the word "the" before the word
14 "lessee" to improve the readability of a series and conform the
15 series to other language within the same subparagraph in this
16 provision relating to bond revenues for municipal projects.

17 Code section 422.11S: Strikes an extraneous "and" in a
18 series that describes the years and amounts which constitute
19 "total approved tax credits" in the enumerated tax years.

20 Code section 422.12C: Renumbers to eliminate unanchored
21 unnumbered paragraphs within this provision governing early
22 childhood development tax credits and expenses.

23 Code section 422.33: Renumbers to eliminate unanchored
24 unnumbered paragraphs and corrects internal references within
25 this provision relating to business tax on corporations.
26 Internal references to this Code section are corrected in
27 division II of this bill.

28 Code section 422.70: Splits a paragraph into two and then
29 redesignates the new and the remaining, succeeding paragraphs
30 to perfect the listing of the powers of the director of revenue
31 with respect to determinations of taxpayer tax liability.

32 Code section 423.3: Renumbers to eliminate unanchored
33 unnumbered paragraphs within this provision defining the term
34 "prosthetic device" for purposes of a sales tax exemption for
35 certain drugs, devices, and equipment.

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1 Code section 426A.8: Numbers unnumbered paragraphs to
2 facilitate citation and corrects an internal reference in this
3 provision governing military service tax exemptions.

4 Code section 426A.11: Adds commas in two places to complete
5 the set-off of descriptive clauses in language describing the
6 amount of the value of a veteran's property that is allowed for
7 purposes of the military service tax exemption.

8 Code section 426B.5: Corrects, in two places, references
9 by name to the mental health and disabilities fund which is
10 established in Code section 331.424A to conform to the changes
11 made to the name of that fund by 2012 Acts, chapter 1120.

12 Code section 445.37: Numbers unnumbered paragraphs to
13 facilitate citation to this provision describing when taxes are
14 considered delinquent.

15 Code sections 452A.2, 452A.3, and 452A.86: Changes language
16 describing the temperature at which various motor fuels
17 are kept when offered for sale, exposed for sale, or sold,
18 for purposes of excise taxes on that fuel, by changing the
19 description of the temperature level from words to numbers.

20 Code section 455B.171: Changes language in two definitions
21 describing petroleum and other regulated substances, for
22 purposes of federal and state environmental protection
23 regulation, by changing the description of temperature levels
24 from words to numbers.

25 Code section 455E.11: Splits a subparagraph subdivision and
26 numbers the resulting new subparagraph subdivision, to place
27 a definition that, by its own terms, applies to the entire
28 subparagraph division.

29 Code section 455G.2: Changes language in the definition of
30 petroleum-leaking underground petroleum storage tank chapter,
31 by changing the description of temperature levels from words
32 to numbers.

33 Code section 455G.13: Changes "owner" to "owner's" and
34 strikes a comma to correct the grammar and punctuation in this
35 provision relating to rights and liabilities of persons for

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1 release of petroleum from an underground storage tank.

2 Code section 456A.37: Changes a reference to wildlife
3 or plant species, within this provision relating to invasive
4 species, from plural to singular, to make references to those
5 species consistent throughout this Code section.

6 Code section 462A.2: Moves a quotation mark that relates to
7 a subdefinition within the definition of the term "proceeds" to
8 be consistent with the quotation marks used to describe another
9 related subdefinition within this definitions provision for the
10 Code chapter regulating water navigation.

11 Code section 468.188: Numbers unnumbered paragraphs to
12 facilitate citation to this provision relating to public
13 improvements which divide a levee and drainage district.

14 Code section 468.500: Adds the words "subchapter II" to
15 two internal references to facilitate hypertext linkage to
16 those references in a provision relating to the placement of
17 the management of a drainage or levee district under a board
18 of trustees.

19 Code section 479.5: Numbers and letters unnumbered
20 paragraphs to facilitate citation to this provision relating to
21 applications for permits to construct, maintain, and operate a
22 pipeline in this state.

23 Code section 481A.1: Capitalizes the scientific names used
24 in this definition of whitetail deer to be consistent with the
25 capitalization of the other scientific names used in this Code
26 section.

27 Code section 481A.10A: Reformats this provision relating
28 to the farmer advisory committee to create subsections and to
29 put the elements of an extended series into a lettered list to
30 improve the readability of the provision.

31 Code section 483A.54: Numbers unnumbered paragraphs to
32 facilitate citation and replaces chapter subunit references to
33 "division" with chapter subunit references to "subchapter" in
34 this provision that exempts the state and state officials from
35 liability for the payment of bonds that are payable from the

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1 wildlife habitat bond fund.

2 Code section 493.9: Changes the word "two-third" to
3 "two-thirds" to correctly describe the proportion of the
4 vote of each class of stock that is needed for a business or
5 professional corporation to make changes to the corporation's
6 stock.

7 Code section 508.36: Redesignates this provision describing
8 the weighting factors used in computation of the minimum
9 standard for the valuation of life insurance policies,
10 annuities, and pure endowment contracts to eliminate one
11 level of numbering, and corrects related internal references,
12 because the current scheme has a subparagraph (1), but has no
13 subparagraph (2).

14 Code section 514.1: Alphabetizes definitions within
15 the definitions provision for the Code chapter relating to
16 nonprofit health service corporations.

17 Code section 514I.10: Strikes parentheses within a United
18 State Code reference to correct the alphanumeric section
19 reference in language describing the federal cost sharing
20 standards used in the hawk-i program.

21 Code section 521B.102: Replaces parentheses with commas to
22 improve the punctuation within this provision governing when
23 credit for reinsurance is allowed to a domestic ceding insurer.

24 Code section 554.1110: Enacts a Code section headnote
25 for a section of the uniform commercial code, pertaining to
26 the adoption of rules for filing and indexing. The headnote
27 for the Code section was supplied by the Code editor at the
28 time the section was codified, because the headnote was not
29 present in 1967 Iowa Acts, chapter 390, §6, when the enabling
30 legislation was enacted. Code section 3.3 provides that
31 headnotes in Code chapter 554 are to be considered part of the
32 law as enacted.

33 Code section 554.1201: Places quotes around defined terms
34 that are within the definition of the term "document of title"
35 in the general definitions section for the uniform commercial

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1 code.

2 Code section 554.2311: Supplies two missing commas after
3 internal references that appear in this provision regarding
4 options relating to assortment of the goods under a contract
5 for sale.

6 Code section 556.1: Redesignates paragraphs to eliminate
7 unanchored unnumbered paragraphs in this definition of property
8 that is contained within the general definitions section of the
9 Code chapter governing disposition of unclaimed property.

10 Code section 559.2: Supplies missing commas in two
11 provisions that each contain a series describing the nature of
12 a power to appoint that is conveyed in a written instrument and
13 that affects real property.

14 Code section 562A.2: Changes the word "insure" to "ensure"
15 in language describing the purposes of the Code chapter
16 governing the rental of property and obligations of landlords
17 and tenants.

18 Code section 562A.12: Hyphenates to correct the usage of
19 the term "bad-faith" in this provision describing when the
20 retention of a deposit by a landlord will subject the landlord
21 to punitive damages.

22 Code section 589.16: Standardizes the citation form of
23 two citations to the Code of 1935 to permit future hypertext
24 linkage to those prior Codes within this legalizing Act that
25 validates certain tax sales.

26 Code sections 600.1 and 600A.3: Corrects the year of
27 enactment within two citations to the federal Adoption and
28 Safe Families Act, Pub. L. No. 105-89, in provisions relating
29 to adoption of an Indian child and termination of the child's
30 parents' parental rights. The public law was signed on
31 November 19, 1997, by President Bill Clinton.

32 Code section 602.11101: Updates the form of citations to
33 1983 Iowa Acts, chapter 186 to facilitate future hypertext
34 linkage to that 1983 Iowa Act and to distinguish references
35 to portions of that Act from references to portions of Code

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1 chapter 602 in this provision describing the transitional
2 implementation of those 1983 changes to this Code chapter
3 relating to the operation of the Iowa judicial system.

4 Code section 633.356: Adds the word "the" to enhance the
5 readability of language describing the circumstances under
6 which a decedent's personal property may be distributed by
7 affidavit.

8 Code section 633.361: Strikes parentheses to improve the
9 readability of this provision describing the probate report and
10 inventory by the personal representative of an estate.

11 Code section 633.510: Strikes parentheses to improve
12 the punctuation of this provision describing one of the
13 circumstances that must be alleged in order that administration
14 may be had upon the estate of a person who is an absentee.

15 Code section 633.647: Updates the punctuation and deletes
16 the extraneous word "or" within a list describing the way that
17 payments may be made by a conservator to a ward, to conform the
18 provision to current style.

19 Code section 657.11: Redesignates, to eliminate an initial
20 unanchored unnumbered paragraph and to conform to current Code
21 drafting style, in this provision describing when an animal
22 feeding operation is or is not considered to be a chronic
23 violator for purposes of defending against a nuisance suit
24 against the operation.

25 Code section 692.5: Numbers unnumbered paragraphs to
26 facilitate citation to this provision regarding a person's
27 rights with respect to criminal history data that is filed with
28 the department of public safety.

29 Code section 707.11: Adds the words "the offense of"
30 before language naming the offense and then describing the
31 elements of the crime of attempt to commit murder to improve
32 the readability of the language.

33 Code section 715C.1: Redesignates to eliminate unanchored
34 unnumbered paragraphs in the definition of "personal
35 information" in the general definitions provision of the

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1 chapter regarding personal information security breach
2 protection.

3 Code section 719.1: Redesignates, to eliminate an initial
4 unanchored unnumbered paragraph and to conform to current Code
5 drafting style, within this provision regarding the commission
6 of the crime of interference with official acts.

7 Code section 904.602: Combines two paragraphs to eliminate
8 an unanchored unnumbered paragraph in language describing one
9 of the types of records of the department of corrections that
10 are confidential, unless otherwise ordered by a court.

11 DIVISION II. This division contains corrections to internal
12 references to Code sections 99F.9 and 422.33 that are numbered,
13 renumbered, designated, or redesignated in division I of this
14 bill.

15 DIVISION III. This division contains a series of 12 Code
16 editor directives that make internal references within the
17 Code more consistent. The first two directives amend various
18 provisions within the Code to replace references to divisions
19 with references to subchapters in chapters in which the
20 chapter subunits are not currently assigned a chapter subunit
21 designation or numbered, but which have a chapter subunit
22 title. The third through twelfth directives modify the format
23 of existing Iowa Acts references throughout the Code to make
24 the citations consistent.



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House File 2405 - Introduced

HOUSE FILE 2405
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HF 2123)

A BILL FOR

1 An Act relating to the spaying and neutering of pets, by
2 establishing a board and fund, providing for an income tax
3 checkoff, providing a program to assist low-income owners of
4 dogs and cats to spay and neuter their pets, and making an
5 appropriation.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. **NEW SECTION. 162A.1 Definitions.**
2 As used in this chapter, unless the context otherwise
3 requires:
4 1. "*Animal shelter*" means an animal shelter which operates
5 pursuant to a certificate of registration issued or renewed by
6 the department pursuant to section 162.2A.
7 2. "*Board*" means the spay and neuter board created pursuant
8 to section 162A.2.
9 3. "*Department*" means the department of agriculture and land
10 stewardship.
11 4. "*Fund*" means the spay and neuter fund created pursuant
12 to section 162A.6.
13 5. "*Owner*" means an individual who holds title to a pet or
14 who is primarily responsible for the care and feeding of a pet.
15 6. "*Pet*" means a dog or cat.
16 7. "*Secretary*" means the secretary of agriculture.
17 Sec. 2. **NEW SECTION. 162A.2 Creation, mission, department**
18 **of agriculture and land stewardship.**
19 1. A spay and neuter board is created.
20 2. The board's mission shall be to provide financial
21 assistance to low-income owners who spay and neuter their pets.
22 3. The board shall be located in the department of
23 agriculture and land stewardship. The department shall provide
24 office space, administrative functions, and necessary supplies
25 and equipment. The department may charge the board reasonable
26 expenses for performing administrative functions. This
27 chapter shall not be interpreted to authorize the department's
28 supervision, control, or oversight of the board.
29 Sec. 3. **NEW SECTION. 162A.3 Appointment and procedures.**
30 1. The membership of the board shall be composed of three
31 individuals appointed by the secretary as provided in this
32 section.
33 2. The board memberships must include all of the following:
34 a. The state veterinarian.
35 b. A member of the Iowa veterinary medical association.

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1 *c.* A member of the animal rescue league of Iowa.

2 3. Members of the board other than the state veterinarian
3 shall serve three-year staggered terms beginning and ending as
4 provided in section 69.19.

5 *a.* A member is eligible for reappointment.

6 *b.* A vacancy on the board shall be filled for the unexpired
7 portion of the regular term in the same manner as regular
8 appointments are made. The secretary may remove an individual
9 from the board for misfeasance, malfeasance, willful neglect of
10 duty, or other just cause, after notice and hearing, unless the
11 notice and hearing is expressly waived in writing.

12 4. The board shall elect a chairperson from among its
13 members each year on a rotating basis as provided by the board.

14 5. The board shall meet on a regular basis and at the
15 call of the chairperson or upon the written request to the
16 chairperson of any two members.

17 6. The board shall not take substantive action regarding
18 a matter unless the board's three members are present and at
19 least two of the members affirmatively vote to approve the
20 substantive action. However, a lesser number may adjourn a
21 meeting. A majority shall not include any member who has a
22 conflict of interest, and a statement by a member that the
23 member has a conflict of interest is conclusive for this
24 purpose. A vacancy in the membership does not impair the
25 duties of the board.

26 7. A member is entitled to receive reimbursement for actual
27 expenses incurred while engaged in the performance of official
28 duties. A member is not eligible to receive compensation or an
29 additional expense allowance provided in section 7E.6.

30 Sec. 4. NEW SECTION. **162A.4 Powers.**

31 1. The spay and neuter board shall have all powers necessary
32 to administer this chapter, including but not limited to all
33 of the following:

34 *a.* Authorize payments from the spay and neuter fund.

35 *b.* Contract, sue and be sued.

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1 *c.* Accept gifts, grants, and donations, including moneys or
2 services.

3 2. The board shall not in any manner, directly or
4 indirectly, pledge the credit of the state.

5 Sec. 5. NEW SECTION. **162A.5 Duties.**

6 The spay and neuter board shall do all of the following:

7 1. Administer a spay and neuter program for pets of
8 low-income owners as provided in section 162A.7. The board
9 shall to every extent practical cooperate with interested
10 persons, including but not limited to veterinarians, animal
11 shelters, local communities, state agencies, and interested
12 individuals and organizations.

13 2. Manage moneys available to or accepted by the board under
14 this chapter, including moneys deposited in the fund.

15 3. Adopt rules necessary to administer this chapter.

16 4. Submit an annual report to the general assembly on or
17 before January 15 of each year. The report shall summarize
18 board activities, the expenditure of moneys in the fund, and
19 any recommendations that could further the board's mission as
20 provided in section 162A.2.

21 Sec. 6. NEW SECTION. **162A.6 Spay and neuter fund.**

22 1. A spay and neuter fund is created in the state treasury
23 under the control of the spay and neuter board.

24 2. The fund consists of moneys appropriated to the fund by
25 the general assembly, moneys credited to the fund from moneys
26 generated under section 422.12G and other moneys available to
27 or obtained or accepted by the board from public or private
28 sources.

29 3. *a.* Notwithstanding section 12C.7, interest or earnings
30 on moneys in the fund shall be credited to the fund.

31 *b.* Notwithstanding section 8.33, moneys credited to the fund
32 that remain unexpended or unobligated at the end of a fiscal
33 year shall not revert to any other fund.

34 4. Moneys in the fund are appropriated to the board and
35 shall be used exclusively to carry out the provisions of this

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1 chapter as determined and directed by the board.

2 Sec. 7. NEW SECTION. **162A.7 Spay and neuter program for**
3 **pets of low-income owners.**

4 1. A spay and neuter program for pets of low-income owners
5 is created. The program shall be administered by the board as
6 provided in this section.

7 2. The program shall provide financial assistance to
8 low-income owners who spay and neuter their pets, by providing
9 grants or vouchers to persons applying to the board.

10 a. In order to apply for and receive a grant, a person must
11 operate a commercial establishment pursuant to a certificate of
12 registration issued by the department under section 162.2A.

13 b. In order to apply for and receive a voucher, a person
14 must be a veterinarian licensed under chapter 169. The
15 board shall only redeem a voucher submitted to the board upon
16 determining that a low-income owner has had a pet spayed or
17 neutered by a licensed veterinarian.

18 3. The board shall adopt all rules necessary to administer
19 this section, including but not limited to determining
20 qualifications for low-income owners and procedures for
21 receiving, evaluating, and either approving or disapproving
22 applications.

23 Sec. 8. NEW SECTION. **422.12G Income tax checkoff for**
24 **spaying and neutering pets.**

25 1. A person who files an individual or a joint income tax
26 return with the department of revenue under section 422.13 may
27 designate one dollar or more to be paid to the spay and neuter
28 fund established in section 162A.6. If the refund due on the
29 return or the payment remitted with the return is insufficient
30 to pay the amount designated by the taxpayer to the foundation
31 fund, the amount designated shall be reduced to the remaining
32 amount of the refund or the remaining amount remitted with the
33 return. The designation of a contribution to the spay and
34 neuter fund under this section is irrevocable.

35 2. The department of revenue shall draft the income tax

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1 form to allow the designation of contributions to the spay and
 2 neuter fund on the tax return. The department, on or before
 3 January 31, shall transfer the total amount designated on the
 4 tax form due in the preceding year to the spay and neuter fund.

5 3. The board shall adopt rules to administer this section.
 6 However, before a checkoff pursuant to this section shall be
 7 permitted, all liabilities on the books of the department of
 8 administrative services and accounts identified as owing under
 9 section 8A.504 and the political contribution allowed under
 10 section 68A.601 shall be satisfied.

11 Sec. 9. APPOINTMENTS. In making appointments to the spay
 12 and neuter board as created in section 162A.2, as enacted in
 13 this Act, the secretary of agriculture shall appoint a number
 14 of initial members to serve for less or more than three years
 15 to ensure that members serve staggered terms.

16 EXPLANATION

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

19 GENERAL. This bill creates a spay and neuter board (board).
 20 Its mission is to provide financial assistance to low-income
 21 owners who spay and neuter their pets. The board is housed in
 22 the department of agriculture and land stewardship (DALs).

23 BOARD. The bill provides that the board includes the
 24 state veterinarian, a member of the Iowa veterinary medical
 25 association, and a member of the animal rescue league of Iowa.
 26 The board is provided all powers necessary to carry out its
 27 mission. It is required to cooperate with interested persons,
 28 including but not limited to veterinarians, animal shelters,
 29 local communities, state agencies, and interested individuals
 30 and organizations. It must also submit an annual report to the
 31 general assembly summarizing the board's activities.

32 FUND. The bill creates a spay and neuter fund (fund)
 33 under the control of the board. The fund consists of moneys
 34 appropriated to the fund by the general assembly, possible
 35 income tax checkoff moneys, and other moneys available to

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1 and obtained or accepted by the board from public or private
2 sources. The auditor conducts an annual audit of the fund.
3 SPAY AND NEUTER PROGRAM. The bill creates a program for
4 spaying or neutering of pets of low-income owners. The board
5 administers the program by providing financial assistance in
6 the form of grants to animal shelters, pounds, or research
7 facilities and vouchers to licensed veterinarians.
8 REVENUE — INCOME TAX CHECKOFF. The bill provides that a
9 person who files an individual or a joint income tax return
10 with the department of revenue may designate \$1 or more to be
11 paid to the fund. Generally, not more than four income tax
12 return checkoffs are allowed on each income tax return. When
13 the same four income tax return checkoffs have been provided
14 on the income tax return for two consecutive years, the two
15 checkoffs having generated the least amount of contributions
16 are automatically repealed (Code section 422.12E).



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House File 2406 - Introduced

HOUSE FILE 2406
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 621)

A BILL FOR

1 An Act concerning live dog racing at pari-mutuel dog
2 racetracks, simultaneously telecast wagering, establishing
3 fees, and including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 99D.9A Dog racetrack licensure —
2 fees.

3 1. Upon at least fourteen days' written notification to the
4 commission, a licensee authorized to operate a pari-mutuel dog
5 racetrack and to conduct gambling games pursuant to section
6 99F.6 as of January 1, 2014, may, upon agreement to comply with
7 the requirements of this section, discontinue performances of
8 live dog races at the racetrack and maintain a license under
9 this chapter for purposes of permitting pari-mutuel wagering
10 on simultaneously telecast horse races and for purposes of
11 conducting gambling games.

12 2. Upon written notification and discontinuance of live dog
13 racing by a licensee, all of the following shall occur:

14 a. The commission shall determine what portion of the
15 unexpended moneys in the dog racing promotion fund created
16 in section 99D.12 is attributable to the licensee that has
17 discontinued live racing and shall transfer those moneys to the
18 Iowa greyhound pari-mutuel racing retirement fund created in
19 section 99D.9B.

20 b. Any agreement approved by the commission for dog purse
21 supplement payments for live racing that was discontinued by
22 the licensee shall be terminated.

23 c. The commission, the licensee of the pari-mutuel dog
24 racetrack located in Pottawattamie county, and the Iowa
25 greyhound association shall take all action necessary to
26 facilitate the transfer of unexpended funds in an escrow fund
27 created pursuant to a decision in December 1995 regarding
28 dog purse supplements at the racetrack to the commission for
29 deposit in the Iowa greyhound pari-mutuel racing retirement
30 fund created in section 99D.9B.

31 d. The licensee shall pay the live racing cessation fee as
32 provided by this section and shall continue to pay the annual
33 license fee and regulatory fee as a pari-mutuel dog racetrack
34 licensed to operate gambling games pursuant to the requirements
35 of section 99F.4A.

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1 3. For purposes of this section, the live racing cessation
2 fee shall be paid to the commission for deposit in the Iowa
3 greyhound pari-mutuel racing retirement fund created in section
4 99D.9B, which fee shall be determined as follows:

5 a. For the pari-mutuel dog racetrack located in Dubuque
6 county, the payment of two million one hundred forty-two
7 thousand dollars within two weeks of the discontinuance of live
8 racing at the licensee, and two million one hundred forty-three
9 thousand dollars each July 1 for six consecutive calendar years
10 thereafter, commencing on July 1 of the calendar year following
11 the calendar year in which live racing was discontinued.

12 b. For the pari-mutuel dog racetrack located in
13 Pottawattamie county, the payment of seven million eight
14 hundred fifty-two thousand dollars within two weeks of the
15 discontinuance of live racing at the licensee, and seven
16 million eight hundred fifty-eight thousand dollars each July
17 1 for six consecutive calendar years thereafter, commencing
18 on July 1 of the calendar year following the calendar year in
19 which live racing was discontinued.

20 4. A licensee who discontinues live racing pursuant to
21 the requirements of this section shall remain licensed as a
22 pari-mutuel dog racetrack licensed to operate gambling games,
23 shall comply with the requirements of this chapter applicable
24 to a dog racetrack licensee except for those requirements
25 applicable to live racing, and shall be permitted, but not
26 required, to conduct pari-mutuel wagering on simultaneously
27 telecast horse races.

28 Sec. 2. NEW SECTION. **99D.9B Iowa greyhound pari-mutuel**
29 **racing retirement fund.**

30 1. An Iowa greyhound pari-mutuel racing retirement fund is
31 created in the state treasury under the control of the racing
32 and gaming commission.

33 2. The fund shall consist of all of the following:

34 a. Moneys in the dog racing promotion fund created in
35 section 99D.12 that were deposited in those funds from a dog

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1 racetrack licensee that discontinues scheduling performances of
2 live dog races pursuant to section 99D.9A.

3 **b.** Moneys representing greyhound racing escrow funds that
4 are transferred to the fund pursuant to the requirements of
5 section 99D.9A.

6 **c.** Moneys deposited in the fund from the live racing
7 cessation fee established in section 99D.9A.

8 3. Moneys in the fund shall be distributed by the
9 commission, in the sole discretion of the commission, to
10 eligible recipients in an expeditious manner pursuant to rules
11 adopted by the commission. The rules shall provide for the
12 determination of eligible recipients by the commission and may
13 require such documentation from eligible recipients as the
14 commission deems appropriate for the commission to determine
15 eligibility and the distribution of moneys in the fund to
16 eligible recipients. The commission may use moneys in the
17 fund to retain a consultant to assist the commission in the
18 development of a distribution plan to eligible recipients.
19 In determining the distribution of moneys in the fund to
20 eligible recipients, the commission may consider how long an
21 eligible recipient was involved in greyhound racing, whether
22 the eligible recipient is still involved in greyhound racing or
23 how recently the eligible recipient was involved in greyhound
24 racing, the eligible recipient's record concerning animal
25 welfare, the extent of the eligible recipient's involvement in
26 greyhound racing and whether the services provided were unique
27 to the greyhound industry or are services which are generally
28 provided regardless of the nature of the business, whether
29 the eligible recipient is located in the state, and any other
30 factors the commission deems appropriate. For purposes of this
31 section, "*eligible recipients*" means greyhound owners, greyhound
32 breeders, kennel operators, any persons involved in greyhound
33 racing in Iowa, and no-kill animal adoption agencies.

34 4. Section 8.33 does not apply to moneys in the fund.
35 Notwithstanding section 12C.7, subsection 2, interest or

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1 earnings on moneys deposited in the fund shall be credited to
2 the fund.

3 5. The commission shall adopt rules to administer this
4 section. The commission may adopt rules on an emergency basis
5 as provided in sections 17A.4 and 17A.5 to administer this
6 section. Any emergency rules adopted in accordance with this
7 section shall also be published as a notice of intended action
8 as provided in section 17A.4.

9 Sec. 3. Section 99D.11, subsection 6, paragraph b, Code
10 2014, is amended to read as follows:

11 b. (1) The commission may authorize the licensee to
12 simultaneously telecast within the racetrack enclosure or
13 licensed premises, for the purpose of pari-mutuel wagering, a
14 horse ~~or dog~~ race licensed by the racing authority of another
15 state. It is the responsibility of each licensee to obtain
16 the consent of appropriate racing officials in other states as
17 required by the federal Interstate Horseracing Act of 1978,
18 15 U.S.C. § 3001 - 3007, to televise races for the purpose of
19 conducting pari-mutuel wagering.

20 (2) A licensee may also obtain the permission of a person
21 licensed by the commission to conduct horse ~~or dog~~ races in
22 this state to televise races conducted by that person for the
23 purpose of conducting pari-mutuel ~~racing~~ wagering. However,
24 arrangements made by a licensee to televise any race for
25 the purpose of conducting pari-mutuel wagering are subject
26 to the approval of the commission, and the commission shall
27 select the races to be televised. The races selected by the
28 commission shall be the same for all licensees approved by the
29 commission to televise races for the purpose of conducting
30 pari-mutuel wagering. The commission shall not authorize the
31 simultaneous telecast or televising of and a licensee shall
32 not simultaneously telecast or televise any horse ~~or dog~~ race
33 for the purpose of conducting pari-mutuel wagering unless the
34 simultaneous telecast or televising is done at the racetrack
35 of a licensee that schedules no less than sixty performances

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1 of nine live races each day of the season or at the licensed
 2 premises of a licensee that is not obligated to schedule
 3 performances of live races pursuant to section 99D.9A.

4 (3) For purposes of the taxes imposed under this
 5 chapter, races televised by a licensee for purposes of
 6 pari-mutuel wagering shall be treated as if the races were
 7 held at the racetrack or licensed premises of the licensee.
 8 Notwithstanding any contrary provision in this chapter, the
 9 commission may allow a licensee to adopt the same deductions
 10 as those of the pari-mutuel racetrack from which the races are
 11 being simultaneously telecast.

12 Sec. 4. Section 99D.15, subsection 4, Code 2014, is amended
 13 to read as follows:

14 4. A tax of two percent is imposed on the gross sum
 15 wagered by the pari-mutuel method on horse races ~~and dog~~
 16 ~~races~~ which are simultaneously telecast. The tax imposed by
 17 this subsection is in lieu of the taxes imposed pursuant to
 18 subsection 1 ~~or 3~~, but the tax revenue from simulcast horse
 19 races shall be distributed as provided in subsection 1 ~~and the~~
 20 ~~tax revenue from simulcast dog races shall be distributed as~~
 21 ~~provided in subsection 3.~~

22 Sec. 5. Section 99F.6, subsection 4, paragraph b, Code 2014,
 23 is amended to read as follows:

24 b. (1) The commission shall authorize the licensees of
 25 pari-mutuel dog racetracks located in Dubuque county ~~and Black~~
 26 ~~Hawk county~~ to conduct gambling games as provided in section
 27 99F.4A if the licensees schedule at least one hundred thirty
 28 performances of twelve live races each day during a season of
 29 twenty-five weeks. For the pari-mutuel dog racetrack located
 30 in Pottawattamie county, the commission shall authorize the
 31 licensee to conduct gambling games as provided in section
 32 99F.4A if the licensee schedules at least two hundred ninety
 33 performances of twelve live races each day during a season
 34 of fifty weeks. ~~The~~ However, the requirement to schedule
 35 performances of live races for purposes of conducting gambling

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1 games under this chapter shall not apply to a licensee who is
 2 not obligated to schedule performances of live races pursuant
 3 to section 99D.9A.

4 (2) If a pari-mutuel dog racetrack is required to schedule
 5 performances of live races for purposes of conducting gambling
 6 games under this chapter, the commission shall approve an
 7 annual contract to be negotiated between the annual recipient
 8 of the dog racing promotion fund and each dog racetrack
 9 licensee to specify the percentage or amount of gambling
 10 game proceeds which shall be dedicated to supplement the
 11 purses of live dog races. The parties shall agree to a
 12 negotiation timetable to insure no interruption of business
 13 activity. If the parties fail to agree, the commission
 14 shall impose a timetable. If the two parties cannot reach
 15 agreement, each party shall select a representative and the
 16 two representatives shall select a third person to assist in
 17 negotiating an agreement. The two representatives may select
 18 the commission or one of its members to serve as the third
 19 party. Alternately, each party shall submit the name of the
 20 proposed third person to the commission who shall then select
 21 one of the two persons to serve as the third party. ~~All~~
 22 ~~parties to the negotiations, including the commission, shall~~
 23 ~~consider that the dog racetracks were built to facilitate the~~
 24 ~~development and promotion of Iowa greyhound racing dogs in this~~
 25 ~~state and shall negotiate and decide accordingly.~~

26 Sec. 6. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
 27 immediate importance, takes effect upon enactment.

28 EXPLANATION

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

31 This bill concerns the conduct of live dog racing at
 32 pari-mutuel dog racetracks authorized to conduct gambling
 33 games.

34 New Code section 99D.9A allows a licensee authorized to
 35 operate a pari-mutuel dog racetrack and to conduct gambling

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1 games as of January 1, 2014, to, upon at least 14 days' written
2 notice to the racing and gaming commission, discontinue
3 performances of live dog races, and to maintain a license under
4 Code chapter 99D for purposes of permitting, but not requiring,
5 pari-mutuel wagering on simultaneously telecast horse races and
6 continuing to allow the licensee to conduct gambling games.
7 The bill provides that upon discontinuing live racing, the
8 racing and gaming commission shall transfer any unexpended
9 moneys in the dog racing promotion fund attributable to the
10 licensee discontinuing live dog racing to an Iowa greyhound
11 pari-mutuel racing retirement fund created in the bill. In
12 addition, upon discontinuing live racing, moneys from an
13 escrow fund for greyhound racing shall be transferred to the
14 new racing retirement fund and any agreement for dog purse
15 supplement payments for live racing shall be terminated. The
16 licensee, upon discontinuing live dog racing, shall commence
17 paying a new live racing cessation fee. The new Code section
18 sets the live racing cessation fee for the pari-mutuel dog
19 racetrack located in Dubuque county at \$2.142 million, payable
20 upon discontinuing live racing, and at \$2.143 million, payable
21 each July 1 for six calendar years thereafter. For the
22 pari-mutuel dog racetrack located in Pottawattamie county, the
23 annual dog racetrack licensure fee is set at \$7.852 million,
24 payable upon discontinuing live racing, and at \$7.858 million,
25 payable each July 1 for six calendar years thereafter. The
26 bill provides that a licensee discontinuing live racing shall
27 continue to pay the annual license fee and regulatory fee as a
28 pari-mutuel dog racetrack licensed to conduct gambling games
29 pursuant to the requirements of Code section 99F.4A.

30 New Code section 99D.9B establishes an Iowa greyhound
31 pari-mutuel racing retirement fund under the control of the
32 racing and gaming commission. The fund shall consist of moneys
33 transferred from the dog racing promotion fund, moneys credited
34 to the fund from a dog racetrack licensee that discontinues
35 live dog racing in an amount representing the remaining balance

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1 of all dog purse supplement payments, moneys in greyhound
2 racing escrow funds, and moneys from the live racing cessation
3 fee established in new Code section 99D.9A. The bill provides
4 that moneys in the fund shall be distributed in a manner
5 determined by the racing and gaming commission to greyhound
6 owners, greyhound breeders, kennel operators, any persons
7 involved in greyhound racing in Iowa, and no-kill animal
8 adoption agencies.

9 Code section 99D.11(6)(b), concerning pari-mutuel wagering
10 on simultaneous telecasts of horse or dog races, is amended
11 to eliminate simultaneous telecast wagering on dog races and
12 to allow a simultaneous telecast of horse races at a licensee
13 in this state that is not obligated to schedule live dog
14 races pursuant to new Code section 99D.9A. Under current
15 law, simulcast telecasting of races can only be allowed at
16 a racetrack of a licensee that schedules no less than 60
17 performances of nine live races each day of the season.

18 Code section 99D.15 is amended to conform to the provisions
19 in the bill discontinuing simultaneous telecast wagering on dog
20 races.

21 Code section 99F.6(4)(b) is amended to allow the conduct
22 of gambling games at a pari-mutuel dog racetrack that is not
23 obligated to schedule performances of live races pursuant to
24 new Code section 99D.9A. In addition, if a pari-mutuel dog
25 racetrack conducts live dog races, the bill eliminates the
26 requirement that the determination of supplemental dog purses
27 shall consider that the dog racetracks were built to facilitate
28 greyhound racing.

29 The bill takes effect upon enactment.



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House File 2407 - Introduced

HOUSE FILE 2407
BY COMMITTEE ON ECONOMIC
GROWTH

(SUCCESSOR TO HSB 541)

A BILL FOR

1 An Act relating to the administration of the job training
2 program and fund by the economic development authority and
3 making an appropriation.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. SHORT TITLE. This Act shall be known and may be
2 cited as the "Iowa Apprenticeship and Job Training Act".

3 Sec. 2. Section 15.108, subsection 6, paragraph a, Code
4 2014, is amended to read as follows:

5 a. Coordinate and perform the duties specified under the
6 Iowa industrial new jobs training Act in chapter 260E, the
7 Iowa ~~jobs~~ job training Act in chapter 260F, and the workforce
8 development fund in section 15.341.

9 Sec. 3. Section 15.343, subsection 2, paragraph a, Code
10 2014, is amended to read as follows:

11 a. Projects under chapter 260F. The authority ~~shall~~ may
12 require a match from all businesses participating in a ~~training~~
13 project under chapter 260F.

14 Sec. 4. Section 15.343, subsection 3, Code 2014, is amended
15 by striking the subsection and inserting in lieu thereof the
16 following:

17 3. a. The authority shall transfer any appropriation
18 provided for purposes of this chapter to the job training fund
19 created in section 260F.6.

20 b. Moneys in the job training fund shall be allocated as
21 provided in section 260F.6, subsection 3.

22 Sec. 5. Section 260C.18A, subsection 2, paragraph b, Code
23 2014, is amended by striking the paragraph and inserting in
24 lieu thereof the following:

25 b. Projects that would meet all the requirements of a
26 project under chapter 260F, whether or not the project is
27 actually being funded under chapter 260F. The authority may
28 advise a community college on how a project would be treated
29 for purposes of chapter 260F.

30 Sec. 6. Section 260F.1, Code 2014, is amended to read as
31 follows:

32 **260F.1 Title.**

33 This chapter shall be known and may be cited as the "*Iowa*
34 *Jobs Job Training Act*".

35 Sec. 7. Section 260F.2, subsections 1, 5, 6, and 11, Code

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1 2014, are amended to read as follows:

2 1. ~~"Agreement" is the agreement~~ means a contract between a
3 business and a community college or the authority concerning
4 a project.

5 5. ~~"Eligible business" or "business"~~ means a business
6 ~~training employees which is engaged in interstate or intrastate~~
7 ~~commerce for the purpose of manufacturing, processing, or~~
8 ~~assembling products, conducting research and development,~~
9 ~~or providing services in interstate commerce, but excludes~~
10 ~~retail, health, or professional services and which meets~~
11 ~~the other criteria established by the authority. "Eligible~~
12 ~~business" does not include a business whose training costs can~~
13 ~~be economically funded under chapter 260E, a business which~~
14 ~~closes or substantially reduces its employment base in order~~
15 ~~to relocate substantially the same operation to another area~~
16 ~~of the state, or a business which is involved in a strike,~~
17 ~~lockout, or other labor dispute in Iowa that proposes to~~
18 train employees as part of a project and that meets all the
19 conditions of section 260F.3.

20 6. "Employee" means a person currently employed by a an
21 eligible business or who will be employed upon successful
22 completion of a project and who is to be trained as part of a
23 project. However, "employee" does not include a person with
24 executive responsibilities or a replacement workers who are
25 worker hired as a result of a strike, lockout, or other labor
26 dispute in Iowa.

27 11. "Project" means a training arrangement ~~which that is~~
28 ~~the subject of an agreement entered into between the community~~
29 ~~college and a business to provide program services. "Project"~~
30 ~~also means an authority-sponsored training arrangement~~
31 ~~which is sponsored by the authority and administered under~~
32 ~~sections 260F.6A and 260F.6B and that is primarily focused~~
33 on meeting the workforce needs of an eligible business. A
34 project includes but is not limited to training or retraining
35 of employees, adult basic education, on-the-job training,

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1 job-related instruction, vocation and skill-assessment services
 2 and testing, tuition and classroom instruction for coursework
 3 at a community college or a regents institution, and training
 4 equipment, supplies, and materials. A project does not include
 5 coursework that will be counted toward an advanced or graduate
 6 degree earned by an employee.

7 Sec. 8. Section 260F.2, Code 2014, is amended by adding the
 8 following new subsections:

9 NEW SUBSECTION. 1A. "*Apprentice*" means a person who is
 10 at least sixteen years of age, except where a higher minimum
 11 age is required by law, who is employed in an apprenticeable
 12 occupation, and is registered in Iowa with the United States
 13 department of labor, office of apprenticeship.

14 NEW SUBSECTION. 1B. "*Apprenticeable occupation*" means an
 15 occupation approved for apprenticeship by the United States
 16 department of labor, office of apprenticeship.

17 NEW SUBSECTION. 1C. "*Apprenticeship program*" means a
 18 program registered with the United States department of
 19 labor, office of apprenticeship, which contains the terms and
 20 conditions for the qualification, recruitment, selection,
 21 employment, and training of apprentices, including the
 22 requirement for a written apprenticeship agreement.

23 NEW SUBSECTION. 1D. "*Apprenticeship sponsor*" means an
 24 entity operating an apprenticeship program or an entity in
 25 whose name an apprenticeship program is being operated, which
 26 is registered with or approved by the United States department
 27 of labor, office of apprenticeship.

28 NEW SUBSECTION. 2A. "*Commencement date*" means the date on
 29 which a proposed project is scheduled to begin.

30 NEW SUBSECTION. 5A. "*Eligible research and development*"
 31 means activities that meet the definition of research
 32 activities under section 422.10 even if the business has not
 33 actually claimed a research activities tax credit.

34 NEW SUBSECTION. 6A. "*Financial assistance*" means assistance
 35 provided only from the funds, rights, and assets legally



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1 available to the authority and includes but is not limited to
2 assistance in the form of grants, loans, forgivable loans, and
3 royalty payments.

4 NEW SUBSECTION. 6B. “Fund” means the job training fund
5 created in section 260F.6.

6 NEW SUBSECTION. 7A. “Lead apprenticeship sponsor”
7 means a trade organization, labor organization, employer
8 association, or other incorporated entity representing a group
9 of apprenticeship sponsors.

10 NEW SUBSECTION. 11A. “Providing services in interstate
11 commerce” means the provision of the majority of a business’s
12 sales to customers located outside of Iowa.

13 Sec. 9. Section 260F.2, subsections 4, 7, 8, 9, and 10, Code
14 2014, are amended by striking the subsections.

15 Sec. 10. Section 260F.3, Code 2014, is amended by striking
16 the section and inserting in lieu thereof the following:

17 **260F.3 Eligible business.**

18 To be eligible for financial assistance for a project under
19 this chapter, a business shall meet all of the following
20 conditions:

21 1. Is manufacturing, processing, or assembling products
22 for sale in interstate or intrastate commerce, is conducting
23 eligible research and development in this state, is engaged
24 in the business of commercial construction, or is providing
25 services in interstate commerce.

26 2. Is not a retail business, a health care business, or a
27 business engaged in the provision of professional services.

28 3. Is proposing training for a project that cannot be
29 economically funded under the industrial new jobs training
30 program pursuant to chapter 260E.

31 4. Demonstrates a need for certain job skills not adequately
32 represented among the business’s existing workforce.

33 5. Has not closed or substantially reduced operations in
34 one area of the state in order to locate substantially the same
35 operations to another area of the state.



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1 6. Is not actively engaged in a strike, lockout, or other
2 labor dispute in Iowa.

3 7. Is not currently receiving funding as an apprenticeship
4 sponsor pursuant to section 260F.5. An entity participating
5 as a member of a lead apprenticeship sponsor is eligible for
6 purposes of this subsection if the entity has not already
7 received training funds for an apprentice pursuant to section
8 260F.5.

9 8. Meets any other conditions as established by the
10 authority by rule.

11 Sec. 11. NEW SECTION. **260F.4 Financial assistance for an**
12 **eligible business.**

13 1. For each fiscal year, the authority shall make funds
14 available to community colleges. The authority shall allocate,
15 by formula, from the moneys in the fund an amount for each
16 community college to be used to provide financial assistance
17 to businesses whose applications have been approved by the
18 authority. The financial assistance shall be provided by the
19 authority from the amount set aside for that community college.
20 If any portion of the moneys set aside for a community college
21 have not been used or committed by May 1 of the fiscal year,
22 that portion is available for use by the authority to provide
23 financial assistance to businesses applying to other community
24 colleges or directly to the authority. The authority shall
25 adopt rules regarding the formula for moneys set aside for
26 community colleges.

27 2. *a.* An eligible business may apply to the authority for
28 financial assistance for a project.

29 *b.* The authority may establish by rule a maximum benefit
30 amount for any one project and a maximum aggregate benefit
31 amount that may be awarded to any one eligible business.

32 3. Financial assistance to eligible businesses shall be
33 provided under the following terms and conditions:

34 *a.* For training that is conducted by community college
35 faculty or staff, at a community college facility,

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1 and according to a curriculum that complies with
2 industry-recognized standards, the financial assistance shall
3 be in the form of a grant or a forgivable loan in an amount
4 equal to one hundred percent of the cost of the project.

5 *b.* If training in accordance with industry-recognized
6 standards that results in a portable credential needed for a
7 skilled trade is not available through a community college
8 in close proximity to a business, the business can utilize a
9 statewide industry association to facilitate training that
10 utilizes industry-recognized standards, resulting in portable
11 credentials for the specific skilled trade. For this type of
12 training, the financial assistance shall be in the form of a
13 grant or a forgivable loan in an amount equal to one hundred
14 percent of the training costs incurred.

15 *c.* For a project other than one described in paragraph *"a"*
16 or *"b"*, the financial assistance shall be in the form of a loan
17 in an amount equal to one hundred percent of the cost of the
18 project to be disbursed initially but with a required future
19 repayment of fifty percent of the cost of the project at an
20 interest of zero percent.

21 *d.* Any other terms and conditions typically required by the
22 authority when providing financial assistance.

23 4. Repayments shall be made to the authority. The authority
24 shall deposit all repayments collected pursuant to this
25 section in the fund and shall retain the moneys in the fund for
26 redistribution for the purposes of this section. The authority
27 shall adopt rules regarding repayment collection.

28 5. An eligible business applying for financial assistance
29 under this section shall provide the following information to a
30 community college, and a community college shall provide the
31 following information to the authority:

32 *a.* A detailed description of the proposed project, an
33 explanation of how the project would meet the business's
34 skilled workforce needs, and an assessment regarding the
35 feasibility of meeting the training needs through a community

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1 college. The authority may require any information reasonably
2 necessary to determine the necessity, suitability, and
3 feasibility of the proposed project.

4 *b.* The date or dates on which the proposed project will be
5 conducted.

6 *c.* The number of employees to be trained and the title and
7 position description of each employee to be trained.

8 *d.* The estimated cost to the business of the proposed
9 project.

10 *e.* Any other information the authority reasonably determines
11 is necessary.

12 6. An eligible business receiving financial assistance
13 pursuant to this section shall enter into an agreement with a
14 community college regarding the project. The agreement shall
15 include all provisions necessary for the implementation of this
16 section and any provisions the authority typically includes in
17 a contract for the provision of financial assistance.

18 **Sec. 12. NEW SECTION. 260F.5 Financial assistance for an**
19 **apprenticeship program.**

20 1. *a.* An apprenticeship sponsor or lead apprenticeship
21 sponsor conducting apprenticeship programs in Iowa for
22 apprentices who will be employed at Iowa worksites may apply to
23 the authority for financial assistance under this section.

24 *b.* Financial assistance received by an apprenticeship
25 sponsor or lead apprenticeship sponsor under this section shall
26 be used only for the cost of conducting and maintaining an
27 apprenticeship program.

28 2. The authority shall provide financial assistance to
29 apprenticeship sponsors or lead apprenticeship sponsors in the
30 following manner:

31 *a.* By determining the total amount of funding allocated for
32 purposes of apprenticeship programs pursuant to section 260F.6.

33 *b.* By adding together all of the following:

34 (1) The total number of apprentices trained by all applying
35 apprenticeship sponsors or lead apprenticeship sponsors during

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1 the most recent training year as calculated on the last day of
2 the training year.

3 (2) The total number of contact hours that apprenticeship
4 instructors for all applying apprenticeship sponsors or lead
5 apprenticeship sponsors spent in contact with apprentices
6 during the most recent training year. For purposes of
7 this subparagraph, "*contact hours*" includes the time spent
8 instructing apprentices in-person or, in the case of a lead
9 apprenticeship sponsor with programs totaling one hundred or
10 more total instructional hours, "*contact hours*" includes the
11 time spent in online training if the total amount of online
12 instruction does not account for more than thirty percent of
13 the total instructional hours.

14 c. By adding together all of the following:

15 (1) The total number of apprentices trained by a single
16 applying apprenticeship sponsor or lead apprenticeship sponsor
17 during the most recent training year as calculated on the last
18 day of the training year.

19 (2) The total number of contact hours that apprenticeship
20 instructors for a single applying apprenticeship sponsor or
21 lead apprenticeship sponsor spent in contact with apprentices
22 during the most recent training year. For purposes of
23 this subparagraph, "*contact hours*" includes the time spent
24 instructing apprentices in-person or, in the case of a lead
25 apprenticeship sponsor with programs totaling one hundred or
26 more total instructional hours, "*contact hours*" includes the
27 time spent in online training if the total amount of online
28 instruction does not account for more than thirty percent of
29 the total instructional hours.

30 d. By determining the proportion, stated as a percentage,
31 that a single applying apprenticeship sponsor's or lead
32 apprenticeship sponsor's total calculated pursuant to paragraph
33 "c" bears to all applying apprenticeship sponsors' or lead
34 apprenticeship sponsors' total calculated pursuant to paragraph
35 "b".

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1 e. By multiplying the percentage calculated in paragraph "d"
2 by the amount determined in paragraph "a".

3 3. An apprenticeship sponsor or lead apprenticeship sponsor
4 seeking financial assistance under this section shall provide
5 the following information to the authority:

6 a. The federal apprentice registration number of each
7 apprentice in the apprenticeship program.

8 b. The address and a description of the physical location
9 where in-person training is conducted.

10 c. A copy of the apprenticeship sponsor's training
11 standards as most recently approved by the United States
12 department of labor, office of apprenticeship or, in the case
13 of a lead apprenticeship sponsor, a representative sample of
14 participating members' training standards.

15 d. A copy of the apprenticeship sponsor's compliance audit
16 as most recently conducted by the United States department of
17 labor, office of apprenticeship, unless the apprenticeship
18 sponsor has not been subjected to a compliance audit. In the
19 case of a lead apprenticeship sponsor, a sampling of audits
20 from participating members shall be sufficient.

21 e. Any other information the authority reasonably determines
22 is necessary.

23 4. The apprenticeship sponsor or lead apprenticeship
24 sponsor and the authority shall enter into an agreement
25 regarding the provision of any financial assistance to the
26 apprenticeship sponsor or lead apprenticeship sponsor.

27 Sec. 13. Section 260F.6, subsection 1, Code 2014, is amended
28 to read as follows:

29 ~~1. There is established for the community colleges a A~~
30 ~~job training fund is created~~ in the state treasury under the
31 control of the economic development authority in the workforce
32 ~~development fund. The job training fund consists consisting of~~
33 any moneys appropriated for the purposes of this chapter, plus
34 ~~the any interest and principal from repayment of advances made~~
35 ~~to businesses for program costs, plus the or earnings on moneys~~

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1 ~~in the fund, any repayments, including interest, of loans made~~
 2 ~~from that retraining fund, and interest earned from moneys in~~
 3 ~~the job training fund or recaptures of financial assistance~~
 4 ~~provided from the fund, and any other moneys lawfully available~~
 5 ~~to the authority that may be deposited in the fund.~~

6 Sec. 14. Section 260F.6, subsections 2 and 3, Code 2014,
 7 are amended by striking the subsections and inserting in lieu
 8 thereof the following:

9 2. Moneys in the fund are appropriated to the authority for
 10 purposes of providing financial assistance for job training
 11 pursuant to this chapter.

12 3. a. Of the moneys transferred or appropriated to the
 13 fund pursuant to section 15.343 or pursuant to any other
 14 appropriation, the authority shall allocate fifty percent of
 15 the moneys for purposes of section 260F.4 and fifty percent of
 16 the moneys for purposes of section 260F.5.

17 b. Notwithstanding paragraph "a", moneys from repayments and
 18 recaptures of funds loaned pursuant to section 260F.4 shall be
 19 allocated for purposes of section 260F.4.

20 Sec. 15. Section 260F.6, Code 2014, is amended by adding the
 21 following new subsections:

22 NEW SUBSECTION. 4. The authority may annually expend not
 23 more than two percent of moneys in the fund for administrative
 24 purposes. If the authority's administrative costs are less
 25 than two percent of the moneys in the fund, the authority shall
 26 expend the unused moneys for purposes of financial assistance.

27 NEW SUBSECTION. 5. A community college may retain not more
 28 than five percent of the disbursed amount for the purposes of
 29 administrative costs related to section 260F.4.

30 Sec. 16. Section 403.21, subsections 1 and 3, Code 2014, are
 31 amended to read as follows:

32 1. In order to promote communication and cooperation among
 33 cities, counties, and community colleges with respect to the
 34 allocation and division of taxes, no jobs training projects
 35 as defined in chapter 260E ~~or 260F~~ shall be undertaken within



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1 the area of operation of a municipality after July 1, 1995,
 2 unless the municipality and the community college have entered
 3 into an agreement or have jointly adopted a plan relating
 4 to a community college's new jobs training program which
 5 shall provide for a procedure for advance notification to
 6 each affected municipality, for exchange of information, for
 7 mutual consultation, and for procedural guidelines for all
 8 such new jobs training projects, including related project
 9 financing to be undertaken within the area of operation of the
 10 municipality. The joint agreement or the plan shall state its
 11 precise duration and shall be binding on the community college
 12 and the municipality with respect to all new jobs training
 13 projects, including related project financing undertaken during
 14 its existence. The joint agreement or plan shall be effective
 15 upon adoption and shall be placed on file in the office of the
 16 secretary of the board of directors of the community college
 17 and such other location as may be stated in the joint agreement
 18 or plan. The joint agreement or plan shall also be sent to each
 19 school district which levied or certified for levy a property
 20 tax on any portion of the taxable property located in the area
 21 of operation of the municipality in the fiscal year beginning
 22 prior to the calendar year in which the plan is adopted or
 23 the agreement is reached. If no such agreement is reached or
 24 plan adopted, the community college shall not use incremental
 25 property tax revenues to fund jobs training projects within the
 26 area of operation of the municipality. Agreements entered into
 27 between a community college and a city or county pursuant to
 28 chapter 28E shall not apply.

29 3. ~~The community college shall send a copy of the final~~
 30 ~~agreement prepared pursuant to section 260F.3 to the economic~~
 31 ~~development authority.~~ For each year in which incremental
 32 property taxes are used to retire debt service on a jobs
 33 training advance issued for a project creating new jobs, the
 34 community college shall provide to the economic development
 35 authority a report of the incremental property taxes and new

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1 jobs credits from withholding generated for that year, a
2 specific description of the training conducted, the number of
3 employees provided program services under the project, the
4 median wage of employees in the new jobs in the project, and
5 the administrative costs directly attributable to the project.

6 Sec. 17. Section 558.1, Code 2014, is amended to read as
7 follows:

8 **558.1 "Instruments affecting real estate" defined —**
9 **revocation.**

10 All instruments containing a power to convey, or in any
11 manner relating to real estate, including certified copies of
12 petitions in bankruptcy with or without the schedules appended,
13 of decrees of adjudication in bankruptcy, and of orders
14 approving trustees' bonds in bankruptcy, and a jobs training
15 agreement entered into under chapter 260E or ~~260F~~ between an
16 employer and community college which contains a description
17 of the real estate affected, shall be held to be instruments
18 affecting the same; and no such instrument, when acknowledged
19 or certified and recorded as in this chapter prescribed, can be
20 revoked as to third parties by any act of the parties by whom it
21 was executed, until the instrument containing such revocation
22 is acknowledged and filed for record in the same office in
23 which the instrument containing such power is recorded, except
24 that uniform commercial code financing statements and financing
25 statement changes as provided in chapter 554 need not be thus
26 acknowledged.

27 Sec. 18. REPEAL. Sections 260F.6A, 260F.6B, 260F.7, and
28 260F.8, Code 2014, are repealed.

29 Sec. 19. TRANSITION PROVISIONS.

30 1. A financial assistance award made or provided for in an
31 agreement entered into pursuant to section 260F.3 prior to the
32 effective date of this Act shall continue as provided in such
33 agreement.

34 2. Loan payments or repayments and recaptures of principal,
35 interest, or other moneys accruing on or after July 1, 2014,

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1 pursuant to an agreement under section 260F.3, as in effect
2 prior to July 1, 2014, shall be transferred to the job training
3 fund created in section 260F.6, as amended by this Act.

4 EXPLANATION

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

7 This bill relates to changes to the job training program and
8 fund under Code chapter 260F. The bill amends the transfer of
9 moneys from the workforce development fund to the job training
10 fund and makes an appropriation. The bill is titled the "Iowa
11 Apprenticeship and Job Training Act".

12 The bill amends the parties to the agreements under the job
13 training program and the distribution of funds from the job
14 training fund. Currently, a community college and a business
15 enter into an agreement concerning a training arrangement. The
16 bill provides instead that a community college or the economic
17 development authority shall enter into an agreement with an
18 eligible business concerning the training arrangement focused
19 on meeting the workforce needs of the eligible business.

20 This training may occur through adult basic education,
21 on-the-job training, job-related instruction, vocation and
22 skill-assessment services and testing, tuition and classroom
23 instruction for coursework at community colleges or regents
24 institutions, and training equipment, supplies and materials.

25 The job training fund currently is established in the
26 authority in the workforce development fund and the authority
27 makes funds available to the community colleges by formula.
28 The bill provides that the job training fund is created in the
29 state treasury rather than within the workforce development
30 fund. The bill transfers any appropriation provided for
31 purposes of the chapter from the workforce development fund
32 to the job training fund rather than allocating \$4 million
33 for the purposes of Code chapter 260F. The bill also changes
34 language from mandatory to permissive regarding the requirement
35 of a match from all businesses participating in a job training

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1 project pursuant to Code chapter 260F. The bill also states
2 that 50 percent of the moneys in the job training fund is
3 allocated for financial assistance to eligible businesses
4 and 50 percent of the moneys in the job training fund is
5 allocated for financial assistance to apprenticeship programs.
6 However, repayments or recaptures of financial assistance to
7 eligible businesses must be allocated for purposes of providing
8 financial assistance for eligible businesses. The bill
9 provides that the authority may not expend more than 2 percent
10 of moneys in the fund for administrative purposes. The bill
11 also provides that a community college may retain not more than
12 5 percent of moneys disbursed for administrative costs.

13 In the job training Code chapter, the bill transfers the
14 substance of the definition of an eligible business into its
15 own Code section. In this Code chapter, the bill also adds
16 definitions for "apprentice", "apprenticeable occupation",
17 "apprenticeship program", "apprenticeship sponsor",
18 "commencement date", "eligible research and development",
19 "financial assistance", "fund", "lead apprenticeship sponsor",
20 and "providing services in interstate commerce". The bill also
21 strikes definitions for "date of commencement of the project",
22 "jobs training program", "participating business", "program
23 costs", and "program services" under the job training program
24 Code chapter.

25 The bill requires the authority to allocate moneys to
26 community colleges to be used to provide financial assistance
27 to businesses whose applications for financial assistance have
28 been approved by the authority. The authority shall adopt
29 rules to establish the formula for allocating the moneys to the
30 community colleges.

31 The bill provides that an eligible business may apply to
32 the authority for financial assistance and the authority may
33 establish a maximum benefit amount for any one project and a
34 maximum benefit amount for an eligible business. To receive
35 financial assistance, an eligible business must enter into an

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1 agreement with the authority. The bill also provides what type
2 of financial assistance may be offered dependent upon the type
3 of training provided. Financial assistance is generally in the
4 form of a loan in an amount equal to 100 percent of the cost
5 of the project with required future repayment of 50 percent
6 at 0 percent interest. However, if the training is provided
7 by a statewide industry association that facilitates training
8 utilizing industry-recognized standards resulting in portable
9 credentials for the skilled trade, the financial assistance is
10 in the form of a grant or forgivable loan in an amount equal
11 to 100 percent of the cost of the training costs incurred.
12 Financial assistance for a project conducted by community
13 college faculty or staff at the community college is also in
14 the form of a grant or forgivable loan in an amount equal to 100
15 percent of the cost of the project.

16 The bill also provides that an apprenticeship sponsor or
17 lead apprenticeship sponsor, as defined in the bill, may apply
18 for financial assistance when that sponsor is conducting
19 apprenticeship programs in Iowa for apprentices who will be
20 employed at Iowa worksites. The bill specifies that financial
21 assistance is to be allocated to apprenticeship sponsors or
22 lead apprenticeship sponsors by the ratio of the total number
23 of apprentices trained and number of contact hours for an
24 apprenticeship sponsor or lead apprenticeship sponsor divided
25 by the total number of apprentices trained and contact hours
26 for all the apprenticeship sponsors or lead apprenticeship
27 sponsors in the previous training year, then multiplied by the
28 moneys allocated for financial assistance to apprenticeship
29 sponsors. The bill provides that in order to receive financial
30 assistance, the apprenticeship sponsor or lead apprenticeship
31 sponsor and the authority must enter into an agreement.

32 The bill repeals Code sections relating to the authority's
33 duty to coordinate the job training program and allocation of
34 funding to community colleges as that no longer applies to the
35 newly required agreements and available funding. The bill also

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1 repeals Code sections relating to the business network training
2 and the high technology apprenticeship program. The bill makes
3 other related changes.

4 The bill provides transition provisions stating that
5 financial assistance awards through the job training program
6 made or provided for under agreements between community
7 colleges and businesses entered into prior to July 1, 2014,
8 remain in effect. The bill also states that loan payments,
9 repayments, recaptures, and any other moneys accruing pursuant
10 to those agreements shall be transferred to the job training
11 fund, as amended by the bill.



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House File 2408 - Introduced

HOUSE FILE 2408
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HSB 518)

A BILL FOR

1 An Act modifying notification requirements applicable to
2 underground facility excavations where underground
3 facilities are present.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 480.4, subsection 1, paragraph a, Code
2 2014, is amended to read as follows:

3 a. Except as otherwise provided in this section, prior to
4 any excavation, an excavator shall contact the notification
5 center and provide notice of the planned excavation. This
6 notice must be given at least forty-eight hours prior to the
7 commencement of the excavation, excluding Saturdays, Sundays,
8 and legal holidays. Notice shall not be given more than ten
9 calendar days prior to the commencement of the excavation,
10 excluding Saturdays, Sundays, and legal holidays. Notices
11 received after 5:00 p.m. shall be processed as if received at
12 8:00 a.m. the next business day. The notice shall be valid
13 for twenty calendar days from the date the notice was provided
14 to the notification center. If all locating and marking of
15 underground facilities is completed prior to the expiration of
16 the forty-eight-hour period, the excavator may proceed with
17 excavation upon being notified by the notification center that
18 the locating and marking of all underground facilities is
19 complete. The notification center shall establish a toll-free
20 telephone number to allow excavators to provide the notice
21 required pursuant to this subsection.

22 Sec. 2. Section 480.4, subsection 1, Code 2014, is amended
23 by adding the following new paragraph:

24 NEW PARAGRAPH. e. At the time of giving notice to the
25 notification center pursuant to this subsection, an excavator
26 shall use white paint, white flags, white stakes, or a
27 combination thereof, to mark the proposed area of excavation,
28 unless one of the following applies:

29 (1) The precise location, direction, size, and length of the
30 proposed excavation area can be clearly and adequately defined
31 and described during the call to the notification center or
32 during an onsite preconstruction meeting.

33 (2) Electronic means of white-lining is supported by the
34 notification center and used by the excavator.

35 (3) Physical premarking can be shown to be impractical.



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1 Sec. 3. Section 480.4, subsection 3, paragraph a,
2 subparagraph (1), Code 2014, is amended to read as follows:
3 (1) An operator who receives notice from the notification
4 center shall mark the horizontal location of the operator's
5 underground facility and the excavator shall use due care
6 in excavating in the marked area to avoid damaging the
7 underground facility. The operator shall complete such
8 locating and marking, and shall notify the notification
9 center that the marking is complete within forty-eight hours
10 after receiving the notice, excluding Saturdays, Sundays,
11 and legal holidays, unless otherwise agreed by the operator
12 and the excavator. No later than the expiration of the
13 forty-eight-hour period, excluding Saturdays, Sundays, and
14 legal holidays, the notification center shall notify the
15 excavator of the underground facility locating and marking
16 status, or the failure of the operator to notify the center
17 that the locating and marking is complete. The locating and
18 marking of the underground facilities shall be completed at no
19 cost to the excavator. If, in the opinion of the operator, the
20 planned excavation requires that the precise location of the
21 underground facilities be determined, the excavator, unless
22 otherwise agreed upon between the excavator and the operator,
23 shall hand dig test holes to determine the location of the
24 facilities unless the operator specifies an alternate method.

25 Sec. 4. Section 480.4, subsection 3, paragraph a, Code 2014,
26 is amended by adding the following new subparagraph:

27 NEW SUBPARAGRAPH. (3) Unless otherwise agreed by the
28 operator and excavator in writing, no excavation shall be
29 performed within twenty-five feet of an underground natural
30 gas transmission line as defined in 49 C.F.R. pt. §192.3
31 unless a representative of the operator of the underground
32 natural gas transmission line is present at the planned
33 excavation area. This requirement shall not apply, however,
34 when a representative of the operator fails to be present at
35 the proposed excavation area at the time work is scheduled



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1 to commence or as otherwise agreed by the operator and
2 excavator in writing. In this event, the excavator shall
3 notify the operator that the representative failed to appear,
4 and excavation operations can begin, provided reasonable
5 precautions are taken to protect the underground facilities.

6 Sec. 5. Section 480.4, subsection 3, paragraph b, Code 2014,
7 is amended to read as follows:

8 *b.* An operator who receives notice from the notification
9 center and who determines that the operator does not have
10 any underground facility located within the proposed area of
11 excavation shall notify the ~~excavator~~ notification center
12 concerning this determination prior to the indicated date of
13 commencement of excavation within forty-eight hours after
14 receiving the notice, excluding Saturdays, Sundays, and legal
15 holidays. No later than the expiration of the forty-eight-hour
16 period, excluding Saturdays, Sundays, and legal holidays,
17 the notification center shall notify the excavator that the
18 operator does not have any underground facilities within the
19 proposed area of excavation.

20 Sec. 6. Section 480.4, subsection 3, Code 2014, is amended
21 by adding the following new paragraph:

22 NEW PARAGRAPH. *d.* For the purposes of this chapter,
23 notifications provided to the excavator by the operator or
24 by the notification center shall be provided in a consistent
25 manner to be established by the board.

26 Sec. 7. NEW SECTION. **480.10 Communications not precluded.**

27 This chapter shall not be interpreted to preclude an
28 excavator, an operator, or the notification center from having
29 or engaging in communications in addition to the notification
30 requirements specified in this chapter.

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 modifies notification requirements applicable to
35 excavations where underground facilities are present.

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1 Currently, an excavator is required to provide notice to
2 the notification center established in Code chapter 480 of a
3 planned excavation at least 48 hours prior to the excavation,
4 excluding Saturdays, Sundays, and legal holidays. The bill
5 adds the requirement that the notice not be provided more than
6 10 calendar days prior to the commencement of the excavation,
7 excluding Saturdays, Sundays, and legal holidays, and that
8 notices received after 5:00 p.m. shall be processed as if
9 received at 8:00 a.m. the next business day. The bill also
10 provides that the notice shall be valid for 20 calendar days
11 from the date it was provided to the notification center. The
12 bill provides that if all locating and marking of underground
13 facilities is completed prior to the expiration of the 48-hour
14 period, the excavator may proceed with excavation upon being
15 notified by the notification center that the locating and
16 marking of all underground facilities is complete. The bill
17 provides that in addition to providing notice of a proposed
18 excavation, an excavator shall use white paint, white flags,
19 white stakes, or a combination thereof to mark the proposed
20 area of excavation unless the precise location, direction,
21 size, and length of the proposed excavation area can be
22 clearly and adequately defined and described during the call
23 to the notification center or during an onsite preconstruction
24 meeting, unless electronic means of white-lining is supported
25 by the notification center and used by the excavator, or unless
26 physical premarking is shown to be impractical.

27 The bill additionally provides that an operator who receives
28 notice from the notification center of a proposed excavation
29 and who complies with locating and marking requirements within
30 the currently required 48-hour time frame excluding Saturdays,
31 Sundays, and legal holidays, must notify the notification
32 center that the marking is complete within that same time
33 frame. The bill provides that no later than the expiration of
34 the 48-hour period, excluding Saturdays, Sundays, and legal
35 holidays, the notification center shall notify the excavator of

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1 the underground facility locating and marking status, or the
2 failure of the operator to notify the center that the locating
3 and marking is complete.

4 Further, the bill provides that unless otherwise agreed by
5 the operator and excavator in writing, no excavation shall
6 be performed within 25 feet of an underground natural gas
7 transmission line or other underground facility designated
8 a critical facility by an operator, unless a representative
9 of the operator of the underground natural gas transmission
10 line or designated critical facility is present at the planned
11 excavation area. The bill provides that this requirement does
12 not apply, however, when a representative of the operator fails
13 to be present at the time work is scheduled to commence or as
14 otherwise agreed and that in this event the excavator shall
15 notify the operator of the failure to appear and may begin
16 excavation operations.

17 Finally, the bill provides that an operator who receives
18 notice from the notification center and who determines that the
19 operator does not have any underground facility located within
20 the proposed area of excavation shall notify the notification
21 center, with the notification center then notifying the
22 excavator, of this fact, rather than direct notification by the
23 operator to the excavator as currently required, and that this
24 notification shall be provided to the excavator within 48 hours
25 after receiving the notice, excluding Saturdays, Sundays, and
26 legal holidays.



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House File 2409 - Introduced

HOUSE FILE 2409
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 525)

A BILL FOR

- 1 An Act relating to state and school antiharassment and
- 2 antibullying policies and providing for training on bullying
- 3 prevention.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. **SHORT TITLE.** This Act shall be known and may be
 2 cited as the "Bully Free Iowa Act of 2014".

3 Sec. 2. Section 256.7, Code 2014, is amended by adding the
 4 following new subsection:

5 NEW SUBSECTION. 33. Adopt rules providing for annual
 6 notification by the department to all school districts and
 7 accredited nonpublic schools regarding the availability of
 8 training meeting the requirements of section 272.2, subsection
 9 19. After receipt of such notification, a school district
 10 or accredited nonpublic school shall notify all employees
 11 holding a license, certificate, authorization, or statement
 12 of recognition issued by the board of educational examiners
 13 regarding the availability of such training.

14 Sec. 3. Section 256.7, Code 2014, is amended by adding the
 15 following new subsection:

16 NEW SUBSECTION. 34. Adopt rules incorporating the training
 17 required by section 272.2, subsection 19, into the standards
 18 for individual teacher professional development plans in
 19 accordance with section 284.6 and individual administrator
 20 professional development plans in accordance with section
 21 284A.6.

22 Sec. 4. NEW SECTION. **256.100 Harassment and bullying**
 23 **prevention and response.**

24 1. The department shall coordinate and implement the
 25 state's efforts to prevent and respond to harassment and
 26 bullying as defined in section 280.28. The department may
 27 enter into chapter 28E agreements with the board of educational
 28 examiners, the department of human rights, the civil rights
 29 commission, and postsecondary educational institutions for the
 30 joint employment of personnel to carry out its duties.

31 2. The department shall:

32 a. Assist schools in this state in implementation of section
 33 280.28, using research-based best practices.

34 b. Develop or recommend qualified training programs for
 35 training required by section 272.2, subsection 19.



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1 *c.* Provide assistance to school employees responsible
2 for conducting investigations of complaints of incidents of
3 harassment or bullying to ensure compliance with section
4 280.28.

5 *d.* Have access to, compare, and analyze harassment and
6 bullying incidence data reported by school districts and
7 accredited nonpublic schools pursuant to section 280.28,
8 subsection 7, and response data from the Iowa youth survey
9 conducted by the department of public health. The department
10 may use its analysis to provide technical assistance to
11 districts and schools regarding their data outcomes.

12 Sec. 5. Section 272.2, Code 2014, is amended by adding the
13 following new subsection:

14 NEW SUBSECTION. 19. *a.* Adopt rules requiring all
15 individuals applying for or renewing a license, certificate,
16 authorization, or statement of recognition issued by the board
17 to complete training approved by the department on harassment
18 and bullying prevention and response.

19 *b.* Adopt rules requiring all individuals applying for or
20 renewing an administrator license to complete training approved
21 by the department on implementation of school-wide policies
22 and procedures for harassment and bullying identification,
23 reporting, response, and prevention and for the training of
24 individuals who are responsible for conducting investigations
25 of complaints of incidents of harassment or bullying.

26 *c.* Adopt rules providing for waiver or suspension of
27 the training requirements of this subsection if the waiver
28 or suspension is in the public interest, applicable to an
29 individual who is engaged in active duty in the military
30 service of this state or of the United States, to an individual
31 for whom compliance with the training requirements would impose
32 a significant hardship, or to an individual who is practicing
33 in an education profession outside this state.

34 Sec. 6. Section 280.28, subsection 2, paragraphs a and b,
35 Code 2014, are amended to read as follows:

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1 *a.* “*Electronic*” means any communication involving the
2 transmission of information by wire, radio, optical cable,
3 electromagnetic, or other similar means. “*Electronic*” includes
4 but is not limited to communication via electronic mail,
5 internet-based communications including social networking
6 sites, pager service, cell phones, and electronic text
7 messaging, or any other electronic communication site, device,
8 or means.

9 *b.* “*Harassment*” and “*bullying*” shall be construed to mean
10 any electronic, written, verbal, or physical act or conduct
11 toward a student which is based on any actual or perceived
12 trait or characteristic of the student or any other reason and
13 which creates an objectively hostile school environment that
14 meets one or more of the following conditions:

15 (1) Places the student in reasonable fear of harm to the
16 student’s person or property.

17 (2) Has a substantially detrimental effect on the student’s
18 physical or mental health.

19 (3) Has the effect of substantially interfering with a
20 student’s academic performance.

21 (4) Has the effect of substantially interfering with
22 the student’s ability to participate in or benefit from the
23 services, activities, or privileges provided by a school.

24 Sec. 7. Section 280.28, subsection 3, Code 2014, is amended
25 by adding the following new paragraphs:

26 NEW PARAGRAPH. *h.* A procedure for the prompt notification
27 of the parents or guardians of all students directly involved
28 in a reported incident of harassment or bullying. The
29 procedure may include an exception to the notification
30 requirement if a school official reasonably believes
31 notification would subject a student to abuse or neglect.

32 NEW PARAGRAPH. *i.* A procedure for documenting the actions
33 taken by the school to investigate and respond to harassment
34 or bullying.

35 Sec. 8. Section 280.28, subsection 7, Code 2014, is amended



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1 to read as follows:

2 7. *Integration of policy and reporting.* The board of
3 directors of a school district and the authorities in charge of
4 each nonpublic school shall integrate its antiharassment and
5 antibullying policy into the comprehensive school improvement
6 plan required under section 256.7, subsection 21, and shall
7 report ~~data collected under subsection 6, as specified by the~~
8 following to the department, to and the local community:

9 a. Data collected under subsection 6, as specified by the
10 department.

11 b. The process used for filing complaints, including the
12 location of online or other complaint forms.

13 c. Antiharassment and antibullying training completed by
14 school employees, volunteers, and students during each school
15 year.

16 Sec. 9. Section 280.28, Code 2014, is amended by adding the
17 following new subsections:

18 NEW SUBSECTION. 9. Authority off school grounds. A school
19 official may investigate and impose school discipline or take
20 other action in the case of an alleged incident of harassment
21 or bullying, including cyberbullying, that occurs outside of
22 school, off of school property, or away from a school function
23 or school-sponsored activity if all of the following apply:

24 a. A parent, guardian, student, school employee, or
25 volunteer reports an incident of harassment or bullying
26 pursuant to the school's policy adopted under subsection 3,
27 paragraph "e".

28 b. The alleged incident of harassment or bullying has an
29 effect on school grounds that creates an objectively hostile
30 school environment that meets one or more of the conditions set
31 out under subsection 2, paragraph "b".

32 NEW SUBSECTION. 10. Rulemaking authority. The department
33 of education may adopt rules necessary to administer this
34 section in a uniform way across the state.

35

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

3 This bill requires all individuals applying for or renewing
4 a license, certificate, authorization, or statement of
5 recognition issued by the board of educational examiners to
6 complete training approved by the department of education
7 on harassment and bullying prevention and response. The
8 bill requires all individuals applying for or renewing
9 an administrator license to complete training approved by
10 the department on implementation of school-wide policies
11 and procedures for harassment and bullying identification,
12 reporting, response, and prevention and for the training of
13 individuals who are responsible for conducting investigations
14 of complaints of incidents of harassment or bullying.

15 The bill requires the board to waive or suspend the training
16 requirements under certain conditions. The department of
17 education is to annually notify all school districts and
18 accredited nonpublic schools of the availability of the
19 required training. The school districts and accredited
20 nonpublic schools shall then notify all employees holding
21 a license, certificate, authorization, or statement of
22 recognition issued by the board of the availability of such
23 training. The bill requires the board of education to adopt
24 rules incorporating the training requirements into the
25 standards for individual teacher professional development plans
26 and individual administrator professional development plans.

27 The bill provides duties for the department of education
28 relating to harassment and bullying prevention and response.
29 The department shall coordinate and implement the state's
30 efforts to prevent and respond to harassment and bullying
31 as defined in Code section 280.28, the state antiharassment
32 and antibullying law. The department may enter into Code
33 chapter 28E agreements with certain public agencies for the
34 joint employment of personnel to carry out its duties. The
35 department shall assist schools in Iowa in implementation of

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1 Code section 280.28, using research-based best practices.
2 The department shall develop or recommend qualified training
3 programs for training required by the bill. The department
4 shall provide assistance to school employees responsible
5 for conducting investigations of complaints of incidents of
6 harassment or bullying to ensure compliance with Code section
7 280.28. The department shall have access to, compare, and
8 analyze harassment and bullying incidence data reported by
9 school districts and accredited nonpublic schools pursuant to
10 Code section 280.28, and response data from the Iowa youth
11 survey conducted by the department of public health. The
12 department may use its analysis to provide technical assistance
13 to districts and schools regarding their data outcomes.

14 The bill modifies the definition of "electronic" under Code
15 section 280.28 by adding any other electronic communication
16 site, device, or means to the definition and by including
17 social networking sites as part of the term "internet-based
18 communications".

19 Under current law, the definition of "harassment" and
20 "bullying" under Code section 280.28 applies to an act or
21 conduct toward a student which is based on any actual or
22 perceived trait or characteristic of the student. The bill
23 modifies the definition by including an act or conduct toward a
24 student which is based on any other reason as well.

25 The bill requires school antiharassment and antibullying
26 policies to include a procedure for the prompt notification of
27 the parents or guardians of all students directly involved in a
28 reported incident of harassment or bullying. The bill provides
29 that the procedure may include an exception to the notification
30 requirement if a school official reasonably believes
31 notification would subject a student to abuse or neglect.

32 The bill requires state antiharassment and antibullying
33 policies to include a procedure for documenting the actions
34 taken by the school to investigate and respond to harassment
35 or bullying.

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1 The bill modifies data reporting requirements for schools
2 under Code section 280.28 by requiring the board of directors
3 of a school district and the authorities in charge of each
4 nonpublic school to report certain additional information to
5 the department of education and the local community.

6 The bill grants school officials the authority to
7 investigate and impose school discipline or take other action
8 in cases of alleged incidents of harassment or bullying,
9 including cyberbullying, that occur outside of school,
10 off of school property, or away from school functions or
11 school-sponsored activities if certain conditions are met.
12 Those conditions are that a parent, guardian, student, school
13 employee, or volunteer reports an incident of harassment
14 or bullying pursuant to the school's antiharassment and
15 antibullying policy; and that the alleged incident of
16 harassment or bullying has an effect on school grounds that
17 creates an objectively hostile school environment that places
18 the student in reasonable fear of harm to the student's
19 person or property; has a substantially detrimental effect
20 on the student's physical or mental health; has the effect
21 of substantially interfering with a student's academic
22 performance; or has the effect of substantially interfering
23 with the student's ability to participate in or benefit from
24 the services, activities, or privileges provided by a school.

25 The bill permits the department of education to adopt rules
26 necessary to administer Code section 280.28 in a uniform way
27 across the state.



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House File 2410 - Introduced

HOUSE FILE 2410
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO HSB 627)

A BILL FOR

1 An Act related to special exceptions from city zoning
2 regulations.

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

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1 Section 1. Section 414.12, subsection 2, Code 2014, is
2 amended to read as follows:

3 2. To hear and decide special exceptions to the terms of
4 the ordinance upon which such board is required to pass under
5 such ordinance, unless procedures to hear and decide special
6 exceptions are otherwise provided by ordinance.

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 special exceptions from city zoning
11 regulations.

12 Under current law, a city's zoning board of adjustment is
13 granted the power to hear and decide special exceptions to
14 city zoning regulations. The bill provides that the board
15 of adjustment is granted such powers unless procedures are
16 otherwise provided by the city council by ordinance.



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House File 2411 - Introduced

HOUSE FILE 2411
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO HF 289)

A BILL FOR

1 An Act relating to state and local government powers and
2 limitations, including authorizing loans from city reserve
3 funds and modifying eminent domain authority and procedures
4 and including effective date and retroactive and other
5 applicability provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 plus the amount of transfers, payments, or disbursements
2 required in the following three months.

3 3. a. A loan entered into by a city pursuant to this
4 section may contain provisions similar to those found in loan
5 agreements between private parties, including but not limited
6 to the issuance of notes to evidence its obligations. The
7 terms of each loan shall require repayment of the loan within
8 ninety days to the extent necessary to prevent a user fee,
9 rate, or property tax increase which raises the user fees,
10 rates, or property taxes payable into the account or fund from
11 which the loan is made above the level in effect at the time a
12 loan under this section is authorized.

13 b. A loan authorized pursuant to this section shall
14 constitute an indebtedness within the meaning of any
15 constitutional debt limitation and shall be reported by the
16 city to the state treasurer in the same manner as required
17 for bonding activities pursuant to section 12.1. The full
18 or partial refunding of any loan under this section shall
19 be authorized as an essential corporate purpose pursuant to
20 section 384.24, subsection 3, paragraph "f".

21 4. A loan made pursuant to this section is payable from the
22 debt service fund of the city. The governing body shall follow
23 the same authorization procedures required for the issuance
24 of general obligation bonds issued for the same purpose to
25 authorize a loan made payable from the debt service fund.
26 Upon approval of a loan, the loan shall be accounted for in
27 accordance with section 384.20.

28 5. A loan made pursuant to this section shall include
29 provisions establishing an interest rate on the loan that shall
30 be set at a rate that is between the interest rate established
31 pursuant to section 12C.6, subsection 2, paragraph "a", and the
32 interest rate established pursuant to section 74A.6, subsection
33 2.

34 6. Repayments of principal and interest shall be paid to
35 the reserve fund or account from which all or a portion of the

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1 funds were advanced for the loan in the proportion that the
2 amount of the advance from the fund or account bears to the
3 entire amount of the loan.

4 7. a. The limitation in section 346.24 does not apply to a
5 transfer made pursuant to this section or to a loan authorized
6 pursuant to this section.

7 b. A city shall not become indebted under this section to an
8 amount exceeding six million dollars.

9 8. A loan made pursuant to this section shall not include
10 any transfers or obligations from the reserve fund or account
11 of a city utility or of a combined city utility.

12 9. The powers granted under this section shall not be
13 construed as a limitation of the existing powers of a city.

14 Sec. 3. Section 384.25, Code 2014, is amended to read as
15 follows:

16 **384.25 General obligation bonds or loans for essential**
17 **purposes.**

18 1. A city which proposes to carry out any essential
19 corporate purpose within or without its corporate limits, and
20 to contract indebtedness and issue general obligation bonds or
21 authorize a loan described in section 384.24B, to provide funds
22 to pay all or any part of the cost of a project must do so in
23 accordance with the provisions of this division.

24 2. Before the council may institute proceedings for the
25 issuance of bonds or authorization of a loan for an essential
26 corporate purpose, a notice of the proposed action, including
27 a statement of the amount and purposes of the bonds or loan,
28 and the time and place of the meeting at which the council
29 proposes to take action for the issuance of the bonds or
30 authorization of the loan, must be published as provided in
31 section 362.3. At the meeting, the council shall receive oral
32 or written objections from any resident or property owner
33 of the city. After all objections have been received and
34 considered, the council may, at that meeting or any adjournment
35 thereof, take additional action for the issuance of the bonds

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1 or authorization of the loan or abandon the proposal to issue
 2 the bonds or authorize the loan. Any resident or property
 3 owner of the city may appeal the decision of the council to
 4 take additional action to the district court of the county in
 5 which any part of the city is located, within fifteen days
 6 after the additional action is taken, but the additional action
 7 of the council is final and conclusive unless the court finds
 8 that the council exceeded its authority. The provisions of
 9 this subsection with respect to notice, hearing, and appeal,
 10 are in lieu of the provisions contained in chapter 73A, or any
 11 other law.

12 3. a. Notwithstanding subsection 2, a council may institute
 13 proceedings for the issuance of bonds or the authorization of a
 14 loan for an essential corporate purpose specified in section
 15 384.24, subsection 3, paragraph "w" or "x", in an amount equal
 16 to or greater than three million dollars by causing a notice
 17 of the proposal to issue the bonds or authorize the loan,
 18 including a statement of the amount and purpose of the bonds
 19 or loan, together with the maximum rate of interest which the
 20 bonds are to bear or which will be charged to the principal
 21 balance of the loan, and the right to petition for an election,
 22 to be published at least once in a newspaper of general
 23 circulation within the city at least ten days prior to the
 24 meeting at which it is proposed to take action for the issuance
 25 of the bonds or the authorization of the loan.

26 b. If at any time before the date fixed for taking action
 27 for the issuance of the bonds or the authorization of the
 28 loan, a petition is filed with the clerk of the city signed
 29 by eligible electors of the city equal in number to twenty
 30 percent of the persons in the city who voted for the office of
 31 president of the United States at the last preceding general
 32 election that had such office on the ballot, asking that the
 33 question of issuing the bonds or authorizing the loan be
 34 submitted to the registered voters of the city, the council
 35 shall either by resolution declare the proposal to issue the

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1 bonds or authorize the loan to have been abandoned or shall
 2 direct the county commissioner of elections to call a special
 3 election upon the question of issuing the bonds or authorizing
 4 the loan. Notice of the election and its conduct shall be in
 5 the manner provided in section 384.26.

6 c. If a petition is not filed, or if a petition is filed and
 7 the proposition of issuing the bonds or authorizing the loan
 8 is approved at an election, the council may proceed with the
 9 authorization and issuance of the bonds or authorization of the
 10 loan.

11 Sec. 4. Section 384.26, subsections 1, 2, 4, and 5, Code
 12 2014, are amended to read as follows:

13 1. A city which proposes to carry out any general corporate
 14 purpose within or without its corporate limits, and to contract
 15 indebtedness and issue general obligation bonds or authorize a
 16 loan described in section 384.24B, to provide funds to pay all
 17 or any part of the costs of a project, must do so in accordance
 18 with the provisions of this division.

19 2. Before the council may institute proceedings for the
 20 issuance of bonds or authorization of a loan for a general
 21 corporate purpose, it shall call a special city election to
 22 vote upon the question of issuing the bonds or authorizing the
 23 loan. At the election the proposition must be submitted in one
 24 of the following form forms, as applicable:

25 Shall the (insert the name of the city) issue
 26 its bonds in an amount not exceeding the amount of \$.... for
 27 the purpose of?

28 Shall the (insert the name of the city) authorize
 29 a loan from its surplus funds in an amount not exceeding the
 30 amount of \$.... for the purpose of?

31 4. The proposition of issuing general corporate purpose
 32 bonds or authorizing a loan for a general corporate purpose
 33 is not carried or adopted unless the vote in favor of the
 34 proposition is equal to at least sixty percent of the total
 35 vote cast for and against the proposition at the election.

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1 If the proposition of issuing the general corporate purpose
2 bonds or authorizing a loan for a general corporate purpose is
3 approved by the voters, the city may proceed with the issuance
4 of the bonds or authorization of the loan.

5 5. a. Notwithstanding the provisions of subsection 2,
6 a council may, in lieu of calling an election, institute
7 proceedings for the issuance of bonds or authorization of a
8 loan for a general corporate purpose by causing a notice of the
9 proposal to issue the bonds or authorize the loan, including
10 a statement of the amount and purpose of the bonds or loan,
11 together with the maximum rate of interest which the bonds are
12 to bear or which the loan is to bear, and the right to petition
13 for an election, to be published at least once in a newspaper
14 of general circulation within the city at least ten days prior
15 to the meeting at which it is proposed to take action for the
16 issuance of the bonds or authorization of the loan subject to
17 the following limitations:

18 (1) In cities having a population of five thousand or less,
19 in an amount of not more than four hundred thousand dollars.

20 (2) In cities having a population of more than five thousand
21 and not more than seventy-five thousand, in an amount of not
22 more than seven hundred thousand dollars.

23 (3) In cities having a population in excess of seventy-five
24 thousand, in an amount of not more than one million dollars.

25 b. If at any time before the date fixed for taking action
26 for the issuance of the bonds or the authorization of the
27 loan, a petition is filed with the clerk of the city in the
28 manner provided by section 362.4, asking that the question
29 of issuing the bonds or authorizing the loan be submitted to
30 the registered voters of the city, the council shall either by
31 resolution declare the proposal to issue the bonds or authorize
32 the loan to have been abandoned or shall direct the county
33 commissioner of elections to call a special election upon the
34 question of issuing the bonds or authorizing the loan. Notice
35 of the election and its conduct shall be in the manner provided

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1 in the preceding subsections of this section.

2 c. If no petition is filed, or if a petition is filed and
3 the proposition of issuing the bonds or authorizing the loan
4 is approved at an election, the council may proceed with the
5 authorization and issuance of the bonds or the authorization
6 of the loan.

7 Sec. 5. Section 384.33, Code 2014, is amended to read as
8 follows:

9 **384.33 Action.**

10 No action may be brought which questions the legality of
11 general obligation bonds, notes, or loans under this chapter or
12 the power of the city to issue the bonds, notes or loans or the
13 effectiveness of any proceedings relating to the authorization
14 and issuance of the bonds, notes, or loans from and after sixty
15 days from the time the bonds, notes or loans are ordered issued
16 by the city.

17 DIVISION II

18 EMINENT DOMAIN

19 Sec. 6. NEW SECTION. **6A.15 Property on state historic**
20 **registry.**

21 1. Property listed on the state register of historic places
22 maintained by the historical division of the department of
23 cultural affairs shall not be removed from the register solely
24 for the purpose of allowing acquisition of the property by
25 condemnation, unless such condemnation is undertaken by the
26 department of transportation.

27 2. Property listed on the state register of historic places
28 maintained by the historical division of the department of
29 cultural affairs shall not be condemned by the state or a
30 political subdivision unless a joint resolution authorizing
31 commencement of the condemnation proceedings is approved by a
32 vote of at least two-thirds of the members of both chambers of
33 the general assembly and signed by the governor. The approval
34 requirements of this subsection shall not apply to condemnation
35 undertaken by the department of transportation.

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1 Sec. 7. Section 6A.19, Code 2014, is amended to read as
2 follows:

3 **6A.19 Interpretative clause.**

4 A grant in this chapter of right to take private property
5 for a public use shall not be construed as limiting a like
6 grant elsewhere in the Code for another and different use.

7 Unless specifically provided by law, this chapter shall not
8 be construed to limit or otherwise affect the application of
9 chapters 478 and 479 to the eminent domain authority of the
10 utilities division of the department of commerce.

11 Sec. 8. Section 6A.22, subsection 2, paragraph c,
12 subparagraph (1), Code 2014, is amended to read as follows:

13 (1) (a) If private property is to be condemned for
14 development or creation of a lake, only that number of acres
15 justified as reasonable and necessary for a surface drinking
16 water source, and not otherwise acquired, may be condemned.

17 In addition, the acquiring agency shall conduct a review of
18 prudent and feasible alternatives to provision of a drinking
19 water source prior to making a determination that such
20 lake development or creation is reasonable and necessary.

21 Development or creation of a lake as a surface drinking water
22 source includes all of the following:

23 (i) Construction of the dam, including sites for suitable
24 borrow material and the auxiliary spillway.

25 (ii) The water supply pool.

26 (iii) The sediment pool.

27 (iv) The flood control pool.

28 (v) The floodwater retarding pool.

29 (vi) The surrounding area upstream of the dam no higher in
30 elevation than the top of the dam's elevation.

31 (vii) The appropriate setback distance required by state or
32 federal laws and regulations to protect drinking water supply.

33 (b) For purposes of this subparagraph (1), *“number of acres*
34 *justified as reasonable and necessary for a surface drinking*
35 *water source”* means according to guidelines of the United

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1 States natural resource conservation service and according to
 2 analyses of ~~surface~~ drinking water capacity needs conducted by
 3 one or more registered professional engineers. The registered
 4 professional engineers may, if appropriate, employ standards
 5 or guidelines other than the guidelines of the United States
 6 natural resource conservation service when determining the
 7 number of acres justified as reasonable and necessary for
 8 a surface drinking water source. The data and information
 9 used by the registered professional engineers shall include
 10 data and information relating to population and commercial
 11 enterprise activity for the area from the two most recent
 12 federal decennial censuses unless the district court of the
 13 county in which the property is situated has determined by
 14 a preponderance of the evidence that such data would not
 15 accurately predict the population and commercial enterprise
 16 activity of the area in the future.

17 (c) A second review or analysis of the drinking water
 18 capacity needs shall be performed upon receipt by the acquiring
 19 agency of a petition signed by not less than twenty-five
 20 percent of the affected property owners. The registered
 21 professional engineer to perform the second review or analysis
 22 shall be selected by a committee appointed by the affected
 23 property owners and whose membership is comprised of at
 24 least fifty percent property owners affected by the proposed
 25 condemnation action. The acquiring agency shall be responsible
 26 for paying the fees and expenses of such an engineer.

27 (d) If private property is to be condemned for development
 28 or creation of a lake, the plans, analyses, applications,
 29 including any application for funding, and other planning
 30 activities of the acquiring agency shall not include or provide
 31 for the use of the lake for recreational purposes.

32 Sec. 9. Section 6B.54, subsection 10, paragraph a, Code
 33 2014, is amended by adding the following new subparagraph:

34 **NEW SUBPARAGRAPH.** (3) Reasonable attorney fees and
 35 reasonable costs not to exceed one hundred thousand dollars,

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1 owner of the right to purchase the property under this section
2 at the time damages are paid to the owner.

3 Sec. 11. Section 403.7, subsection 1, unnumbered paragraph
4 1, Code 2014, is amended to read as follows:

5 A municipality shall have the right to acquire by
6 condemnation any interest in real property, including a fee
7 simple title thereto, which it may deem necessary for or in
8 connection with an urban renewal project under this chapter,
9 subject to the limitations on eminent domain authority
10 in ~~chapter~~ chapters 6A and 6B. However, a municipality
11 shall not condemn agricultural land included within an
12 economic development area for any use unless the owner of
13 the agricultural land consents to condemnation or unless the
14 municipality determines that the land is necessary or useful
15 for any of the following:

16 Sec. 12. NEW SECTION. **423B.11 Use of revenues —**
17 **limitation.**

18 The revenue raised by a local sales and services tax imposed
19 under this chapter by a county shall not be expended for any
20 purpose related to a project that includes the condemnation of
21 private property for the creation of a lake according to the
22 requirements of section 6A.22, subsection 2, paragraph "c",
23 subparagraph (1), if the local sales and services tax has not
24 been approved at election in the area where the property to be
25 condemned is located.

26 Sec. 13. Section 455A.5, Code 2014, is amended by adding the
27 following new subsection:

28 NEW SUBSECTION. 7. The authority granted to the commission
29 to acquire real property for purposes of carrying out a
30 duty related to development or maintenance of the recreation
31 resources of the state, including planning, acquisition, and
32 development of recreational projects, and areas and facilities
33 related to such projects, shall not include the authority to
34 acquire real property by eminent domain.

35 Sec. 14. Section 456A.24, subsection 2, unnumbered



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1 paragraph 1, Code 2014, is amended to read as follows:

2 Acquire by purchase, ~~condemnation~~, lease, agreement,
3 gift, and devise lands or waters suitable for the purposes
4 hereinafter enumerated, and rights-of-way thereto, and to
5 maintain the same for the following purposes, ~~to wit~~:

6 Sec. 15. Section 456A.24, Code 2014, is amended by adding
7 the following new subsection:

8 NEW SUBSECTION. 15. The authority granted the department
9 to acquire real property for any statutory purpose relating to
10 the development or maintenance of the recreation resources of
11 the state, including planning, acquisition, and development
12 of recreational projects, and areas and facilities related to
13 such projects, shall not include the authority to acquire real
14 property by eminent domain.

15 Sec. 16. Section 461A.7, Code 2014, is amended to read as
16 follows:

17 **461A.7 ~~Eminent domain~~ Purchase of lands — public parks.**

18 The commission may purchase ~~or condemn~~ lands from willing
19 sellers for public parks. ~~No~~ A contract for the purchase of
20 such public parks shall not be made to an amount in excess of
21 funds appropriated therefor by the general assembly.

22 Sec. 17. Section 461A.10, Code 2014, is amended to read as
23 follows:

24 **461A.10 Title to lands.**

25 The title to all lands purchased, ~~condemned~~, or donated,
26 hereunder, for park ~~or highway~~ purposes and the title to all
27 lands purchased, condemned, or donated hereunder for highway
28 purposes, shall be taken in the name of the state and if
29 thereafter it shall be deemed advisable to sell any portion of
30 the land so purchased or condemned, the proceeds of such sale
31 shall be placed to the credit of the ~~said~~ public state parks
32 fund to be used for such park purposes.

33 Sec. 18. Section 463C.8, subsection 1, paragraph k, Code
34 2014, is amended to read as follows:

35 *k.* The power to acquire, own, hold, administer, and dispose



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1 of property, except that such power is not a grant of authority
2 to acquire property by eminent domain.

3 Sec. 19. REPEAL. Sections 461A.9 and 461A.75, Code 2014,
4 are repealed.

5 Sec. 20. SEVERABILITY. If any provision of this division of
6 this Act is held invalid, the invalidity shall not affect other
7 provisions or applications of this division of this Act which
8 can be given effect without the invalid provision, and to this
9 end the provisions of this division of this Act are severable
10 as provided in section 4.12.

11 Sec. 21. EFFECTIVE UPON ENACTMENT. This division of this
12 Act, being deemed of immediate importance, takes effect upon
13 enactment.

14 Sec. 22. APPLICABILITY. Except as otherwise provided in
15 this division of this Act, this division of this Act applies to
16 projects or condemnation proceedings pending or commenced on or
17 after the effective date of this division of this Act.

18 Sec. 23. RETROACTIVE APPLICABILITY. Notwithstanding any
19 provision of law to the contrary, the following provision or
20 provisions of this division of this Act apply retroactively to
21 projects or condemnation proceedings pending or commenced on or
22 after February 15, 2013:

23 1. The section of this division of this Act amending section
24 6A.22.

25 2. The section of this division of this Act enacting section
26 6B.56B.

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 relates to state and local government powers and
31 limitations.

32 DIVISION I — LOANS FROM CITY RESERVE FUNDS. The bill enacts
33 new Code section 384.24B to allow a city to borrow surplus
34 money from its reserve accounts or funds for any general
35 corporate purpose or essential corporate purpose. The bill

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1 requires that a city certify taxes to be levied for deposit in
2 the debt service fund in the amount necessary to pay principal
3 and interest on loans authorized under the bill. The bill
4 defines "loan", "surplus", and "reserve account or fund".

5 The bill requires that such loans not cause the balances
6 of such reserve accounts or funds to fall below any minimum
7 balance prescribed by law and requires that a city shall not
8 become indebted under such loans to an amount in excess of \$6
9 million. The bill requires that loans from reserve funds be
10 reported to the state treasurer in the same manner as required
11 for bonds issued by a city. The bill requires that such loans
12 not result in a user fee, rate, or property tax increase as
13 a result of unavailability of surplus funds. The terms of
14 each loan shall require repayment of the loan within 90 days
15 to the extent necessary to prevent a user fee rate or property
16 tax increase. Such a loan shall be payable from the city debt
17 service fund and shall constitute an indebtedness within the
18 meaning of any statutory debt limitation.

19 The full or partial repayment of a loan entered into under
20 the bill shall constitute an essential corporate purpose
21 pursuant to Code section 384.24, subsection 3, paragraph "f".
22 The bill provides that upon approval of such a loan that the
23 loan shall be accounted for as a separate account pursuant
24 to current Code section 384.20. The bill further provides
25 that interest rates on such a loan be set between the interest
26 rate established for the deposit of public funds, established
27 in current Code section 12C.6 and the maximum interest rate
28 established for public obligations and assessments under
29 current Code section 74A.6, subsection 2. The bill provides
30 that such a loan not include any transfers or obligations from
31 a reserve fund or account of a city utility or combined city
32 utility.

33 The bill requires that a city council follow substantially
34 the same procedures for the issuance of general obligation
35 bonds for essential corporate purposes, pursuant to Code

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1 section 384.25, or for general corporate purposes, pursuant to
2 Code section 384.26 when making a loan from reserve funds.

3 The bill further provides that no action may be brought
4 against a city regarding the legality, power to issue, or power
5 to authorize notes or loans under Code chapter 384 at any time
6 after 60 days following issuance.

7 DIVISION II — EMINENT DOMAIN. The bill provides that
8 property listed on the state register of historic places shall
9 not be removed from the register solely for the purpose of
10 allowing the property to be acquired by condemnation unless the
11 condemnation is undertaken by the department of transportation.
12 The bill also provides that property on the state register of
13 historic places may not be condemned unless a joint resolution
14 authorizing the condemnation is approved by a vote of at least
15 two-thirds of each house of the general assembly and signed
16 by the governor. This approval procedure, however, does
17 not apply to a condemnation undertaken by the department of
18 transportation.

19 The bill specifies that Code chapter 6A, unless specifically
20 provided by law, is not to be construed to limit or otherwise
21 affect the application of Code chapters 478 and 479 to the
22 eminent domain authority of the utilities division of the
23 department of commerce.

24 The bill makes changes relating to eminent domain authority
25 in relation to development or creation of a lake. The bill
26 provides that when determining the number of acres justified as
27 reasonable and necessary for a surface drinking water source,
28 the registered professional engineers may, if appropriate,
29 employ standards or guidelines other than the guidelines of
30 the United States natural resource conservation service. The
31 bill requires the data and information used by the registered
32 professional engineers to include data and information relating
33 to population and commercial enterprise activity for the area
34 from the two most recent federal decennial censuses unless the
35 district court of the county in which the property is situated

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1 has determined by a preponderance of the evidence that such
2 data would not accurately predict the population and commercial
3 enterprise activity of the area in the future.

4 The bill also provides that a second review or analysis
5 of the drinking water capacity needs shall be performed upon
6 receipt by the acquiring agency of a petition signed by not
7 less than 25 percent of the affected property owners. The
8 registered professional engineer to perform the second review
9 or analysis shall be selected by a committee appointed by the
10 affected property owners and comprised of at least 50 percent
11 property owners affected by the proposed condemnation action.
12 The division further provides that the acquiring agency shall
13 pay for the services of such an engineer.

14 The bill provides that if private property is to be condemned
15 for development or creation of a lake, the plans, analyses,
16 applications, including any application for funding, and other
17 planning activities of the acquiring agency shall not include
18 or provide for the use of the lake for recreational purposes.

19 The bill adds reasonable attorney fees and reasonable costs
20 that are attributable to certain condemnation proceedings
21 relating to the creation of a lake, up to \$100,000, to the list
22 of expenses reimbursable by an acquiring agency to a property
23 owner.

24 The bill provides that when two years have elapsed since
25 property was condemned for the creation of a lake and the
26 property has not been used for or construction has not
27 progressed substantially for the purpose stated in the
28 application, and the acquiring agency has not taken action to
29 dispose of the property pursuant to Code section 6B.56, the
30 acquiring agency shall, within 60 days, adopt a resolution
31 offering the property for sale to the prior owner at a price
32 as provided in Code section 6B.56. If the acquiring agency
33 has not adopted a resolution within the 60-day time period,
34 the prior owner may petition the acquiring agency to offer the
35 property for sale to the prior owner at a price as provided in

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1 Code section 6B.56. The bill requires the acquiring agency to
2 give written notice to the owner at the time damages are paid
3 to the owner of the right to purchase the property under such
4 circumstances.

5 The bill also amends urban renewal law relating to the
6 circumstances in which a municipality may condemn agricultural
7 land within an economic development urban renewal area to
8 provide that condemnation may occur if viable alternatives do
9 not exist and the acquisition of the land is necessary for the
10 purposes stated in current law.

11 The bill provides that the revenue raised by a local sales
12 and services tax imposed under Code chapter 423B by a county
13 shall not be expended for any purpose related to a project
14 that includes the condemnation of private property for the
15 creation of a lake if the local sales and services tax has not
16 been approved at election in the area where the property to be
17 condemned is located.

18 The bill provides that the department of natural resources
19 and the natural resource commission shall not exercise eminent
20 domain authority to acquire real property for purposes of
21 carrying out a duty related to development or maintenance of
22 the recreation resources of the state, including planning,
23 acquisition, and development of recreational projects, and
24 areas and facilities related to such projects. The bill
25 retains the department's authority to acquire property through
26 condemnation for highway purposes.

27 Except as otherwise provided in division II of the bill,
28 division II takes effect upon enactment and applies to projects
29 or condemnation proceedings pending or commenced on or after
30 that date.

31 Division II of the bill provides that the provisions of
32 division II amending Code section 6A.22 and enacting Code
33 section 6B.56B apply retroactively to projects or condemnation
34 proceedings pending or commenced on or after February 15, 2013.



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House Resolution 107 - Introduced

HOUSE RESOLUTION NO. 107

BY GAINES, ABDUL-SAMAD, HUSEMAN, WESSEL-KROESCHELL,
KELLEY, VANDER LINDEN, STUTSMAN, BERRY, H. MILLER,
MUHLBAUER, HAGENOW, RIDING, JORGENSEN, HEARTSILL,
KOESTER, GASSMAN, MAXWELL, MEYER, MASCHER, and
R. OLSON

1 A Resolution congratulating the Grandview University
2 Vikings football team on winning the National
3 Association of Intercollegiate Athletics National
4 Championship.

5 WHEREAS, in 2013, the Grandview Vikings football
6 team had a 14-0 overall record, won the Mid-States
7 Football Association Midwest title for the third
8 straight season with 6-0 league record, and finished
9 the season ranked as the number one team in the
10 nation; and

11 WHEREAS, on December 21, 2013, the Vikings won the
12 58th annual Russell Athletic-NAIA Football National
13 Championship, beating the first ranked University of
14 the Cinderlands Patriots with a score of 35-23; and

15 WHEREAS, Grandview quarterback Derek Fulton was
16 named the Outstanding Offensive Player of the Game,
17 completing 19 of 39 attempts for a game-high 300 yards,
18 and four touchdowns; and

19 WHEREAS, Jason Gladfelder was named the Outstanding
20 Defensive Player of the Game, registering 15
21 tackles; and

22 WHEREAS, Coach Mike Woodley has been selected as the
23 American Football Coaches' Association NAIA National
24 Coach of the Year; NOW THEREFORE,



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1 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
2 That the House of Representatives congratulates Coach
3 Woodley and all the members of the Grandview University
4 Vikings football team on winning the National
5 Association of Intercollegiate Athletics National
6 Championship.



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House Study Bill 665 - Introduced

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

A BILL FOR

- 1 An Act excluding certain wagers from the definition of adjusted
- 2 gross receipts for purposes of the wagering tax on gambling
- 3 games.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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ec/nh



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1 Section 1. Section 99F.1, Code 2014, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 22. "*Taxable gross receipts*" means the
4 adjusted gross receipts less the total sums wagered with
5 tokens, chips, electronic credits, or other forms of cashless
6 wagering provided by the licensee without an exchange of money
7 as described in section 99F.9, subsection 4.

8 Sec. 2. Section 99F.4A, subsection 6, Code 2014, is amended
9 to read as follows:

10 6. The ~~adjusted~~ taxable gross receipts received from
11 gambling games shall be taxed at the same rates and the
12 proceeds distributed in the same manner as provided in section
13 99F.11.

14 Sec. 3. Section 99F.11, subsection 1, Code 2014, is amended
15 to read as follows:

16 1. A tax is imposed on the ~~adjusted~~ taxable gross receipts
17 received each fiscal year from gambling games authorized under
18 this chapter at the rate of five percent on the first one
19 million dollars of ~~adjusted~~ taxable gross receipts and at the
20 rate of ten percent on the next two million dollars of ~~adjusted~~
21 taxable gross receipts.

22 Sec. 4. Section 99F.11, subsection 2, unnumbered paragraph
23 1, Code 2014, is amended to read as follows:

24 The tax rate imposed each fiscal year on any amount of
25 ~~adjusted~~ taxable gross receipts over three million dollars
26 shall be as follows:

27 Sec. 5. Section 99F.11, subsection 2, paragraph b,
28 subparagraph (2), Code 2014, is amended to read as follows:

29 (2) If the licensee of the racetrack enclosure has been
30 issued a table games license during the fiscal year or prior
31 fiscal year and the adjusted gross receipts from gambling games
32 of the licensee in the prior fiscal year were one hundred
33 million dollars or more, twenty-two percent on ~~adjusted~~ taxable
34 gross receipts received prior to the operational date and
35 twenty-four percent on ~~adjusted~~ taxable gross receipts received



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1 on or after the operational date. For purposes of this
2 subparagraph, the operational date is the date the commission
3 determines table games became operational at the racetrack
4 enclosure.

5 Sec. 6. Section 99F.11, subsection 3, paragraphs a, b, and
6 c, Code 2014, are amended to read as follows:

7 a. If the gambling excursion originated at a dock located
8 in a city, one-half of one percent of the ~~adjusted~~ taxable
9 gross receipts shall be remitted to the treasurer of the city
10 in which the dock is located and shall be deposited in the
11 general fund of the city. Another one-half of one percent of
12 the ~~adjusted~~ taxable gross receipts shall be remitted to the
13 treasurer of the county in which the dock is located and shall
14 be deposited in the general fund of the county.

15 b. If the gambling excursion originated at a dock located
16 in a part of the county outside a city, one-half of one percent
17 of the ~~adjusted~~ taxable gross receipts shall be remitted to
18 the treasurer of the county in which the dock is located and
19 shall be deposited in the general fund of the county. Another
20 one-half of one percent of the ~~adjusted~~ taxable gross receipts
21 shall be remitted to the treasurer of the Iowa city nearest to
22 where the dock is located and shall be deposited in the general
23 fund of the city.

24 c. Eight-tenths of one percent of the ~~adjusted~~ taxable gross
25 receipts tax shall be deposited in the county endowment fund
26 created in section 15E.311.

27 Sec. 7. Section 99F.11, subsection 3, paragraph d,
28 unnumbered paragraph 1, Code 2014, is amended to read as
29 follows:

30 Two-tenths of one percent of the ~~adjusted~~ taxable gross
31 receipts tax shall be allocated each fiscal year as follows:

32 Sec. 8. Section 99F.11, subsection 3, paragraph e, Code
33 2014, is amended to read as follows:

34 e. The remaining amount of the ~~adjusted~~ taxable gross
35 receipts tax shall be credited as provided in section 8.57,



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1 subsection 5.

2

EXPLANATION

3

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

4

5 This bill excludes from adjusted gross receipts for purposes
6 of calculating the wagering tax on gambling game receipts as
7 provided in Code section 99F.11 the total sums wagered with
8 tokens, chips, electronic credits, or other forms of cashless
9 wagering provided by the licensee without an exchange of money.



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House Study Bill 666 - Introduced

HOUSE RESOLUTION NO. _____

BY (PROPOSED COMMITTEE ON ETHICS RESOLUTION BY
CHAIRPERSON SMITH)

1 A Resolution amending the Code of Ethics of the House
2 of Representatives relating to personal financial
3 disclosure reports.

4 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
5 Rule 17, unnumbered paragraph 2, of the House Code
6 of Ethics, as adopted by the House of Representatives
7 during the 2013 Session in House Resolution 5, is
8 amended as follows:

9 This form is due each year on or before February 15.
10 The reporting period is the most recently completed
11 calendar year. An amended form shall be filed if a
12 change in business, occupation, or profession reported
13 in Division I of the form has occurred. The amended
14 form shall include the date the change took effect and
15 must be filed within thirty days of the first day of
16 the change in employment or engagement necessitating
17 the amended form. If the date of the change occurs
18 between January 1 and February 15, the change shall be
19 included in the filing due February 15.

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Senate File 2240

S-5014

- 1 Amend Senate File 2240 as follows:
2 1. Page 25, by striking lines 16 through 23.
3 2. By striking page 25, line 30, through page 26,
4 line 4.
5 3. By striking page 68, line 1, through page 71,
6 line 10.
7 4. Page 72, by striking line 32 and inserting
8 ~~<electronic document of title~~ "electronic document of
9 title" means a document
10 5. Page 72, by striking lines 34 and 35 and
11 inserting <in an electronic medium. A ~~tangible~~
12 ~~document of title~~ "tangible document of title" means a
13 document of title evidenced by a record
14 6. By renumbering as necessary.

COMMITTEE ON JUDICIARY
ROBERT M. HOGG, CHAIRPERSON

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Senate File 2253

S-5015

- 1 Amend Senate File 2253 as follows:
2 1. Page 26, line 27, by striking <2013> and
3 inserting <2014>
4 2. Page 26, line 29, by striking <July> and
5 inserting <January>

JACK HATCH



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Senate File 2201

S-5016

1 Amend Senate File 2201 as follows:

2 1. Page 1, by striking lines 4 through 13 and
3 inserting:

4 <1. Kidnapping where the in the second degree is
5 any of the following:

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

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

11 c. Where the victim of the kidnapping is under
12 eighteen years of age other than a kidnapping by a
13 relative whose sole purpose of the kidnapping is to
14 assume custody of the victim.

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

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

ROBERT M. HOGG



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Senate File 2232

S-5017

- 1 Amend Senate File 2232 as follows:
2 1. Page 2, line 33, by striking <federal, state,>
3 and inserting <state>
4 2. Page 3, line 4, after <director.> by inserting
5 <The release of confidential information by the
6 department, a county or local government, or a state
7 or local governmental agency other than as authorized
8 pursuant to this section, and the sale of such
9 confidential information, is strictly prohibited.>

JANET PETERSEN



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Senate File 2259

S-5018

- 1 Amend Senate File 2259 as follows:
2 1. Page 1, after line 27 by inserting:
3 <Sec. ____ Section 715C.1, subsection 11, paragraph
4 c, Code 2014, is amended to read as follows:
5 c. Financial account number, credit card number,
6 or debit card number in combination with any required
7 expiration date, security code, access code, or
8 password that would permit access to an individual's
9 financial account.
10 2. Page 4, line 20, by striking <persons> and
11 inserting <residents of this state>
12 3. By renumbering as necessary.

JANET PETERSEN



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Senate File 2243

S-5019

- 1 Amend Senate File 2243 as follows:
2 1. Page 1, line 12, after <safety.> by inserting
3 <However, a bicycle may be ridden on either side of the
4 line marking the right-hand edge of the lane farthest
5 to the right on the roadway.>

WILLIAM A. DOTZLER, JR.



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Senate File 2243

S-5020

- 1 Amend Senate File 2243 as follows:
2 1. Page 1, line 8, after <A> by inserting <motor>
3 2. Page 1, line 9, before <practicable> by
4 inserting <reasonably>
5 3. Page 1, line 10, after <A> by inserting <motor>

TOD R. BOWMAN



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Senate File 2319

S-5021

- 1 Amend Senate File 2319 as follows:
 2 1. Page 1, before line 1 by inserting:
 3 <Section 1. Section 256.7, subsection 31, paragraph
 4 b, Code 2014, is amended to read as follows:
 5 b. Adopt rules for the Iowa reading ~~research~~
 6 resource center and for implementation of the intensive
 7 summer literacy program developed and administered
 8 pursuant to section 256.9, subsection 53.
 9 Sec. ____ . Section 256.9, subsection 53, paragraph
 10 c, unnumbered paragraph 1, Code 2014, is amended to
 11 read as follows:
 12 Establish, subject to an appropriation of funds by
 13 the general assembly, an Iowa reading ~~research~~ resource
 14 center.>
 15 2. Page 1, by striking lines 19 through 27 and
 16 inserting <a specific and significant impairment in
 17 the development of reading, including but not limited
 18 to phonemic awareness, phonics, fluency, vocabulary,
 19 and comprehension, that is not solely accounted for
 20 by intellectual disability, sensory disability or
 21 impairment, or lack of appropriate instruction.>
 22 3. By renumbering as necessary.

BRIAN SCHOENJAHN

NANCY J. BOETTGER

AMY SINCLAIR

TOD R. BOWMAN

HERMAN C. QUIRMBACH

BRAD ZAUN



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Senate File 2018

S-5022

1 Amend Senate File 2018 as follows:

2 1. Page 1, by striking lines 30 through 33 and
3 inserting:

4 <Sec. 2. Section 279.10, subsection 4, Code 2014,
5 is amended to read as follows:

6 4. The director of the department of education
7 may grant a request made by a board of directors of
8 a school district or the authorities in charge of an
9 accredited nonpublic school stating its desire to
10 commence classes for regularly established elementary
11 and secondary schools prior to the earliest starting
12 date specified in subsection 1. A request shall be
13 based upon the determination that a starting date
14 on or after the earliest starting date specified
15 in subsection 1 would have a significant negative
16 educational impact.>

17 2. Title page, by striking lines 1 and 2 and
18 inserting <An Act relating to school instructional
19 time.>

ROBERT E. DVORSKY

SF2018.2986 (4) 85

je/rj

(amending this SF

2018 to CONFORM to

HF 2170)

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Senate File 2324 - Introduced

SENATE FILE 2324
BY COMMITTEE ON ECONOMIC
GROWTH

(SUCCESSOR TO SSB 3119)

A BILL FOR

1 An Act providing for the expansion of the availability of
2 broadband access across the state, and including income
3 tax credits and property tax exemptions for broadband
4 infrastructure installations and making appropriations.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 to read as follows:

2 1. *“Information technology”* means computing and electronics
3 applications used to process and distribute information in
4 digital and other forms and includes information technology
5 devices, information technology services, infrastructure
6 services, broadband and broadband infrastructure, and
7 value-added services.

8 Sec. 5. Section 8B.1, Code 2014, is amended by adding the
9 following new subsections:

10 NEW SUBSECTION. 7A. *“Targeted underserved service area”*
11 means a United States census bureau census block located in
12 this state within which communications service providers do
13 not offer or facilitate broadband service at or above thirty
14 megabits per second of download speed or three megabits per
15 second of upload speed. This definition may be adjusted by the
16 office by rule pursuant to section 8B.10.

17 NEW SUBSECTION. 7B. *“Targeted unserved service area”* means
18 a United States census bureau census block located in this
19 state within which communications service providers do not
20 offer or facilitate broadband service at or above four megabits
21 per second of download speed or one megabit per second of
22 upload speed. This definition may be adjusted by the office by
23 rule pursuant to section 8B.10.

24 Sec. 6. Section 8B.3, subsection 1, Code 2014, is amended
25 to read as follows:

26 1. The office is created for the purpose of leading,
27 directing, managing, coordinating, and providing accountability
28 for the information technology resources of state government
29 and for coordinating statewide broadband availability and
30 access.

31 Sec. 7. Section 8B.4, Code 2014, is amended by adding the
32 following new subsection:

33 NEW SUBSECTION. 14A. Streamline, consolidate, and
34 coordinate the access to and availability of broadband and
35 broadband infrastructure throughout the state, including but



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1 3. Service areas that have more than one communications
 2 service provider shall be subdivided based on incumbent local
 3 telephone exchange areas that have been established by the
 4 utilities board of the utilities division of the department of
 5 commerce pursuant to section 476.29.

6 Sec. 10. Section 8D.3, subsection 2, paragraph a, Code 2014,
 7 is amended to read as follows:

8 a. The commission is composed of the chief information
 9 officer appointed pursuant to section 8B.2 or the chief
 10 information officer's designee and five other members who shall
 11 be appointed by the governor and subject to confirmation by the
 12 senate. ~~Members~~ Appointed members of the commission shall not
 13 serve in any manner or be employed by an authorized user of the
 14 network or by an entity seeking to do or doing business with
 15 the network.

16 (1) The governor shall appoint a member as the chairperson
 17 of the commission from the five members appointed by the
 18 governor, subject to confirmation by the senate.

19 (2) ~~Members~~ Appointed members of the commission shall serve
 20 six-year staggered terms as designated by the governor and
 21 appointments to the commission are subject to the requirements
 22 of sections 69.16, 69.16A, and 69.19. Vacancies shall be
 23 filled by the governor for the duration of the unexpired term.

24 (3) The salary of the appointed members of the commission
 25 shall be twelve thousand dollars per year, except that the
 26 salary of the chairperson shall be seventeen thousand dollars
 27 per year. ~~Members~~ Appointed members of the commission shall
 28 also be reimbursed for all actual and necessary expenses
 29 incurred in the performance of duties as members. The benefits
 30 and salary paid to the appointed members of the commission
 31 shall be adjusted annually equal to the average of the annual
 32 pay adjustments, expense reimbursements, and related benefits
 33 provided under collective bargaining agreements negotiated
 34 pursuant to chapter 20.

35 Sec. 11. Section 8D.3, subsection 2, paragraph b, Code 2014,



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1 is amended to read as follows:

2 ~~b. In addition to the members appointed by the governor, the~~
3 The auditor of state or the auditor's designee shall serve as a
4 nonvoting, ex officio member of the commission.

5 Sec. 12. Section 8D.4, Code 2014, is amended to read as
6 follows:

7 **8D.4 Executive director appointed.**

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

21 Sec. 13. Section 80.28, subsection 2, Code 2014, is amended
22 to read as follows:

23 2. The board shall consist of ~~fifteen~~ seventeen voting
24 members, as follows:

25 a. The following members representing state agencies:

- 26 (1) One member representing the department of public
27 safety.
- 28 (2) One member representing the state department of
29 transportation.
- 30 (3) One member representing the department of homeland
31 security and emergency management.
- 32 (4) One member representing the department of corrections.
- 33 (5) One member representing the department of natural
34 resources.
- 35 (6) One member representing the Iowa department of public



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1 health.

2 (7) One member representing the office of the chief
3 information officer.

4 b. The governor shall solicit and consider recommendations
5 from professional or volunteer organizations in appointing the
6 following members:

7 (1) Two members who are representatives from municipal
8 police departments.

9 (2) Two members who are representatives of sheriff's
10 offices.

11 (3) Two members who are representatives from fire
12 departments. One of the members shall be a volunteer fire
13 fighter and the other member shall be a paid fire fighter.

14 (4) Two members who are law communication center managers
15 employed by state or local government agencies.

16 (05) One member who is an emergency medical care provider
17 as defined in section 147A.1.

18 (5) One at-large member.

19 Sec. 14. BROADBAND COORDINATION AND ANALYSIS —
20 APPROPRIATION. There is appropriated from the general fund of
21 the state to the office of chief information officer for the
22 fiscal year beginning July 1, 2014, and ending June 30, 2015,
23 the following amount, or so much thereof as is necessary, for
24 the purposes designated:

25 For data collection and analysis regarding the availability,
26 implementation, and affordability of broadband access across
27 state government and the private sector as provided in section
28 8B.4, subsection 14A, as enacted in this Act:

29 \$ 250,000

30 Notwithstanding section 8.33, moneys appropriated in this
31 section which remain unencumbered or unobligated at the end of
32 the fiscal year shall not revert but shall remain available for
33 expenditure for the purposes designated in subsequent fiscal
34 years.

35

DIVISION III

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1 IOWA COMMUNICATIONS NETWORK
 2 COMMUNICATIONS SERVICE PROVIDER ACCESS
 3 Sec. 15. NEW SECTION. 8D.21 Definitions.
 4 For the purposes of this subchapter, "broadband", "broadband
 5 infrastructure", "communications service provider", "targeted
 6 unserved service area", and "targeted underserved service area"
 7 mean the same as defined in section 8B.1.
 8 Sec. 16. NEW SECTION. 8D.22 Communications service provider
 9 access.
 10 1. *Wholesale access to network — authority of*
 11 *commission.* Notwithstanding any contrary provisions of this
 12 chapter related to access to the network, the commission may
 13 enter into a contract to provide access to network facilities
 14 owned by the state on a wholesale basis to a communications
 15 service provider who is not otherwise an authorized user as
 16 provided in this section. Such access shall not be available
 17 to network facilities leased by the state without the consent
 18 of the lessor. The commission may establish by rule the manner
 19 in which a contract entered into pursuant to this section shall
 20 be undertaken. Contracts shall be coordinated with the office
 21 of the chief information officer.
 22 2. *Access requirements — limitations.*
 23 a. Access to network facilities pursuant to any contract
 24 entered into by the commission pursuant to this section shall
 25 be subject to retention of sufficient capacity for existing
 26 and future authorized user demands. Access shall be provided
 27 solely for wholesale transactions to communications service
 28 providers to facilitate the installation and deployment of
 29 broadband infrastructure in targeted unserved service areas of
 30 the state.
 31 b. Prior to entering into a contract pursuant to this
 32 section, and for an interval of thirty business days, a
 33 communications service provider seeking wholesale access to
 34 network facilities shall comply with the following:
 35 (1) Allow any private wholesale communications service

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1 provider that has fiberoptic cable facilities that are close
2 in proximity to a targeted unserved service area to which
3 the contract would apply to make those facilities available
4 at the same or a lower rate than that offered by the network
5 determined pursuant to subsection 3.

6 (2) Allow any communications service provider who, as
7 of July 1, 2014, offered broadband service at retail within
8 or close in proximity to the targeted unserved service area
9 to submit documentation to the commission verifying that
10 the communications service provider has committed to make
11 broadband infrastructure available to all customers in
12 the targeted unserved service area on or before January 1,
13 2016. In the event the commission accepts the documentation
14 submitted, the commission shall not enter into a contract with
15 a communications service provider seeking wholesale access to
16 network facilities pursuant to this section.

17 c. A communications service provider seeking wholesale
18 access to network facilities pursuant to this subchapter
19 shall certify to the commission that the provider will offer
20 broadband service to all customers in the targeted unserved
21 service area.

22 d. Additional requirements and limitations regarding
23 communications service provider access pursuant to this
24 subchapter shall be determined by the commission by rule.

25 3. *Rate determination — rate adjustments — hearings.*

26 a. Rates applicable to wholesale access by communications
27 service providers pursuant to this section shall be determined
28 by the commission by rule, in consultation with the chief
29 information officer. The rates shall take into account and
30 reflect the following considerations:

31 (1) Establishment of a wholesale rate structure with
32 multiple pricing points determined based on the grouping of
33 similar installation characteristics to be identified by the
34 commission by rule, including but not limited to size and
35 demographic characteristics of the targeted unserved service

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1 area, availability of other communications service providers,
2 the type of communications service installation proposed, and
3 the communications service modality being utilized.

4 (2) Incorporation of any and all fully allocated costs
5 attributable to facilitating wholesale access.

6 b. Rates established pursuant to this section shall be
7 posted on the network's internet site.

8 c. Proposed rate adjustments shall be posted on the
9 network's internet site, and shall be subject to the following
10 public hearing, decision-making, and appeals process:

11 (1) Three public hearings on the proposed rate adjustment
12 shall be held within each targeted unserved service area
13 impacted by the proposed adjustment. The hearings shall
14 be conducted thirty days following the rate adjustment
15 announcement, sixty days following the announcement, and ninety
16 days following the announcement.

17 (2) Following the third public hearing, the commission
18 shall convene to discuss the status of the proposed rate
19 adjustment, and shall render and post a decision regarding the
20 proposed adjustment within fifteen days following the date of
21 the commission's meeting.

22 (3) Any party wishing to appeal the commission's decision
23 may file such an appeal with the executive council within
24 thirty days following the posting of the commission's decision.

25 (4) Rate changes shall become effective within thirty days
26 following approval by the commission in the event an appeal is
27 not filed, and immediately after the executive council renders
28 a decision in favor of the adjustment in the event an appeal is
29 filed.

30 4. In addition to providing wholesale access to
31 communications service providers for the purpose of
32 facilitating the installation and deployment of broadband
33 infrastructure, the commission shall evaluate whether wholesale
34 access should also be provided to communications service
35 providers and other businesses and entities to facilitate



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1 disaster recovery back-up.

2

DIVISION IV

3

FINANCIAL INCENTIVES

4 Sec. 17. NEW SECTION. **16.66 Broadband revolving loan**
5 **program.**

6 1. The authority shall establish and administer a broadband
7 revolving loan program to provide low-interest loans to
8 broadband and telecommunications businesses to expand broadband
9 access in targeted unserved service areas and targeted
10 underserved service areas of the state. For the purposes of
11 this section, "broadband", "targeted unserved service area", and
12 "targeted underserved service area" mean the same as defined in
13 section 8B.1.

14 2. In awarding loans to businesses to invest in expanding
15 broadband access, the authority may consider the following:

16 a. The business's relationship to the community and its
17 commitment to offer service to all customers in a targeted
18 unserved service area or targeted underserved service area.

19 b. The location of the community in which the business
20 operates and the need for broadband access in the community.

21 c. The overall geographic diversity of the applicants for
22 loans, including urban and rural diversity.

23 d. Any other information the authority deems relevant.

24 3. The authority may accept, reject, or defer a business's
25 application for a loan under this section.

26 4. In awarding loans, the authority shall give preference
27 to businesses that seek to expand broadband access to targeted
28 unserved service areas prior to awarding loans to businesses
29 that seek to expand broadband access to targeted underserved
30 services areas.

31 5. A loan awarded under the program to any single business
32 shall not exceed two hundred fifty thousand dollars per United
33 States census bureau census block, or two million dollars
34 overall.

35 6. The authority shall enter into an agreement with a

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1 business selected to receive a loan pursuant to this section
2 for purposes of ensuring the program is administered pursuant
3 to the requirements of this section. The agreement shall set
4 the loan period and interest rate of the loan.

5 7. a. The authority may seek immediate repayment or
6 recapture of the loan awarded pursuant to this section as
7 provided in paragraph `b`.

8 b. If, after receiving a loan from the authority pursuant to
9 this section, the business fails to use the awarded moneys for
10 the purposes described in subsection 1, all or a portion of the
11 loan received is subject to immediate repayment or recapture.

12 c. All repayments, recaptures, and interest on loans
13 awarded under the program shall be remitted to the authority
14 to be deposited in the broadband revolving loan program fund
15 established in section 16.67.

16 8. The authority shall have the power to bond as necessary
17 to carry out the purposes of the broadband revolving loan
18 program. The bonds shall be issued in the same manner as, and
19 under the same conditions and restrictions of, section 16.26.

20 **Sec. 18. NEW SECTION. 16.67 Broadband revolving loan**
21 **program fund.**

22 1. A broadband revolving loan program fund is created within
23 the authority consisting of moneys appropriated by the general
24 assembly and any other moneys available to and obtained or
25 accepted by the authority for placement in the fund.

26 2. Payments of interest, repayments of moneys loaned
27 pursuant to section 16.66, and recaptures of loans under
28 section 16.66, shall be deposited in the fund.

29 3. The fund shall be used to provide low-interest loans
30 under the broadband revolving loan program established in
31 section 16.66.

32 4. Moneys in the fund are not subject to section 8.33.
33 Notwithstanding section 12C.7, subsection 2, interest or
34 earnings on moneys in the fund shall be credited to the fund.

35

DIVISION V

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1 infrastructure and shall certify the valuation determined to
 2 the county auditor at the time of transmitting the assessment
 3 rolls. After the tax exemption is granted, the local assessor
 4 shall continue to grant the tax exemption for the remainder of
 5 the time period in the exemption schedule, and applications for
 6 exemption for succeeding years shall not be required.

7 *f.* The director of revenue may adopt rules pursuant to
 8 chapter 17A for the interpretation and proper administration of
 9 the exemption provided in this subsection.

10 DIVISION VII

11 SCHOOL INFORMATION TECHNOLOGY INFRASTRUCTURE

12 Sec. 22. Section 423F.3, subsection 6, Code 2014, is amended
 13 to read as follows:

14 6. *a.* For purposes of this chapter, "*school infrastructure*"
 15 means those activities authorized in section 423E.1, subsection
 16 3, Code 2007.

17 *b.* Additionally, "*school infrastructure*" includes the
 18 payment or retirement of outstanding bonds previously
 19 issued for school infrastructure purposes as defined in this
 20 subsection, and the payment or retirement of bonds issued under
 21 sections 423E.5 and 423F.4.

22 *c.* Additionally, "*school infrastructure*" includes the
 23 acquisition or installation of information technology
 24 infrastructure. "*Information technology infrastructure*" means
 25 the basic, underlying physical framework or system necessary
 26 to deliver technology connectivity to a school district and to
 27 network school buildings within a school district.

28 ~~*e.*~~ *d.* A school district that uses secure an advanced vision
 29 for education fund moneys for school infrastructure shall
 30 comply with the state building code in the absence of a local
 31 building code.

32 DIVISION VIII

33 STEM INTERNSHIPS AND DIGITAL SKILLS WORKFORCE TRAINING

34 Sec. 23. Section 15.411, subsection 3, Code 2014, is amended
 35 to read as follows:



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1 3. a. The authority shall establish and administer an
2 ~~innovative businesses~~ internship program with two components
3 for Iowa students. For purposes of this subsection, "*Iowa*
4 *student*" means a student of an Iowa community college, private
5 college, or institution of higher learning under the control
6 of the state board of regents, or a student who graduated from
7 high school in Iowa but now attends an institution of higher
8 learning outside the state of Iowa.

9 b. The purpose of the first component of the program is
10 to link Iowa students to small and medium sized Iowa firms
11 through internship opportunities. An Iowa employer may receive
12 financial assistance in an amount of one dollar for every
13 two dollars paid by the employer to an intern. The amount
14 of financial assistance shall not exceed three thousand one
15 hundred dollars for any single internship, or nine thousand
16 three hundred dollars for any single employer. In order to be
17 eligible to receive financial assistance under this ~~subsection~~
18 paragraph, the employer must have five hundred or fewer
19 employees and must be an innovative business. The authority
20 shall encourage youth who reside in economically distressed
21 areas, youth adjudicated to have committed a delinquent act,
22 and youth transitioning out of foster care to participate in
23 the first component of the internship program.

24 c. (1) The purpose of the second component of the program
25 is to assist in placing Iowa students studying in the fields
26 of science, technology, engineering, and mathematics into
27 internships that lead to permanent positions with Iowa
28 employers. The authority shall collaborate with eligible
29 employers, including but not limited to innovative businesses,
30 to ensure that the interns hired are studying in such fields.
31 An Iowa employer may receive financial assistance in an amount
32 of one dollar for every dollar paid by the employer to an
33 intern attending an Iowa community college, private college, or
34 institution of higher learning under the control of the state
35 board of regents, and one dollar for every two dollars paid by

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1 be determined by the department in coordination with the chief
2 information officer appointed pursuant to section 8B.2.

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

8 For implementation of the digital literacy and workforce
9 training pilot program to be developed pursuant to subsection
10 1:

11 \$ 1,400,000

12 Notwithstanding section 8.33, moneys appropriated in this
13 section which remain unencumbered or unobligated at the end of
14 the fiscal year shall not revert but shall remain available for
15 expenditure for the purposes designated in subsequent fiscal
16 years.

EXPLANATION

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

20 This bill relates to the availability of broadband access
21 across the state and provides incentives to facilitate the
22 installation of broadband infrastructure. The bill is titled
23 the "Statewide Broadband Expansion Act".

24 DIVISION I — LEGISLATIVE INTENT. The bill provides that
25 the general assembly finds that the availability of broadband
26 access, and the infrastructure necessary to facilitate that
27 access, varies to a significant extent from one area of the
28 state to another, and that increasing access to broadband
29 throughout the state is vital so that every citizen, business
30 entity or organization, and community in this state can be
31 afforded the opportunity to fully integrate with and utilize
32 modern technology for educational, economic development and job
33 training, health care, and other purposes.

34 DIVISION II — STATEWIDE BROADBAND COORDINATION. The bill
35 modifies provisions in Code chapter 8B, establishing the office

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1 of the chief information officer. The bill adds several
2 definitions to the Code chapter for use in the Code chapter
3 and in related provisions. The bill defines "broadband" to
4 mean a high-speed, high-capacity electronic transmission medium
5 that can carry data signals from multiple independent network
6 sources by establishing different bandwidth channels and that
7 is commonly used to deliver internet services to the public.
8 The bill defines "broadband infrastructure" to mean the
9 physical infrastructure used for the transmission of data via
10 broadband, including but not limited to any equipment, systems,
11 switches, routers, wire, cable, satellite, conduits, servers,
12 software, technology, base transceiver station sites, or other
13 means of transmission or communication, but not including
14 land, buildings, structures, improvements, or equipment not
15 directly used in the transmission of data. The bill defines
16 "communications service provider" to mean a service provider
17 that provides broadband service. Additionally, the bill
18 defines "targeted underserved service area" to mean a United
19 States census bureau census block located in Iowa within which
20 communications service providers do not offer or facilitate
21 broadband service at or above 30 megabits per second of
22 download speed or three megabits per second of upload speed.
23 Similarly, "targeted unserved service area" means a United
24 States census bureau census block located in Iowa within which
25 communications service providers do not offer or facilitate
26 broadband service at or above four megabits per second of
27 download speed or one megabit per second of upload speed. With
28 respect to both definitions, the bill provides that they may
29 be adjusted by the office by rule, and that the determination
30 of whether the download and upload speeds are being met shall
31 be by reference to broadband availability maps identified by
32 the office by rule. The bill directs the office to establish
33 procedures to handle challenges to claims that the threshold
34 download or upload speeds are being met, and provides that
35 service areas with more than one communications service



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1 provider shall be subdivided.

2 The bill adds additional powers and duties for the chief
3 information officer relating to broadband and broadband
4 infrastructure. The bill provides that the chief information
5 officer shall streamline, consolidate, and coordinate
6 the access to and availability of broadband and broadband
7 infrastructure throughout the state, including but not limited
8 to the facilitation of public-private partnerships, ensuring
9 that all state agencies' broadband and broadband infrastructure
10 policies and procedures are aligned, promoting accountability
11 regarding broadband and broadband infrastructure availability
12 and access, integrating cyber security standards and rules,
13 resolving issues which arise with regard to implementation
14 efforts, collecting data and developing metrics or standards
15 against which the data may be measured and evaluated regarding
16 broadband infrastructure installation and deployment, and
17 identifying options regarding the creation of standing
18 resources for stakeholders such as a fiberoptic database or a
19 fiberoptic network conduit installation coordination effort
20 for state-funded construction projects. The bill directs the
21 chief information officer to submit an annual report regarding
22 the status of broadband expansion and coordination. The bill
23 also adds the chief information officer to the information
24 technology and telecommunications commission which oversees
25 the operation of the Iowa communications network and to the
26 statewide interoperable communications system board established
27 in Code section 80.29. An additional member is added to the
28 board in the form of an emergency care provider. The bill
29 appropriates \$250,000 to the office for the 2014-2015 fiscal
30 year to facilitate broadband data collection and analysis.

31 DIVISION III — IOWA COMMUNICATIONS NETWORK COMMUNICATIONS
32 SERVICE PROVIDER ACCESS. The bill authorizes the information
33 technology and telecommunications commission to enter into a
34 contract to provide access to network facilities owned by the
35 state on a wholesale basis to a communications service provider



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1 who is not otherwise an authorized user of the network. Access
2 to network facilities leased by the state is not available
3 without the consent of the lessor. The bill provides that the
4 commission may establish by rule the manner in which a contract
5 is entered into, and that contracts shall be coordinated with
6 the office. Access shall be granted solely for wholesale
7 transactions to communications service providers to facilitate
8 the installation and deployment of broadband infrastructure in
9 targeted unserved service areas.

10 The bill provides that prior to entering into a contract,
11 for a 30-business-day period, a communications service provider
12 seeking wholesale access to the network must allow any private
13 wholesale communications service provider that has fiberoptic
14 cable facilities that are close in proximity to a targeted
15 unserved service area to which the contract would apply to make
16 those facilities available at the same or a lower rate than
17 that offered by the network. Also during the 30-day period,
18 the provider seeking access must allow any communications
19 service provider who, as of July 1, 2014, offered broadband
20 service at retail within or close in proximity to the targeted
21 unserved service area to submit documentation to the commission
22 verifying that the communications service provider has
23 committed to make broadband infrastructure available to all
24 customers in the targeted unserved service area on or before
25 January 1, 2016. The bill provides that in the event the
26 commission accepts the documentation submitted, the commission
27 shall not enter into a contract with a communications service
28 provider seeking wholesale access to network facilities.

29 Additionally, the bill requires communications service
30 providers seeking wholesale access to the network to certify to
31 the commission that they will offer broadband service to all
32 customers in the targeted unserved service area.

33 The bill provides that rates applicable to wholesale access
34 shall be determined by the commission by rule, in consultation
35 with the chief information officer. The rates are required to

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1 take into account and reflect a rate structure with multiple
2 pricing points determined based on the grouping of similar
3 installation characteristics to be identified by the commission
4 by rule, and to incorporate any and all fully allocated costs
5 attributable to facilitating wholesale access. The bill
6 provides that the rates and proposed rate adjustments shall
7 be posted on the network's internet site. In the event of
8 a proposed rate adjustment, the bill requires three public
9 hearings to be held within the targeted unserved service area
10 impacted by the proposed adjustment, to be conducted 30 days
11 following the rate adjustment announcement, 60 days following
12 the announcement, and 90 days following the announcement. The
13 bill provides that following the third public hearing, the
14 commission shall convene to discuss the status of the proposed
15 rate adjustment, and shall render and post a decision regarding
16 the proposed adjustment within 15 days following the date of
17 the commission's meeting. The bill provides that any party
18 wishing to appeal the commission's decision may file such an
19 appeal with the executive council within 30 days following the
20 posting of the commission's decision, and that rate changes
21 shall become effective within 30 days following approval by the
22 commission in the event an appeal is not filed, and immediately
23 after the executive council renders a decision in favor of the
24 adjustment in the event an appeal is filed.

25 The bill provides that the commission shall evaluate whether
26 wholesale access should also be provided to communications
27 service providers and other businesses and entities to
28 facilitate disaster recovery back-up.

29 DIVISION IV — FINANCIAL INCENTIVES. Division IV of the bill
30 requires the Iowa finance authority to establish and administer
31 a broadband revolving loan program to provide low-interest
32 loans to broadband and telecommunications businesses to expand
33 broadband access in targeted unserved or underserved service
34 areas.

35 When determining whether to award a loan to a business, the



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1 authority may consider factors specified in the bill and other
2 information the authority deems relevant. When awarding loans,
3 the authority will give preference to businesses seeking to
4 expand broadband access in targeted unserved service areas.

5 The bill provides that a loan awarded under the program to
6 any single business may not exceed \$250,000 per United States
7 census bureau block, or \$2 million overall.

8 The bill requires the authority to enter into an agreement
9 with a business selected to receive a loan under the program
10 to ensure compliance with the program's requirements. The
11 agreement must also set the loan period and the interest rate
12 of the loan.

13 The bill authorizes the authority to seek immediate
14 repayment or recapture of a loan awarded pursuant to the
15 program if the business fails to use the loan moneys to expand
16 broadband access in the state. All payments, repayments, or
17 recaptures, and interest on loans awarded under the program
18 must be remitted to the authority for deposit in the broadband
19 revolving loan program fund. The bill authorizes the authority
20 to use referenced bonding power as necessary to carry out the
21 purpose of the broadband revolving loan program.

22 The bill also establishes a broadband revolving loan program
23 fund under the control of the authority. This fund is to
24 be used to provide low-interest loans under the broadband
25 revolving loan program.

26 DIVISION V — INCOME TAX INCENTIVES. The bill provides
27 a corporate income tax credit for broadband infrastructure
28 installations in an amount equal to 3 percent of the amount
29 expended by a communications service provider in completing a
30 new installation of broadband infrastructure completed on or
31 after July 1, 2014, and subject to a maximum of \$250,000 per
32 census block or \$3 million per installation. The bill requires
33 a taxpayer claiming a credit to certify prior to commencement
34 of the installation that the installation took place within
35 an area meeting the definition of a targeted unserved or



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1 Iowa students studying in the fields of science, technology,
2 engineering, and mathematics into internships that lead to
3 permanent positions with Iowa employers. The bill directs the
4 authority to collaborate with eligible employers, which may
5 include but are not limited to innovative businesses, to ensure
6 that the interns hired are studying in the specified fields,
7 and provides that an Iowa employer may receive financial
8 assistance in the amount of \$1 for every \$1 paid by the
9 employer to an intern studying in Iowa, and \$1 for every \$2
10 paid to an intern studying outside Iowa, limited to an amount
11 not exceeding \$5,000 for any single internship. The bill
12 states that the requirement to establish the internships is
13 contingent upon the provision of funding for such purposes by
14 the general assembly, and then appropriates \$2 million for this
15 purpose for the 2014-2015 fiscal year. The bill provides that
16 no more than 3 percent of the funds appropriated may be used by
17 the authority for costs associated with administration of the
18 program.

19 The bill also directs the department of education to develop
20 and issue a request for proposals regarding selection of
21 a digital skills training provider to establish a digital
22 literacy and workforce training pilot program. The program
23 shall provide digital skills training, including training for
24 teleworking and coworking employment opportunities. The bill
25 provides that distribution and use of any funds appropriated
26 to administer the pilot program shall be determined by the
27 department in coordination with the chief information officer.
28 The bill appropriates \$1.4 million to the department for
29 purposes of program administration for the 2014-2015 fiscal
30 year.



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Senate File 2325 - Introduced

SENATE FILE 2325
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 3110)

A BILL FOR

1 An Act relating to matters under the purview of the department
2 of transportation.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 DIVISION I

2 HIGHWAYS

3 Section 1. Section 306.3, unnumbered paragraph 1, Code
4 2014, is amended to read as follows:

5 As used in this chapter or in any chapter of the Code
6 relating to highways, except as otherwise specified:

7 Sec. 2. Section 306C.1, subsection 2, Code 2014, is amended
8 to read as follows:

9 2. *“Interstate highway”* includes *“interstate road”* and
10 *“interstate system”* and means any highway of the primary
11 national highway system at any time officially designated as a
12 part of the national system of interstate and defense highways
13 by the department and approved by the appropriate authority of
14 the federal government.

15 Sec. 3. Section 306C.1, Code 2014, is amended by adding the
16 following new subsection:

17 NEW SUBSECTION. 5. *“National highway system”* means the
18 network designated by the federal highway administration in
19 consultation with the state department of transportation, which
20 consists of interconnected urban and rural principal arterials
21 and highways that serve major population centers, ports,
22 airports, public transportation facilities, other intermodal
23 transportation facilities, and other major travel destinations;
24 meet national defense requirements; and serve interstate and
25 interregional travel.

26 Sec. 4. Section 306C.2, unnumbered paragraph 1, Code 2014,
27 is amended to read as follows:

28 A person shall not establish, operate, or maintain a
29 junkyard, any portion of which is within one thousand feet of
30 the nearest edge of the right-of-way of any interstate highway
31 on the national highway system, except:

32 Sec. 5. Section 306C.3, Code 2014, is amended to read as
33 follows:

34 **306C.3 Junkyards lawfully in existence.**

35 1. Any junkyard located outside a zoned or unzoned



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1 industrial area lawfully in existence on July 1, 1972,
2 which is within one thousand feet of the nearest edge of
3 the right-of-way and visible from the main-traveled portion
4 of any highway on the interstate system shall be screened,
5 if feasible, by the department, or by the owner under rules
6 and direction of the department, at locations on the highway
7 right-of-way or in areas acquired for such purposes outside
8 the right-of-way in order to obscure the junkyard from the
9 main-traveled way of such highways.

10 2. Any junkyard located outside a zoned or unzoned
11 industrial area lawfully in existence on July 1, 2014, which
12 is within one thousand feet of the nearest edge of the
13 right-of-way and visible from the main-traveled portion of
14 any noninterstate highway which is on the national highway
15 system shall be screened, if feasible, by the department, or
16 by the owner under rules and direction of the department, at
17 locations on the highway right-of-way or in areas acquired for
18 such purposes outside the right-of-way in order to obscure the
19 junkyard from the main-traveled way of such highways.

20 Sec. 6. Section 306C.10, subsections 1, 2, 10, 13, and 20,
21 Code 2014, are amended to read as follows:

22 1. "*Adjacent area*" means an area which is contiguous to
23 and within six hundred sixty feet of the nearest edge of the
24 right-of-way of any ~~interstate, freeway primary, or primary~~
25 highway.

26 2. "*Advertising device*" includes any outdoor sign, display,
27 device, figure, painting, drawing, message, placard, poster,
28 billboard, or any other device designed, intended, or used to
29 advertise or give information in the nature of advertising, and
30 having the capacity of being visible from the traveled portion
31 of any ~~interstate or primary~~ highway.

32 10. "*Interstate highway*" includes "*interstate road*" and
33 "*interstate system*" and means any highway of the ~~primary~~
34 national highway system at any time officially designated as a
35 part of the national system of interstate and defense highways



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1 An advertising device shall not be constructed or
 2 reconstructed beyond the adjacent area in unincorporated areas
 3 of the state if it is visible from the main-traveled way of
 4 any ~~interstate or~~ primary highway except for advertising
 5 devices permitted in section 306C.11, subsections 1 and 2.
 6 Any advertising device permitted beyond an adjacent area in
 7 unincorporated areas of the state shall be subject to the
 8 applicable permit provisions of section 306C.18.

9 Sec. 9. Section 306C.13, subsections 2, 3, 4, and 5, Code
 10 2014, are amended to read as follows:

11 2. Advertising devices located within the adjacent
 12 area of nonfreeway primary highways shall not be erected or
 13 maintained closer to another advertising device facing in the
 14 same direction than one hundred feet if inside the corporate
 15 limits of a municipality. No advertising device, other than
 16 as excepted or permitted by ~~subsections~~ subsection 4, 5, or 6
 17 ~~of this section~~, shall be located within the triangular area
 18 formed by the line connecting two points each fifty feet back
 19 from the point where the street right-of-way lines of the
 20 main-traveled way and the intersecting street meet, or would
 21 meet, if extended.

22 3. Advertising devices located within the adjacent area of
 23 nonfreeway primary highways shall not be erected or maintained
 24 closer to another advertising device facing in the same
 25 direction than three hundred feet if outside the corporate
 26 limits of a municipality. No advertising device, other than
 27 those excepted or permitted by ~~subsections~~ subsection 4, 5, or
 28 6 ~~of this section~~, shall be located within the triangular area
 29 formed by a line connecting two points each one hundred feet
 30 back from the point where the street right-of-way lines of the
 31 main-traveled way and the intersecting street meet, or would
 32 meet, if extended.

33 4. The distance spacing measurements fixed by subsections 2
 34 and 3 ~~of this section~~ shall not apply to advertising devices
 35 which are separated by a building in such a manner that only



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1 one advertising device located within the minimum spacing
2 distance is visible from a highway at any one time.
3 5. Within a triangular area, as defined by subsections 2
4 and 3 ~~of this section~~, occupied by a building or structure, no
5 advertising device shall be erected or maintained closer to the
6 intersection than the building or structure itself, except that
7 a wall advertising device may be attached to said building or
8 structure not to protrude more than twelve inches.

9 Sec. 10. Section 306C.13, subsection 8, paragraph g, Code
10 2014, is amended to read as follows:

11 *g.* The standards contained in this section pertaining to
12 size, lighting, and spacing shall not apply to advertising
13 devices erected or maintained within six hundred sixty feet
14 of the right-of-way of those portions of the interstate
15 highway system exempted from control under chapter 306B by
16 authority of section 306B.2, subsection 4, nor to advertising
17 devices erected and maintained within adjacent areas along
18 noninterstate primary highways within zoned and unzoned
19 commercial and industrial areas, unless said advertising
20 devices were erected subsequent to July 1, 1972.

DIVISION II

TRANSPORTATION DEPARTMENT AND COMMISSION

DEPARTMENT OF TRANSPORTATION

24 Sec. 11. Section 307.8, Code 2014, is amended to read as
25 follows:

26 **307.8 Expenses.**

27 ~~Members of the commission, the~~ The director, and other
28 employees of the department shall be allowed their actual and
29 necessary expenses incurred in the performance of their duties.
30 All expenses and salaries shall be paid from appropriations
31 for such purposes, and the department shall be subject to the
32 budget requirements of chapter 8.

33 Sec. 12. Section 307.12, subsection 1, paragraphs g and p,
34 Code 2014, are amended to read as follows:

35 *g.* Appoint the ~~deputy director of transportation and the~~



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1 administrators ~~of~~ within the department.

2 ~~p. Administer chapter 327J~~ Apply for, accept, and expend
3 federal, state, or private funds for the improvement of
4 transportation.

5 Sec. 13. Section 307.12, subsection 1, Code 2014, is amended
6 by adding the following new paragraph:

7 NEW PARAGRAPH. *q.* Coordinate the transportation research
8 activities within the department.

9 Sec. 14. Section 307.12, subsection 2, Code 2014, is amended
10 to read as follows:

11 2. If in the interest of the state, the director may allow
12 a subsistence expense to an employee under the supervision of
13 the department's administrator responsible for highways highway
14 programs and activities for continuous stay in one location
15 while on duty away from established headquarters and place of
16 domicile for a period not to exceed forty-five days; and may
17 allow automobile expenses in accordance with section 8A.363,
18 for moving an employee and the employee's family from place of
19 present domicile to new domicile, and actual transportation
20 expense for moving of household goods. The household goods for
21 which transportation expense is allowed shall not include pets
22 or animals.

23 Sec. 15. Section 307.21, subsection 1, unnumbered paragraph
24 1, Code 2014, is amended to read as follows:

25 The department's administrator ~~of administrative services~~
26 responsible for the operations and finances of the department
27 shall:

28 Sec. 16. Section 307.21, subsection 7, Code 2014, is amended
29 to read as follows:

30 7. The administrator ~~of administrative services~~ may
31 purchase items from the department of administrative services
32 and may cooperate with the director of the department of
33 administrative services by providing purchasing services for
34 the department of administrative services.

35 Sec. 17. Section 307.22, Code 2014, is amended to read as



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1 follows:

2 **307.22 Planning and ~~research~~ programming activities.**

3 1. The department's administrator ~~of~~ responsible for
4 transportation planning and ~~research~~ infrastructure program
5 development shall:

6 *a.* Assist the director in planning all modes of
7 transportation in order to develop an integrated transportation
8 system providing adequate transportation services for all
9 citizens of the state.

10 *b.* Develop and maintain transportation statistical data for
11 the department.

12 *c.* Assist the director in establishing, analyzing, and
13 evaluating alternative transportation policies for the state.

14 *d.* Coordinate planning ~~and research~~ duties and
15 responsibilities with the planning functions carried on by
16 other administrators of the department.

17 *e.* (1) Annually report by July 1 of each year, for both
18 secondary and farm-to-market systems, the miles of earth,
19 granular, and paved surface roads; the daily vehicle miles
20 of travel; and the lineal feet of bridge deck under the
21 jurisdiction of each county's secondary road department, as
22 of the preceding January 1, taking into account roads whose
23 jurisdiction has been transferred from the department to a
24 county or from a county to the department during the previous
25 year. The annual report shall include those roads transferred
26 to a county pursuant to section 306.8A.

27 (2) Miles of secondary and farm-to-market roads shall not
28 include those miles of farm-to-market extensions within cities
29 under five hundred population that are placed under county
30 secondary road jurisdiction pursuant to section 306.4.

31 (3) The annual report of updated road and bridge data of
32 both the secondary and farm-to-market roads shall be submitted
33 to the Iowa county engineers association service bureau.

34 *f.* Advise and assist the director in the study and
35 development of highway transport economics to assure



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1 availability and productivity of highway transport services.

2 ~~f.~~ g. Perform such other planning functions as may be
3 assigned by the director.

4 2. The functions of planning and ~~research~~ infrastructure
5 program development do not include the detailed design
6 of highways or other modal transportation facilities, but
7 are restricted to the needs of this state for multimodal
8 transportation systems.

9 Sec. 18. Section 307.24, Code 2014, is amended to read as
10 follows:

11 **307.24 Administration of ~~highways~~ highway programs and**
12 **activities.**

13 The department's administrator ~~of highways~~ is responsible
14 for the ~~planning, design, construction, and maintenance of~~
15 highway programs and activities shall plan, design, construct,
16 and maintain the state primary highways and ~~shall~~ administer
17 chapters 306 ~~to~~ through 306C, chapters 309 through 314,
18 chapters 316 through 318, and chapter 320 and perform other
19 duties as assigned by the director. The ~~administration of~~
20 highways department shall be:

21 1. Be organized to provide administration assistance for
22 urban systems, ~~for~~ and secondary roads, and provide other
23 categories of administration assistance as necessary.

24 2. Devise and adopt standard plans of highway construction
25 and furnish the same to the counties and provide information
26 to the counties on the maintenance practices and policies of
27 the department.

28 3. Order the removal or alteration of any lights or
29 light-reflecting devices, whether on public or private
30 property, other than railroad signals or crossing lights,
31 located adjacent to a primary road and within three hundred
32 feet of a railroad crossing at grade, which in any way
33 interfere with the vision of or may be confusing to a person
34 operating a motor vehicle on such primary road in observing
35 the approach of trains or in observing signs erected for the



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1 purpose of giving warning of such railroad crossing.
2 4. Order the removal or alteration of any lights or
3 light-reflecting devices, whether on public or private
4 property, located adjacent to a primary road and within
5 three hundred feet of an intersection with another primary
6 road, which in any way interfere with the vision of or may be
7 confusing to a person operating a motor vehicle on such primary
8 road in observing the approach of other vehicles or signs
9 erected for the purpose of giving warning of such intersection.
10 5. Construct, reconstruct, improve, and maintain state
11 institutional roads and state park roads which are part of the
12 state park, state institution, and other state land road system
13 as defined in section 306.3, and bridges on such roads, roads
14 located on the state fairgrounds as described in chapter 173,
15 and the roads and bridges located on community college property
16 as described in chapter 260C, upon the request of the state
17 board, department, or commission which has jurisdiction over
18 such roads. Such construction, reconstruction, improvement,
19 or maintenance shall be done in such manner as may be agreed
20 upon by the state transportation commission and the state
21 board, department, or commission which has jurisdiction. The
22 commission may contract with any county or municipality for
23 the construction, reconstruction, improvement, or maintenance
24 of such roads and bridges. Any state park road which is an
25 extension of either a primary or secondary highway which both
26 enters and exits from a state park at separate points shall
27 be constructed, reconstructed, improved, and maintained as
28 provided in section 306.4. Funds allocated from the road
29 use tax fund for the purposes of this subsection shall be
30 apportioned in the following manner and amounts:
31 a. For department of natural resources facility roads,
32 forty-five and one-half percent.
33 b. For department of human services facility roads, six and
34 one-half percent.
35 c. For department of corrections facility roads, five and



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1 federal, state, or private funds for the improvement of mass
 2 transit.

3 ~~2.~~ 3. Advise and assist the director in the development
 4 of ~~rail~~ transportation systems and programs for ~~expansion of~~
 5 improving passenger and freight services.

6 ~~3.~~ 4. Advise and assist the director in developing programs
 7 in anticipation of railroad abandonment, including:

8 a. Development and evaluation of programs which will
 9 encourage improvement of rail freight and the upgrading of rail
 10 lines in order to improve freight service.

11 ~~b. Development of alternative modes of transportation to~~
 12 ~~areas and communities which lose rail service.~~

13 ~~c.~~ b. Advise Advising the director when it may appear in
 14 the best interest of the state to assume the role of advocate
 15 in railroad abandonments and railroad rate schedules.

16 ~~4.~~ 5. Develop and maintain a federal-state relationship
 17 of programs relating to railroad safety enforcement, track
 18 standards, rail equipment, operating rules, and transportation
 19 of hazardous materials.

20 6. Make surveys, plans, and estimates of cost for safety
 21 enhancement at railroad crossings on highways, and confer
 22 with local and railroad officials with reference to safety
 23 enhancement projects.

24 ~~5.~~ 7. Advise and assist the director in the conduct of
 25 research on railroad-highway grade crossings and encourage
 26 and develop a safety program in order to reduce injuries or
 27 fatalities including, but not limited to, the following:

28 ~~a. The implementation of a program of constructing rumble~~
 29 ~~strips at grade crossings on selected hard surface roads.~~

30 ~~b.~~ a. The establishment of standards for warning devices
 31 for particularly hazardous crossings or for classes of
 32 crossings on highways, which standards ~~are~~ shall be designed
 33 to reduce injuries, fatalities, and property damage. Such
 34 standards shall regulate the use of warning devices and
 35 signs, which shall be in addition to the requirements of

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1 ~~railway service with that of other~~ between all transportation
2 modes.

3 ~~8.~~ 9. Advise and assist the director with studies of
4 regulatory changes deemed necessary to effectuate economical
5 and efficient railroad service.

6 ~~9.~~ 10. Advise and assist the director regarding agreements
7 with railroad corporations for the restoration, conservation,
8 or improvement of railroad as defined in section 327D.2,
9 subsection 3, on such terms, conditions, rates, rentals, or
10 subsidy levels as may be in the best interest of the state.
11 The commission may enter into contracts and agreements which
12 are binding only to the extent that appropriations have been
13 or may subsequently be made by the legislature to effectuate
14 the purposes of this subsection.

15 ~~10.~~ 11. Administer chapters 324A, 327C through 327H, 327J,
16 328, 329, and 330.

17 12. Administer programs and activities in chapter
18 306D relating to scenic routes, chapter 307C relating to
19 the Missouri river barge compact, chapter 308 relating
20 to the Mississippi river parkway, chapter 308A relating
21 to recreational bikeways, and chapter 315 relating to the
22 revitalize Iowa's sound economy fund.

23 ~~11.~~ 13. Perform such other duties and responsibilities as
24 may be assigned by the director ~~and the commission.~~

25 ~~12. Advise and assist in the establishment and development~~
26 ~~of railroad districts upon request.~~

27 ~~13. Conduct innovative experimental programs relating to~~
28 ~~rail transportation problems within the state.~~

29 ~~14. Enter the role of "applicant" pursuant to the Railroad~~
30 ~~Revitalization and Regulatory Reform Act of 1976, Pub. L. No.~~
31 ~~94-210, and take such actions as are necessary to accomplish~~
32 ~~this role.~~

33 ~~15. Identify those segments of railroad trackage which, if~~
34 ~~improved, may provide increased transportation services for~~
35 ~~the citizens of this state. The department shall develop and~~



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1 ~~implement programs to encourage the improvement of rail freight~~
2 ~~services on such railroad trackage.~~

3 ~~16.~~ 14. Promote river transportation and coordinate river
4 programs with other transportation modes.

5 ~~17.~~ 15. Advise and assist the director in the development
6 of river transportation and port facilities in the state.

7 Sec. 20. Section 307.27, Code 2014, is amended to read as
8 follows:

9 **307.27 Motor vehicles, motor carriers, and drivers.**

10 The department's administrator responsible for the
11 enforcement and regulation of motor carriers, registration of
12 motor vehicles, and the licensing of drivers shall:

13 1. Administer and supervise the registration of motor
14 vehicles and the licensing of drivers pursuant to chapter 321.

15 2. Administer and supervise the licensing of motor vehicle
16 manufacturers, distributors, and dealers pursuant to chapter
17 322.

18 3. Administer the inspection of motor vehicles pursuant to
19 chapter 321.

20 4. Administer motor vehicle registration reciprocity
21 pursuant to chapter 326.

22 5. Administer the provisions of chapters 321A, 321E, 321F,
23 and 321J relating to motor vehicle financial responsibility,
24 the implied consent law, the movement of vehicles of excessive
25 size and weight, and the leasing and renting of vehicles.

26 6. Administer the regulation of motor vehicle franchisers
27 pursuant to chapter 322A.

28 7. Administer the regulation of motor carriers pursuant to
29 ~~chapter~~ chapters 325A, 326, and 327B.

30 8. Administer the registration of interstate authority
31 of motor carriers pursuant to chapter 327B as provided in 49
32 U.S.C. § 14504a and United States department of transportation
33 regulations.

34 9. Administer chapter 321C relating to interstate drivers
35 license compacts; chapter 321D relating to vehicle equipment



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1 compacts; chapter 321H relating to vehicle recyclers; chapter
 2 321L relating to parking for persons with disabilities; chapter
 3 321M relating to county issuance of driver's licenses; and
 4 chapter 322C relating to travel trailer dealers, manufacturers,
 5 and distributors.

6 Sec. 21. Section 307.45, Code 2014, is amended to read as
 7 follows:

8 **307.45 State-owned lands — assessment.**

9 1. Cities and counties may assess the cost of a public
 10 improvement against the state when the improvement benefits
 11 property owned by the state and under the jurisdiction
 12 and control of the ~~department's administrator of highways~~
 13 department. The director shall pay from the primary road fund
 14 the portion of the cost of the improvement which would be
 15 legally assessable against the land if privately owned.

16 2. Assessments against property under the jurisdiction of
 17 the ~~department's administrator of highways~~ department shall be
 18 made in the same manner as those made against private property,
 19 except that the city or county making the assessment shall
 20 cause a copy of the public notice of hearing to be mailed to the
 21 director by certified mail.

22 3. Assessments against property owned by the state and
 23 not under the jurisdiction and control of the ~~department's~~
 24 ~~administrator of highways~~ department shall be made in the same
 25 manner as those made against private property, and payment
 26 shall be subject to authorization by the executive council.
 27 There is appropriated from moneys in the general fund not
 28 otherwise appropriated an amount necessary to pay the expense
 29 authorized by the executive council.

30 Sec. 22. Section 307.47, subsections 1 and 3, Code 2014, are
 31 amended to read as follows:

32 1. The highway materials and equipment revolving fund
 33 is created from moneys appropriated out of the primary road
 34 fund. From this fund shall be paid all costs for materials
 35 and supplies, inventoried stock supplies, maintenance and



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1 operational costs of equipment, and equipment replacements
 2 incurred in the operation of centralized purchasing under the
 3 supervision of the ~~department's administrator of highways~~
 4 administrator responsible for highway programs and activities.
 5 Direct salaries and expenses properly chargeable to direct
 6 salaries shall be paid from the fund. For each month, the
 7 ~~director~~ administrator responsible for the operations and
 8 finances of the department shall render a statement to each
 9 highway unit under the supervision of the administrator
 10 ~~of highways~~ for the actual cost of materials and supplies,
 11 operational and maintenance costs of equipment, and equipment
 12 depreciation used. The expense shall be paid by the
 13 ~~administrator of highways~~ responsible for the operations
 14 and finances of the department in the same manner as other
 15 interdepartmental billings are paid, and ~~when the expense is~~
 16 ~~paid by the administrator of highways,~~ the sum paid shall be
 17 credited to the highway materials and equipment revolving fund.

18 3. When the highway units under the supervision of
 19 ~~the administrator of highways~~ share equipment with other
 20 administrative units of the department, the director shall
 21 prorate the costs of the equipment among the administrative
 22 units using the equipment.

23 Sec. 23. REPEAL. Sections 307.3, 307.4, 307.5, 307.6,
 24 307.7, 307.9, 307.10, 307.25, 307.35, and 307.43, Code 2014,
 25 are repealed.

STATE TRANSPORTATION COMMISSION

26
 27 Sec. 24. NEW SECTION. 307A.1A **Transportation commission.**

28 1. There is created a state transportation commission which
 29 shall consist of seven members, not more than four of whom
 30 shall be from the same political party. The governor shall
 31 appoint the members of the commission for a term of four years
 32 beginning and ending as provided by section 69.19, subject to
 33 confirmation by the senate.

34 2. The commission shall meet in May of each year for the
 35 purpose of electing one of its members as chairperson.

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1 Sec. 25. Section 307A.2, Code 2014, is amended to read as
 2 follows:

3 **307A.2 Duties.**

4 ~~Said~~ The commission shall:

5 1. ~~Devise and adopt standard plans of highway construction~~
 6 ~~and furnish the same to the counties and provide information~~
 7 ~~to the counties on the maintenance practices and policies of~~
 8 ~~the department.~~ Develop, coordinate, and annually update a
 9 comprehensive transportation policy and plan for the state.

10 2. ~~Furnish information and instruction to, answer inquiries~~
 11 ~~of, and advise with, highway officers on matters of highway~~
 12 ~~construction and maintenance and the reasonable cost thereof.~~

13 Promote the coordinated and efficient use of all available
 14 modes of transportation for the benefit of the state and
 15 its citizens including but not limited to the designation
 16 and development of multimodal public transfer facilities if
 17 carriers or other private businesses fail to develop such
 18 facilities.

19 3. ~~Reserved.~~

20 4. ~~Make surveys, plans, and estimates of cost, for the~~
 21 ~~elimination of danger at railroad crossings on highways, and~~
 22 ~~confer with local and railroad officials with reference to~~
 23 ~~elimination of the danger.~~

24 5. ~~Assist the board of supervisors and the department~~
 25 ~~general counsel in the defense of suits wherein infringement of~~
 26 ~~patents, relative to highway construction, is alleged.~~

27 6. ~~Make surveys for the improvement of highways upon or~~
 28 ~~adjacent to state property when requested by the board or~~
 29 ~~department in control of said lands.~~

30 7. ~~Record all important operations of said commission and,~~
 31 ~~at the time provided by law, report the same to the governor.~~

32 8. ~~Incur no expense to the state by sending out road~~
 33 ~~lecturers.~~

34 9. ~~Order the removal or alteration of any lights or~~
 35 ~~light reflecting devices, whether on public or private~~



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~~1 property, other than railroad signals or crossing lights,
 2 located adjacent to a primary road and within three hundred
 3 feet of a railroad crossing at grade, which in any way
 4 interfere with the vision of or may be confusing to a person
 5 operating a motor vehicle on such highway in observing the
 6 approach of trains or in observing signs erected for the
 7 purpose of giving warning of such railroad crossing.~~

~~8 10. Order the removal or alteration of any lights or
 9 light reflecting devices, whether on public or private
 10 property, located adjacent to a primary road and within
 11 three hundred feet of an intersection with another primary
 12 road, which in any way interfere with the vision of or may be
 13 confusing to a person operating a motor vehicle on such highway
 14 in observing the approach of other vehicles or signs erected
 15 for the purpose of giving warning of such intersection.~~

~~16 11. Construct, reconstruct, improve, and maintain state
 17 institutional roads and state park roads, which are part of
 18 the state park, state institution, and other state land road
 19 system as defined in section 306.3, and bridges on such roads,
 20 roads located on state fairgrounds as defined in chapter 173,
 21 and the roads and bridges located on community college property
 22 as defined in chapter 260C, upon the request of the state
 23 board, department, or commission which has jurisdiction over
 24 such roads. This shall be done in such manner as may be agreed
 25 upon by the state transportation commission and the state
 26 board, department, or commission which has jurisdiction. The
 27 commission may contract with any county or municipality for
 28 the construction, reconstruction, improvement, or maintenance
 29 of such roads and bridges. Any state park road which is an
 30 extension of either a primary or secondary highway which both
 31 enters and exits from a state park at separate points shall
 32 be constructed, reconstructed, improved, and maintained as
 33 provided in section 306.4. Funds allocated from the road
 34 use tax fund for the purposes of this subsection shall be
 35 apportioned in the following manner and amounts:~~

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1 ~~a. For department of natural resources facility roads,~~
 2 ~~forty-five and one-half percent.~~
 3 ~~b. For department of human services facility roads, six and~~
 4 ~~one-half percent.~~
 5 ~~c. For department of corrections facility roads, five and~~
 6 ~~one-half percent.~~
 7 ~~d. For national guard facility roads, four percent.~~
 8 ~~e. For state board of regents facility roads, thirty~~
 9 ~~percent.~~
 10 ~~f. For state fair board facility roads, two percent.~~
 11 ~~g. For department of administrative services facility roads,~~
 12 ~~one-half percent.~~
 13 ~~h. For department of education facility roads, six percent.~~
 14 ~~12.~~ 3. Prepare, adopt, and cause to be published a
 15 long-range program for the primary road system, in conjunction
 16 with the state transportation plan adopted by the commission.
 17 Such program shall be prepared for a period of at least five
 18 years and shall be revised, brought up-to-date, and republished
 19 at least once every year in order to have a continuing
 20 five-year program. The program shall include, insofar as such
 21 estimates can be made, an estimate of the money expected to
 22 become available during the period covered by the program and
 23 a statement of the construction, maintenance, and other work
 24 planned to be performed during such period. The commission
 25 shall conduct periodic reinspections of the primary roads in
 26 order to revise, from time to time, its estimates of future
 27 needs to conform to the physical and service conditions
 28 of the primary roads. ~~The commission shall annually cause~~
 29 ~~to be published a sufficiency rating report showing the~~
 30 ~~relative conditions of the primary roads.~~ Before the last
 31 day of December of each year, the commission shall adopt and
 32 cause to be published from its long-range program, a plan of
 33 improvements to be accomplished during the next calendar year.
 34 However, in years when the federal government is reauthorizing
 35 federal highway funding, the commission shall not be required

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1 to adopt and publish the annual plan of improvements to be
2 accomplished until at least ninety days from the enactment
3 of the new federal funding formula. This annual program
4 shall list definite projects in order of urgency and shall
5 include a reasonable year's work with the funds estimated to
6 be available. The annual program shall be final and followed
7 by the commission in the next year except that deviations may
8 be made in case of disaster or other unforeseen emergencies
9 or difficulties. The relative urgency of the proposed
10 improvements shall be determined by a consideration of the
11 physical condition, safety, and service characteristics of the
12 various primary roads.

13 ~~13.~~ 4. The criteria used by the commission for allocating
14 funds as a result of any long-range planning process shall be
15 adopted in accordance with the provisions of chapter 17A. The
16 commission shall adopt such rules and regulations in accordance
17 with the provisions of chapter 17A as it may deem necessary to
18 transact its business and for the administration and exercise
19 of its powers and duties.

20 ~~14.~~ 5. Identify, within the primary road system, a network
21 of commercial and industrial highways in accordance with
22 section 313.2A. The improvement of this network shall be
23 considered in the development of the long-range program and
24 plan of improvements under this section.

25 6. Approve all rules prior to their adoption by the director
26 pursuant to section 307.12, subsection 1, paragraph "j".

27 Sec. 26. NEW SECTION. 307A.3 Conflict of interest.

28 A person shall not serve as a member of the commission who
29 has an interest in a contract or job of work or material or the
30 profits thereof or service to be performed for the department.
31 Any member of the commission who accepts employment with or
32 acquires any stock, bonds, or other interest in any company
33 or corporation doing business with the department shall be
34 disqualified from remaining a member of the commission.

35 Sec. 27. NEW SECTION. 307A.4 Vacancies on commission.



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1 credited to carry out the provisions of ~~section 307A.2,~~
2 ~~subsection 11,~~ section 313.4, subsection 2, section 307.24,
3 subsection 5, and section 307.45.

4 Sec. 35. Section 313.4, subsection 2, Code 2014, is amended
5 to read as follows:

6 2. Such fund is also appropriated and shall be used for the
7 construction, reconstruction, improvement, and maintenance of
8 state institutional roads and state park roads and bridges on
9 such roads and roads and bridges on community college property
10 as provided in section ~~307A.2~~ 307.24, subsection ~~11~~ 5, for
11 restoration of secondary roads used as primary road detours and
12 for compensation of counties for such use, for restoration of
13 municipal streets so used and for compensation of cities for
14 such use, and for the payments required in section 307.45.

15 DIVISION III

16 MISCELLANEOUS PROVISIONS

17 Sec. 36. Section 321.50, subsection 5, Code 2014, is amended
18 by adding the following new paragraph:

19 NEW PARAGRAPH. *d.* For purposes of this subsection, a
20 security interest noted on an Iowa certificate of title and
21 appearing in the statewide computer system and the county's
22 records shall be presumed to be discharged upon presentation of
23 a valid certificate of title subsequently issued by a foreign
24 jurisdiction on which the security interest is no longer noted.

25 Sec. 37. Section 321.176A, subsection 1, Code 2014, is
26 amended to read as follows:

27 1. A farmer or a person working for a farmer while operating
28 a ~~commercial motor vehicle controlled by the farmer within one~~
29 ~~hundred fifty air miles of the farmer's farm to transport the~~
30 ~~farmer's own agricultural products, farm machinery, or farm~~
31 ~~supplies to or from the farm~~ covered farm vehicle as defined
32 in the federal Moving Ahead for Progress in the 21st Century
33 Act, Pub. L. No. 112-141, §32934. The exemption provided in
34 this subsection shall apply to farmers who assist each other
35 through an exchange of services and shall include operation of



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1 a commercial motor vehicle between the farms of the farmers who
2 are exchanging services.

3 Sec. 38. Section 321.257, subsection 2, paragraphs g and h,
4 Code 2014, are amended to read as follows:

5 *g.* A *"don't walk"* or *"steady upraised hand"* light is a
6 pedestrian signal which means that pedestrian traffic facing
7 the illuminated pedestrian signal shall not start to cross
8 the roadway in the direction of the pedestrian signal, and
9 pedestrian traffic in the crossing shall proceed to a safety
10 zone.

11 *h.* A *"walk"* or *"walking person"* light is a pedestrian signal
12 which means that pedestrian traffic facing the illuminated
13 pedestrian signal may proceed to cross the roadway in the
14 direction of the pedestrian signal and shall be given the
15 right-of-way by drivers of all vehicles.

16 Sec. 39. Section 321.257, subsection 2, Code 2014, is
17 amended by adding the following new paragraphs:

18 NEW PARAGRAPH. *Og.* A *"flashing yellow arrow"* light shown
19 alone or with another official traffic-control signal means
20 vehicular traffic may cautiously enter the intersection
21 and proceed only in the direction indicated by the arrow.
22 Vehicular traffic shall yield the right-of-way to other
23 vehicles and pedestrians lawfully within the intersection and
24 any vehicle on the opposing approach which is approaching so
25 closely as to constitute an immediate hazard during the time
26 the driver is moving within the intersection.

27 NEW PARAGRAPH. *Oh.* A *"flashing upraised hand"* or *"upraised
28 hand with countdown"* light is a pedestrian signal which means
29 that pedestrian traffic facing the illuminated pedestrian
30 signal shall not start to cross the roadway in the direction of
31 the pedestrian signal, and pedestrian traffic in the crossing
32 shall proceed to a safety zone. The *"upraised hand with
33 countdown"* light is a pedestrian signal that also provides the
34 time remaining for the pedestrian to complete the crossing.

35 Sec. 40. Section 328.24, unnumbered paragraph 1, Code 2014,



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1 is amended to read as follows:

2 If, during the year for which an aircraft, except
 3 nonresident aircraft used for the application of herbicides
 4 and pesticides, was registered and the required fee paid, the
 5 aircraft is destroyed by fire or accident or junked, and its
 6 identity as an aircraft entirely eliminated, or ~~it~~ the aircraft
 7 is removed and continuously used beyond the boundaries of the
 8 state, then the owner in whose name it was registered at the
 9 time of destruction, dismantling, or removal from the state
 10 shall return the certificate of registration to the department
 11 within ~~ten~~ thirty days and make affidavit of the destruction,
 12 dismantling, or removal and make claim for the refund. The
 13 refund shall be paid from the general fund of the state.

14 Sec. 41. 2012 Iowa Acts, chapter 1129, section 4, is amended
 15 to read as follows:

16 SEC. 4. ROAD USE TAX FUND EFFICIENCY MEASURES

17 — ~~QUARTERLY~~ ANNUAL REPORTS. The department of transportation
 18 shall submit ~~quarterly reports~~ a report annually on or before
 19 December 31 in an electronic format to the co-chairpersons
 20 of the joint appropriations subcommittee on transportation,
 21 infrastructure, and capitals, the chairpersons of the senate
 22 and house standing committees on transportation, the department
 23 of management, and the legislative services agency regarding
 24 the implementation of efficiency measures identified in the
 25 "Road Use Tax Fund Efficiency Report", January 2012. The
 26 reports shall provide details of activities undertaken in
 27 the previous ~~quarter~~ year relating to one-time and long-term
 28 program efficiencies and partnership efficiencies. Issues to
 29 be covered in the reports shall include but are not limited
 30 to savings realized from the implementation of particular
 31 efficiency measures; updates concerning measures that have
 32 not been implemented; efforts involving cities, counties,
 33 other jurisdictions, or stakeholder interest groups; any
 34 new efficiency measures identified or undertaken; and
 35 identification of any legislative action that may be required



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1 to achieve efficiencies. ~~The first report shall be submitted~~
2 ~~by October 1, 2012.~~

3 DIVISION IV

4 MOTOR VEHICLE DEALERS

5 Sec. 42. Section 321.48, Code 2014, is amended by adding the
6 following new subsection:

7 NEW SUBSECTION. 2A. Notwithstanding subsections 1 and 2,
8 requirements in those subsections for obtaining title to a
9 vehicle or acknowledging assignment and warranty of title do
10 not apply to a dealer who sells a motor vehicle to a purchaser
11 in a consignment transaction authorized under section 322.7B.

12 Sec. 43. Section 321.57, subsection 1, Code 2014, is amended
13 to read as follows:

14 1. A dealer owning any vehicle of a type otherwise
15 required to be registered under this chapter may operate or
16 move the vehicle upon the highways solely for purposes of
17 transporting, testing, demonstrating, or selling the vehicle
18 without registering the vehicle, upon condition that the
19 vehicle display in the manner prescribed in sections 321.37
20 and 321.38 a special plate issued to the owner as provided in
21 sections 321.58 through 321.62. A dealer may operate or move
22 upon the highways a vehicle owned by the dealer for either
23 private or business purposes, including hauling a load or
24 towing a trailer, without registering it if the vehicle is in
25 the dealer's inventory and is continuously offered for sale at
26 retail, and there is displayed on it a special plate issued to
27 the dealer as provided in sections 321.58 through 321.62. A
28 dealer may operate or move upon the highways an unregistered
29 vehicle owned by a lessor licensed pursuant to chapter 321F
30 solely for the purpose of delivering the vehicle to the owner
31 or transporting the vehicle to or from an auction if there is
32 displayed on the vehicle a special plate issued to the dealer
33 as provided in sections 321.58 through 321.62.

34 Sec. 44. Section 321.60, Code 2014, is amended to read as
35 follows:



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1 **321.60 Issuance of special plates.**

2 The department shall also issue special plates as applied
3 for, which shall display the general distinguishing number
4 assigned to the applicant. Each plate so issued shall
5 also contain a number or symbol identifying the plate and
6 distinguishing it from every other plate bearing the same
7 general distinguishing number. The fee for each special plate
8 is forty dollars for a two-year period or part thereof. The
9 fee for a special plate used on a vehicle that is hauling a
10 load or towing a trailer is seven hundred fifty dollars for a
11 two-year period or part thereof.

12 Sec. 45. Section 321.69A, subsection 1, paragraph a,
13 subparagraph (2), Code 2014, is amended to read as follows:

14 (2) The actual cost of any labor or parts charged to or
15 performed by the dealer for any such repairs, adjustments, or
16 parts does not exceed four percent of the ~~dealer's adjusted~~
17 ~~cost~~ manufacturer's suggested retail price.

18 Sec. 46. Section 321.69A, subsections 2 and 3, Code 2014,
19 are amended to read as follows:

20 2. A person licensed as a new motor vehicle dealer pursuant
21 to chapter 322 shall disclose in writing, at or before the
22 time of sale or lease, to the buyer or lessee of a new motor
23 vehicle that the vehicle has been subject to any repairs of
24 damage to or adjustments on or replacements of parts with new
25 parts if the actual cost of any labor or parts charged to or
26 performed by the dealer for any such repairs, adjustments,
27 or parts exceeds four percent of the ~~dealer's adjusted cost~~
28 manufacturer's suggested retail price. The written disclosure
29 shall include the signature of the buyer or lessee and be in
30 a form and in a format approved by the attorney general by
31 rule. A dealer shall retain a copy of each written disclosure
32 issued pursuant to this section for five years from the date
33 of issuance.

34 3. As used in this section, ~~"dealer's adjusted cost"~~
35 "manufacturer's suggested retail price" means the amount ~~paid by~~



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1 c, Code 2014, are amended to read as follows:

2 a. Failing upon the sale or transfer of a vehicle, except
3 upon the sale of a vehicle under section 322.7B, to deliver to
4 the purchaser or transferee of the vehicle sold or transferred,
5 a manufacturer's or importer's certificate, or a certificate of
6 title duly assigned, as provided in chapter 321.

7 b. Failing upon the purchasing or otherwise acquiring of a
8 vehicle, except a vehicle acquired on consignment under section
9 322.7B, to obtain a manufacturer's or importer's certificate,
10 or a certificate of title duly assigned as provided in chapter
11 321.

12 c. Failing upon the purchasing or otherwise acquiring of a
13 vehicle, except a vehicle acquired on consignment under section
14 322.7B, to obtain a new certificate of title to such vehicle
15 when and where required in chapter 321.

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 contains provisions relating to matters under the
20 purview of the department of transportation (DOT).

21 DIVISION I — HIGHWAYS. Under current law, the DOT has
22 the responsibility for regulating junkyards along interstate
23 highways. This bill extends the scope of that responsibility
24 to include all highways on the national highway system. The
25 "national highway system" is designated by the federal highway
26 administration in consultation with the DOT and consists of
27 certain interconnected urban and rural principal arterials and
28 highways.

29 The bill prohibits the establishment, operation, or
30 maintenance of a junkyard within 1,000 feet of the nearest
31 edge of the right-of-way of any highway on the national
32 highway system unless the junkyard is not visible from the
33 main-traveled portion of the highway or is screened from view;
34 is located within areas zoned for industrial use; or is located
35 in an unzoned industrial area defined by DOT regulations.

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1 However, a junkyard in a zoned or unzoned industrial area
2 lawfully in existence on July 1, 2014, which is within 1,000
3 feet of the right-of-way and visible from the main-traveled
4 portion of the highway shall be screened, if feasible, by the
5 DOT or by the owner at the direction of the DOT.

6 Under current law, the DOT regulates billboards along
7 interstates and primary highways. The bill expands the scope
8 of that regulation by redefining "primary highways" to include
9 all highways on the national highway system and all highways
10 on the federal-aid primary system as it existed on June 1,
11 1991. Certain restrictions on the placement of advertising
12 devices are amended to narrow the application to nonfreeway or
13 noninterstate primary highways.

14 DIVISION II — TRANSPORTATION DEPARTMENT AND COMMISSION.
15 DEPARTMENT OF TRANSPORTATION. Code chapter 307, which
16 establishes the DOT, is amended and reorganized to reflect the
17 current structure and responsibilities of the department and
18 its various divisions. In addition, provisions which relate
19 to the state transportation commission are repealed from Code
20 chapter 307 and moved into Code chapter 307A, which relates
21 more specifically to the commission.

22 STATE TRANSPORTATION COMMISSION. Code chapter 307A,
23 which currently contains some of the duties of the state
24 transportation commission, is amended to include provisions
25 establishing the commission and providing for its organization
26 and membership. In addition, certain provisions which relate
27 to duties actually performed by the department, and not the
28 commission, are repealed from Code chapter 307A and moved into
29 Code chapter 307.

30 CONFORMING AMENDMENTS. Code sections that currently refer
31 to provisions in Code chapters 307 and 307A are amended to
32 update references in conjunction with the changes to those Code
33 chapters by the bill.

34 DIVISION III — MISCELLANEOUS PROVISIONS. Code section
35 321.50 is amended to provide that when a security interest is



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1 noted on an Iowa certificate of title and in the statewide
2 computer system and the county's records, it can be presumed
3 that the security interest has been discharged upon the
4 presentation of a valid certificate of title subsequently
5 issued by the foreign jurisdiction on which the security
6 interest is no longer noted.

7 The bill amends a provision in Code section 321.176A which
8 describes the exemption from commercial driver's license
9 requirements that applies to farmers and persons working for
10 farmers. The bill states that the exemption applies to a
11 farmer or a person working for a farmer while operating a
12 covered farm vehicle as defined in the 2012 federal Moving
13 Ahead for Progress in the 21st Century Act, also known as
14 MAP-21, which authorizes surface transportation funding.

15 The bill amends Code section 321.257 to describe new colored
16 lights and lighted symbols used on official traffic-control
17 signals. The "steady upraised hand" light means the same as
18 the "don't walk" light, and the "walking person" light means
19 the same as the "walk" light. The "flashing upright hand" and
20 the "upraised hand with countdown" lights are now pedestrian
21 signals that indicate when to wait before crossing or proceed
22 to a safety zone, and the "upraised hand with countdown"
23 light also indicates the time remaining for the pedestrian to
24 complete the crossing. The "flashing yellow arrow" light means
25 vehicular traffic may cautiously enter the intersection and
26 proceed in the direction indicated by the arrow, but must yield
27 the right-of-way to other vehicles and pedestrians lawfully in
28 the intersection or approaching closely.

29 Under current law, when an aircraft that was registered
30 in this state is destroyed by fire or accident or junked and
31 its identity as an aircraft entirely eliminated, or when the
32 aircraft is removed from the state, the owner has 10 days in
33 which to return the certificate of title and claim a refund
34 of the registration fee. The bill extends the deadline to 30
35 days.

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1 Pursuant to 2012 Acts, chapter 1129, section 4, the DOT
2 is currently required to submit quarterly reports regarding
3 the implementation of efficiency measures identified in the
4 "Road Use Tax Fund Efficiency Report", January 2012, and any
5 new efficiency measures identified or undertaken. The bill
6 requires the efficiency reports to be submitted annually by
7 December 31, instead of quarterly.

8 DIVISION IV — MOTOR VEHICLE DEALERS. Current law allows a
9 motor vehicle dealer to operate a vehicle owned by the dealer
10 for either private or business purposes without registering
11 the vehicle, provided the vehicle is in the dealer's inventory
12 and is continuously offered for sale at retail and the vehicle
13 displays a special dealer plate. The fee for a special dealer
14 plate is \$40 for a two-year period. The bill allows such a
15 vehicle to be used to haul a load or tow a trailer. The bill
16 establishes a fee of \$750 for a two-year period for a special
17 dealer plate to be displayed on a vehicle used to haul a load
18 or tow a trailer.

19 Current law requires a new motor vehicle dealer to
20 disclose to a buyer if the vehicle has had any damage repairs,
21 adjustments on parts, or replacement of parts if the cost of
22 the repairs, adjustments, or replacement exceeds 4 percent
23 of the dealer's adjusted cost. The bill changes the measure
24 requiring disclosure to be an amount that exceeds 4 percent of
25 the manufacturer's suggested retail price.

26 The bill provides an exemption from the fee for new
27 registration for vehicles primarily used by a dealer's
28 customers while the customer's vehicles are being serviced
29 or repaired. Currently, the exemption is only available for
30 vehicles purchased by a dealer for resale.

31 The bill allows a licensed motor vehicle dealer to sell
32 used motor trucks with a gross vehicle weight rating of 26,001
33 or more pounds on a consignment basis. The dealer must be
34 licensed to sell used vehicles, and the purchaser must be
35 either a corporation or a business entity that is purchasing

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1 the vehicle for a business purpose. A vehicle being sold
2 on consignment must be prominently labeled as a consignment
3 vehicle; the sales documentation must clearly indicate that
4 the vehicle is being sold on consignment; and the dealer must
5 put customers on notice that the dealer does not have title to
6 the vehicle or warranty the title. The consignor is required
7 to maintain appropriate financial liability coverage for the
8 vehicle, and the dealer assumes no liability for damages
9 resulting from a test drive.



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Senate File 2326 - Introduced

SENATE FILE 2326
BY HART

A BILL FOR

- 1 An Act modifying the number and qualification of cities that
- 2 may participate in the targeted jobs withholding tax credit
- 3 program.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 120,000 to 170,000 residents. A city may qualify under this
2 designation regardless of whether or not it wholly contains
3 three or more census tracts.

4 The bill allows applications from eligible cities for
5 designation as these pilot project cities to be filed before
6 January 1, 2015.



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Senate Resolution 108 - Introduced

SENATE RESOLUTION NO. 108

BY JOHNSON

1 A Resolution celebrating the installation of a statue
2 of Norman Borlaug in our nation's Capitol and
3 recognizing March 25, 2014, as National Agriculture
4 Day in the United States.

5 WHEREAS, Norman Borlaug was born on March 25, 1914,
6 on a farm in Howard County, and attended kindergarten
7 through 8th grade in a one-room school house and then
8 was a star wrestler at Cresco High School; and

9 WHEREAS, Dr. Borlaug was a distinguished graduate of
10 a United States land-grant university and served on the
11 faculty of another land-grant university, and as such
12 reflects the great achievements of that superb national
13 educational system; and

14 WHEREAS, Dr. Borlaug, a 1970 Nobel Peace Prize
15 Laureate, the World Food Prize founder, and the "Father
16 of the Green Revolution" saved an estimated one billion
17 lives with his advances in wheat science; and

18 WHEREAS, among his numerous awards and accolades Dr.
19 Borlaug was awarded both the United States Presidential
20 Medal of Freedom and the Congressional Gold Medal,
21 America's highest civilian honors, for his prodigious
22 accomplishments in fighting hunger; and

23 WHEREAS, as each state is allowed two statues of
24 notable citizens to be displayed in the United States
25 Capitol's Statuary Hall, the Iowa General Assembly in
26 2011 authorized the commission of a statue honoring Dr.
27 Borlaug; and

28 WHEREAS, in March 2011, the Iowa General Assembly



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1 unanimously passed, and the Governor signed, a
2 resolution placing a statue of Dr. Borlaug in the
3 United States Capitol in Washington, D.C., and the
4 Governor then appointed a committee to raise the funds
5 to commission an artist to create such a statue; and
6 WHEREAS, donations from generous benefactors have
7 covered all expenses in creating and transporting the
8 statue; and

9 WHEREAS, March 25, 2014, is National Agriculture Day
10 throughout the United States and the 100th anniversary
11 of Dr. Borlaug's birth; and

12 WHEREAS, the bronze statue of Dr. Borlaug will be
13 unveiled at the U.S. Capitol on March 25, 2014, as one
14 of two statues that represent the state of Iowa in
15 Statuary Hall; NOW THEREFORE,

16 BE IT RESOLVED BY THE SENATE, That the Senate
17 recognizes March 25, 2014, as National Agriculture Day
18 in the United States and celebrates the life's work and
19 memory of Dr. Norman Borlaug, soon to be memorialized
20 by a statue in our nation's Capitol.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 25, 2014

Senate Study Bill 3201 - Introduced

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

A BILL FOR

- 1 An Act modifying provisions applicable to the solar energy
- 2 system tax credit, and including retroactive applicability
- 3 provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6111XC (2) 85
rn/sc



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1 Section 1. Section 422.11L, subsection 1, paragraphs a and
2 b, Code 2014, are amended to read as follows:

3 a. ~~Fifty~~ Seventy-five percent of the federal residential
4 energy efficient property credit related to solar energy
5 provided in section 25D of the Internal Revenue Code, not to
6 exceed ~~three~~ five thousand dollars.

7 b. ~~Fifty~~ Seventy-five percent of the federal energy credit
8 related to solar energy systems provided in section 48 of the
9 Internal Revenue Code, not to exceed ~~fifteen~~ twenty thousand
10 dollars.

11 Sec. 2. Section 422.11L, subsection 4, Code 2014, is amended
12 to read as follows:

13 4. The cumulative value of tax credits claimed annually by
14 applicants pursuant to this section shall not exceed ~~one~~ four
15 million five hundred thousand dollars.

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

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 solar energy system individual and
23 corporate income tax credit.

24 Currently, the tax credit is equal to the sum of 50 percent
25 of the federal residential energy efficient property credit
26 related to solar energy provided in section 25D of the Internal
27 Revenue Code, not to exceed \$3,000, and 50 percent of the
28 federal energy credit related to solar energy systems provided
29 in section 48 of the Internal Revenue Code, not to exceed
30 \$15,000. The bill increases these amounts to 75 percent of the
31 federal residential energy efficient property credit related
32 to solar energy, not to exceed \$5,000, and 75 percent of the
33 federal energy credit related to solar energy systems, not to
34 exceed \$20,000.

35 Additionally, currently the cumulative value of solar energy



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1 system income tax credits able to be claimed annually cannot
2 exceed \$1.5 million. The bill increases this cumulative amount
3 to \$4.5 million annually.

4 The bill's provisions apply retroactively to January 1,
5 2014, for tax years beginning on or after that date.