State of Iowa

2013

ACTS AND JOINT RESOLUTIONS

(Session Laws)

Enacted at the

2013 REGULAR SESSION

of the

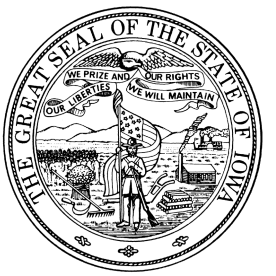
Eighty-Fifth General Assembly

of the

State of Iowa

HELD AT DES MOINES, THE CAPITAL OF THE STATE
IN THE ONE HUNDRED SIXTY-SEVENTH YEAR OF THE STATE

REGULAR SESSION CONVENED ON THE FOURTEENTH DAY OF JANUARY
AND ADJOURNED ON THE TWENTY-THIRD DAY OF MAY, A.D. 2013



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Legislative Services Agency
GENERAL ASSEMBLY OF IOWA
Des Moines

PREFACE

CERTIFICATION

We, Glen P. Dickinson, Director, Legislative Services Agency, Richard L. Johnson, Legal Services Division Director, and Leslie E. W. Hickey, Iowa Code Editor, certify that, to the best of our knowledge, the Acts and Resolutions in this volume have been prepared from the original enrolled Acts and Resolutions on file in the office of the Secretary of State; are correct copies of those Acts and Resolutions; are published under the authority of the statutes of this state; and constitute the Acts and Resolutions of the 2013 Regular Session of the Eighty-fifth General Assembly of the State of Iowa.

STATUTES AS EVIDENCE

Iowa Code section 622.59 is as follows:

622.59 Printed copies of statutes. Printed copies of the statute laws of this or any other of the United States, or of Congress, or of any foreign government, purporting or proved to have been published under the authority thereof, or proved to be commonly admitted as evidence of the existing laws in the courts of such state or government, shall be admitted in the courts of this state as presumptive evidence of such laws.

EXPLANATORY NOTES

Provisional Code numbers. Code numbers assigned to new sections and subsections in the Acts are provisional and may be changed when the 2014 Iowa Code is published. Changes will be shown in the Tables of Disposition of Acts in the 2014 Iowa Code.

Typographic style. The Acts and Resolutions in this volume are printed as they appear on file in the office of the Secretary of State. No editorial corrections have been made. Underlined type indicates new material added to existing statutes; strike-through type indicates deleted material. Italics within an Act indicate material that the Governor has item vetoed. Item vetoed text is also indicated by asterisks at the beginning and ending of the vetoed material. Superscript numbers indicate explanatory footnotes.

Effective and enactment dates. The Acts of the 2013 Regular Session took effect on July 1, 2013, unless otherwise provided. The date of enactment generally is the date an Act is approved by the Governor, which is shown at the end of each Act. See Iowa Code section 3.7.

State mandates. Iowa Code section 25B.5 requires that for each enacted bill or joint resolution containing a state mandate (defined in section 25B.3), an updated, final estimate of additional local revenue expenditures required by the mandate must be filed with the Secretary of State. Pursuant to Iowa Code section 2B.10 requiring that a notation of the filing of such an estimate be included in the Iowa Acts, a dagger is placed at the beginning of the enacting clause and a footnote is included for any enrolled Act or Resolution for which a mandate notation is required. No enrolled Acts required the filing of such an estimate this year.

Resolutions. Concurrent resolutions and Senate and House resolutions are generally not included. See Senate and House Journals for adopted resolutions.

Orders for legal publications, including the Iowa Acts, should be directed to:

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1112 E. Grand Avenue, Miller Building
Des Moines, Iowa 50319
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REGULAR SESSION

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ELECTIVE OFFICERS

Name and Office	County from which originally chosen

GOVERNOR

TERRY E. BRANSTAD ..... Winnebago
Jeffrey Boeyink, Chief of Staff
Alicia Freed, Executive Scheduler

LIEUTENANT GOVERNOR

KIM REYNOLDS ..... Clarke
Greta Johnson, Senior Policy Advisor to Lieutenant Governor

SECRETARY OF STATE

MATT SCHULTZ ..... Pottawattamie
Chad Olsen, Deputy Secretary
Sarah Reisetter, Deputy of Elections

AUDITOR OF STATE

MARY MOSIMAN ..... Story
Warren G. Jenkins, Chief Deputy Auditor of State
Tamera Kusian, Deputy, Performance Investigation Division
Andrew E. Nielsen, Deputy, Financial Audit Division

TREASURER OF STATE

MICHAEL L. FITZGERALD ..... Polk
Stefanie Devin, Deputy Treasurer
Karen Austin, Deputy Treasurer

SECRETARY OF AGRICULTURE

BILL NORTHEY ..... Dickinson
Jay Johnson, Deputy Secretary
James Gillespie, Director, Soil Conservation Division
Stephen Moline, Director, Consumer Protection and Industry Services/Food Safety and Animal Health

ATTORNEY GENERAL

THOMAS J. MILLER ..... Polk
Tam Ormiston, Deputy Attorney General
Julie Pottorff, Deputy Attorney General
Thomas H. Miller, Deputy Attorney General
Mark Schantz, Solicitor General
Jeffrey S. Thompson, Deputy Attorney General
Eric Tabor, Chief of Staff

GENERAL ASSEMBLY

"X" means First Extraordinary Session; "XX" means Second Extraordinary Session
Italicized county in District column denotes home county

SENATORS

Name and Residence	Occupation	Senatorial District	Legislative Service
Anderson, Bill Pierson	Small Business Owner	3rd—Plymouth, *Woodbury*	84(1st), 84(2nd), 85(1st)
Beall, Daryl Fort Dodge	Former Journalist and Teacher	5th—Calhoun, Humboldt, Pocahontas, *Webster*	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Behn, Jerry Boone	Farmer/Agribusiness	24th—*Boone*, Greene, Hamilton, Story, Webster	77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Bertrand, Rick Sioux City		7th—*Woodbury*	84(1st), 84(2nd), 85(1st)
Black, Dennis H. Grinnell	Retired Conservationist	15th—*Jasper*, Polk	70(1st), 70(2nd), 71(1st), 71(2nd), 72(1st), 72(1st)X, 72(1st)XX, 72(2nd), 73(1st), 73(2nd), 74(1st), 74(2nd), 74(2nd)X, 74(2nd)XX, 75(1st), 75(2nd), 76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Boettger, Nancy J. Harlan	Retired Farmer/Former Educator/Bed and Breakfast Owner-Operator	9th—Crawford, Harrison, Ida, Monona, *Shelby*, Woodbury	76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Bolkcom, Joe Iowa City	Outreach Director University of Iowa Center for Global and Regional Environmental Research	43rd—*Johnson*	78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Bowman, Tod Maquoketa	Educator	29th—Dubuque, *Jackson*, Jones	84(1st), 84(2nd), 85(1st)
Brase, Chris Muscatine	Firefighter/Paramedic	46th—*Muscatine*, Scott	85(1st)

Name and Residence	Occupation	Senatorial District	Legislative Service
Breitbach, Michael Strawberry Point	Business Owner	28th—Allamakee, *Clayton*, Fayette, Winneshiek	85(1st)
Chapman, Jake Adel	Businessman/EMT	10th—Adair, Cass, *Dallas*, Guthrie, Polk	85(1st)
Chelgren, Mark Ottumwa	Entrepreneur	41st—Davis, Jefferson, Van Buren, *Wapello*	84(1st), 84(2nd), 85(1st)
Courtney, Thomas G. Burlington	Retired	44th—*Des Moines*, Louisa, Muscatine	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Danielson, Jeff Waterloo	Career Firefighter	30th—*Black Hawk*	81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Dearden, Dick L. Des Moines	Retired — Job Developer 5th Judicial District	16th—*Polk*	76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Dix, Bill Shell Rock	Minority Leader/Farmer	25th—*Butler*, Grundy, Hardin, Story	77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 84(1st), 84(2nd), 85(1st)
Dotzler, William A., Jr. Waterloo	Retired—John Deere	31st—*Black Hawk*	77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Dvorsky, Robert E. Coralville	Retired Executive Officer—6th Judicial District Departmental of Correctional Services	37th—Cedar, *Johnson*, Muscatine	72(1st), 72(1st)X, 72(1st)XX, 72(2nd), 73(1st), 73(2nd), 74(1st), 74(2nd), 74(2nd)X, 74(2nd)XX, 75(1st), 75(2nd), 76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Ernst, Joni K. Red Oak	Iowa Army National Guard/Former County Auditor	12th—Fremont, Mills, *Montgomery*, Page, Ringgold, Taylor	84(1st), 84(2nd), 85(1st)
Feenstra, Randy Hull	Finance and Insurance—Iowa State Bank	2nd—Cherokee, O'Brien, Plymouth, *Sioux*	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)

Name and Residence	Occupation	Senatorial District	Legislative Service
Greiner, Sandra H. Washington	Farmer	39th—Johnson, Keokuk, *Washington*	75(1st), 75(2nd), 76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 84(1st), 84(2nd), 85(1st)
Gronstal, Michael E. Council Bluffs	Majority Leader	8th—*Pottawattamie*	70(1st), 70(2nd), 71(1st), 71(2nd), 72(1st), 72(1st)X, 72(1st)XX, 72(2nd), 73(1st), 73(2nd), 74(1st), 74(2nd), 74(2nd)X, 74(2nd)XX, 75(1st), 75(2nd), 76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Guth, Dennis Klemme	Farmer	4th—Emmet, *Hancock*, Kossuth, Winnebago, Wright	85(1st)
Hart, Rita Wheatland	Farmer	49th—*Clinton*, Scott	85(1st)
Hatch, Jack Des Moines	Real Estate Developer	17th—*Polk*	71(1st), 71(2nd), 72(1st), 72(1st)X, 72(1st)XX, 72(2nd), 73(1st), 73(2nd), 74(1st), 74(2nd), 74(2nd)X, 74(2nd)XX, 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Hogg, Robert Cedar Rapids	Attorney	33rd—*Linn*	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Horn, Wally E. Cedar Rapids	Legislator	35th—*Linn*	65(1st), 65(2nd), 66(1st), 66(2nd), 67(1st), 67(1st)X, 67(2nd), 68(1st), 68(2nd), 69(1st), 69(1st)X, 69(1st)XX, 69(2nd), 70(1st), 70(2nd), 71(1st), 71(2nd), 72(1st), 72(1st)X, 72(1st)XX, 72(2nd), 73(1st), 73(2nd), 74(1st), 74(2nd), 74(2nd)X, 74(2nd)XX, 75(1st), 75(2nd), 76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)

Name and Residence	Occupation	Senatorial District	Legislative Service
Houser, Hubert Carson	Farmer	11th—Adams, Cass, *Pottawattamie*, Union	75(1st), 75(2nd), 76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Jochum, Pam Dubuque	President of the Senate	50th—*Dubuque*	75(1st), 75(2nd), 76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Johnson, David Ocheyedan	Retired Newspaper Publisher/Dairy Farmer	1st—Clay, Dickinson, Lyon, *Osceola*, Palo Alto	78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Kapucian, Tim L. Keystone	Farmer	38th—*Benton*, Iowa, Poweshiek	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Mathis, Liz Cedar Rapids	Business Owner	34th—*Linn*	84(2nd), 85(1st)
McCoy, Matt Des Moines	Owner—Resource Development Consultants (RDC)	21st—*Polk*, Warren	75(1st), 75(2nd), 76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Petersen, Janet Des Moines	Marketing Communications Consultant	18th—*Polk*	79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Quirmbach, Herman C. Ames	Associate Professor of Economics—Iowa State University	23rd—*Story*	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Ragan, Amanda Mason City	Executive Director—Community Kitchen of North Iowa/Executive Director—Meals on Wheels	27th—Butler, *Cerro Gordo*, Franklin	79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Rozenboom, Ken Oskaloosa	Farming/Ag Business	40th—Appanoose, *Mahaska*, Marion, Monroe, Wapello	85(1st)
Schneider, Charles West Des Moines	Counsel—Principal Financial Group	22nd—*Dallas*, Polk	85(1st)

Name and Residence	Occupation	Senatorial District	Legislative Service
Schoenjahn, Brian Arlington	Legislator/EMT—Arlington Fire Department	32nd—Black Hawk, Bremer, Buchanan, *Fayette*	81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Segebart, Mark Vail	Farmer	6th—Audubon, Buena Vista, Carroll, *Crawford*, Sac	85(1st)
Seng, Joe M., Dr. Davenport	Veterinarian	45th—*Scott*	79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Sinclair, Amy Allerton	Farmer	14th—Clarke, Decatur, Jasper, Lucas, Marion, *Wayne*	85(1st)
Smith, Roby Davenport	Small Business Owner	47th—*Scott*	84(1st), 84(2nd), 85(1st)
Sodders, Steven J. State Center	Deputy Sheriff	36th—Black Hawk, *Marshall*, Tama	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Sorenson, Kent Milo	Business Owner	13th—Madison, *Warren*	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Taylor, Rich Mount Pleasant	HVAC Technician	42nd—*Henry*, Jefferson, Lee, Washington	85(1st)
Whitver, Jack Ankeny	Self-Employed/Business Owner	19th—*Polk*	84(1st), 84(2nd), 85(1st)
Wilhelm, Mary Jo Cresco	Appraiser	26th—Cerro Gordo, Chickasaw, Floyd, *Howard*, Mitchell, Winneshiek, Worth	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Zaun, Brad Urbandale	Director—Grapnel Tech Services/iapps24	20th—*Polk*	81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Zumbach, Dan Ryan	Farmer	48th—Buchanan, *Delaware*, Jones, Linn	85(1st)

REPRESENTATIVES

Name and Residence	Occupation	Representative District	Legislative Service
Abdul-Samad, Ako Des Moines	CEO—Creative Visions	35th—*Polk*	82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Alons, Dwayne A. Hull	Retired Military	4th—*Sioux*	78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Anderson, Marti Des Moines	Social Worker	36th—*Polk*	85(1st)
Bacon, Robert Slater	Funeral Director	48th—Boone, Hamilton, *Story*, Webster	84(1st), 84(2nd), 85(1st)
Baltimore, Chip Boone	Attorney/General Counsel	47th—*Boone*, Greene	84(1st), 84(2nd), 85(1st)
Baudler, Clel E. Greenfield	Retired State Trooper/Farmer	20th—*Adair*, Cass, Dallas, Guthrie	78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Bearinger, Bruce Oelwein		64th—Buchanan, *Fayette*	85(1st)
Berry, Deborah L. Waterloo		62nd—*Black Hawk*	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Brandenburg, Mark A. Council Bluffs	Retired Adjunct Instructor—Iowa Western Community College/Retired HR Professional—Electric Utility	15th—*Pottawattamie*	84(1st), 84(2nd), 85(1st)
Byrnes, Josh Osage		51st—Howard, *Mitchell*, Winneshiek, Worth	84(1st), 84(2nd), 85(1st)
Cohoon, Dennis M. Burlington	Retired Special Education Teacher	87th—*Des Moines*	72(1st), 72(1st)X, 72(1st)XX, 72(2nd), 73(1st), 73(2nd), 74(1st), 74(2nd), 74(2nd)X, 74(2nd)XX, 75(1st), 75(2nd), 76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Costello, Mark Imogene	Farmer	23rd—Fremont, *Mills*, Montgomery	85(1st)
Cownie, Peter West Des Moines	President—Junior Achievement of Central Iowa	42nd—*Polk*, Warren	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)

Name and Residence	Occupation	Representative District	Legislative Service
Dawson, David Sioux City		14th—*Woodbury*	85(1st)
Deyoe, Dave Nevada	Farmer	49th—Hardin, *Story*	82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Dolecheck, Cecil Mount Ayr	Farmer	24th—Montgomery, Page, *Ringgold*, Taylor	77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Drake, Jack Griswold	Farmer	21st—Adams, *Cass*, Pottawattamie, Union	75(1st), 75(2nd), 76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Dunkel, Nancy A. Dyersville		57th—*Dubuque*	85(1st)
Fisher, Dean C. Garwin	Farming/Engineering	72nd—Black Hawk, Marshall, *Tama*	85(1st)
Forbes, John Urbandale	Pharmacist	40th—*Polk*	85(1st)
Forristall, Greg Macedonia	Farmer	22nd—*Pottawattamie*	82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Fry, Joel Osceola	Therapist/Educator/ Consultant/Speaker	27th—*Clarke*, Decatur, Lucas, Wayne	84(1st), 84(2nd), 85(1st)
Gaines, Ruth Ann Des Moines		32nd—*Polk*	84(1st), 84(2nd), 85(1st)
Garrett, Julian B. Indianola	Farmer	25th—Madison, *Warren*	84(1st), 84(2nd), 85(1st)
Gaskill, Mary Ottumwa	Retired County Auditor	81st—*Wapello*	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Gassman, Tedd Scarville	Insurance Sales/Farmer	7th—Emmet, Kossuth, *Winnebago*	85(1st)
Grassley, Pat New Hartford	Farmer	50th—*Butler*, Grundy, Hardin	82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Hagenow, Chris Windsor Heights	Attorney	43rd—*Polk*	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Hall, Chris Sioux City		13th—*Woodbury*	84(1st), 84(2nd), 85(1st)
Hanson, Curt Fairfield	Retired Teacher	82nd—Davis, *Jefferson*, Van Buren	83(2nd), 84(1st), 84(2nd), 85(1st)
Hanusa, Mary Ann Council Bluffs	Elementary School Administrator	16th—*Pottawattamie*	84(1st), 84(2nd), 85(1st)
Heartsill, Greg T. Chariton	Fence Contractor	28th—Jasper, Lucas, *Marion*	85(1st)

Name and Residence	Occupation	Representative District	Legislative Service
Heaton, David E. Mount Pleasant	Retired Restaurateur	84th—*Henry*, Jefferson, Lee, Washington	76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Heddens, Lisa K. Ames		46th—*Story*	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Hein, Lee Monticello	Business Owner	96th—Delaware, *Jones*	84(1st), 84(2nd), 85(1st)
Hess, Megan Spencer		2nd—*Clay*, Dickinson, Palo Alto	85(1st)
Highfill, Jake Johnston		39th—*Polk*	85(1st)
Hunter, Bruce L. Des Moines		34th—*Polk*	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Huseman, Daniel Adair Aurelia	Farmer	3rd—*Cherokee*, O'Brien, Plymouth, Sioux	76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Isenhart, Charles Dubuque	President—Common Good Services/Sports Official	100th—*Dubuque*	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Jacoby, Dave J. Coralville	Self-Employed/Small Business	74th—*Johnson*	80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Jorgensen, Ron Sioux City	Vice President—Business and Finance—Morningside College	6th—*Woodbury*	84(1st), 84(2nd), 85(1st)
Kajtazovic, Anesa Waterloo		61st—*Black Hawk*	84(1st), 84(2nd), 85(1st)
Kaufmann, Bobby Wilton		73rd—*Cedar*, Johnson, Muscatine	85(1st)
Kearns, Jerry A. Keokuk	Staff Representative—United Steelworkers Union	83rd—*Lee*	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Kelley, Dan Newton	Realtor/Small Business Owner—DJ Service	29th—*Jasper*	84(1st), 84(2nd), 85(1st)
Klein, Jarad Keota	Family Farmer	78th—Keokuk, *Washington*	84(1st), 84(2nd), 85(1st)

Name and Residence	Occupation	Representative District	Legislative Service
Koester, Kevin Ankeny	School Administrator	38th—*Polk*	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Kressig, Bob M. Cedar Falls	Retired—John Deere	59th—*Black Hawk*	81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Landon, John Ankeny	Realtor/Farm Manager	37th—*Polk*	85(1st)
Lensing, Vicki S. Iowa City	Funeral Home Owner	85th—*Johnson*	79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Lofgren, Mark S. Muscatine	Investment Sales	91st—*Muscatine*	84(1st), 84(2nd), 85(1st)
Lundby, Daniel Marion		68th—*Linn*	85(1st)
Lykam, Jim Davenport	Legislator	89th—*Scott*	73(1st), 73(2nd), 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Mascher, Mary Iowa City	Retired Teacher	86th—*Johnson*	76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Maxwell, David E. Gibson	Drainage Contractor/ Farmer	76th—Iowa, *Poweshiek*	85(1st)
McCarthy, Kevin M. Des Moines	Minority Leader/ Attorney	33rd—*Polk*	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Miller, Helen Fort Dodge	Attorney/Arts Educator	9th—*Webster*	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Miller, Linda J. Bettendorf	Retired Registered Nurse	94th—*Scott*	82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Moore, Brian Bellevue	Farmer/Truck Driver	58th—Dubuque, *Jackson*, Jones	84(1st), 84(2nd), 85(1st)
Muhlbauer, Dan Manilla	Farmer	12th—Audubon, Carroll, *Crawford*	84(1st), 84(2nd), 85(1st)

Name and Residence	Occupation	Representative District	Legislative Service
Murphy, Patrick J. Dubuque		99th—*Dubuque*	73(2nd), 74(1st), 74(2nd), 74(2nd)X, 74(2nd)XX, 75(1st), 75(2nd), 76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Oldson, Jo Des Moines		41st—*Polk*	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Olson, Rick Des Moines	Attorney	31st—*Polk*	81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Olson, Steven N. DeWitt	Farmer	97th—*Clinton*, Scott	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Olson, Tyler Cedar Rapids	Small Business Owner	65th—*Linn*	82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Ourth, Scott Ackworth	Nonprofit Public Affairs Executive	26th—*Warren*	85(1st)
Paulsen, Kraig Hiawatha	Speaker of the House/Attorney	67th—*Linn*	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Pettengill, Dawn E. Mount Auburn	Legislator	75th—*Benton*, Iowa	81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Prichard, Todd Charles City	Educator	52nd—Cerro Gordo, Chickasaw, *Floyd*	85(1st)
Rayhons, Henry V. Garner	Semi-Retired Farmer	8th—*Hancock*, Kossuth, Wright	77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Riding, Joe Altoona		30th—*Polk*	85(1st)
Rogers, Walt Cedar Falls		60th—*Black Hawk*	84(1st), 84(2nd), 85(1st)
Ruff, Patti McGregor		56th—Allamakee, *Clayton*	85(1st)
Running-Marquardt, Kirsten Cedar Rapids		69th—*Linn*	83(2nd), 84(1st), 84(2nd), 85(1st)
Salmon, Sandy Janesville		63rd—*Black Hawk*, Bremer	85(1st)

Name and Residence	Occupation	Representative District	Legislative Service
Sands, Thomas R. Wapello	Bank Officer/Real Estate Appraiser/Farm Owner	88th—Des Moines, *Louisa*, Muscatine	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Schultz, Jason Schleswig	Farmer	18th—*Crawford*, Harrison, Shelby	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Shaw, Tom W. Laurens		10th—Calhoun, Humboldt, *Pocahontas*, Webster	84(1st), 84(2nd), 85(1st)
Sheets, Larry Moulton		80th—*Appanoose*, Mahaska, Monroe, Wapello	85(1st)
Smith, Jeff Okoboji	Retired Banker	1st—*Dickinson*, Lyon, Osceola	84(1st), 84(2nd), 85(1st)
Smith, Mark D. Marshalltown	Licensed Independent Social Worker	71st—*Marshall*	79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Soderberg, Chuck Le Mars	Vice President—Planning and Legislative Services—Northwest Iowa Power Cooperative	5th—*Plymouth*, Woodbury	81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Staed, Art Cedar Rapids		66th—*Linn*	82(1st), 82(2nd), 85(1st)
Stanerson, Quentin Center Point	Teacher	95th—Buchanan, *Linn*	85(1st)
Steckman, Sharon S. Mason City	Retired Educator	53rd—*Cerro Gordo*	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Stutsman, Sally Riverside		77th—*Johnson*	85(1st)
Taylor, Rob West Des Moines	Sales Director/Consultant/Educator	44th—*Dallas*	85(1st)
Taylor, Todd E. Cedar Rapids	AFSCME Representative	70th—*Linn*	76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Thede, Phyllis Bettendorf		93rd—*Scott*	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Thomas, Roger Elkader	Executive Director—Elkader Development Corporation/Main Street Elkader	55th—*Clayton*, Fayette, Winneshiek	77(1st), 77(2nd), 78(1st), 78(2nd), 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)

Name and Residence	Occupation	Representative District	Legislative Service
Upmeyer, Linda L. Clear Lake	Majority Leader/Nurse Practitioner	54th—Butler, *Cerro Gordo*, Franklin	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Vander Linden, Guy Oskaloosa	Retired Marine	79th—*Mahaska*, Marion	84(1st), 84(2nd), 85(1st)
Watts, Ralph C. Adel	Retired Engineer	19th—*Dallas*, Polk	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Wessel-Kroeschell, Beth Ames	Legislator	45th—*Story*	81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Winckler, Cindy L. Davenport	Educational Consultant	90th—*Scott*	79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Windschitl, Matt W. Missouri Valley	Gunsmith/Conductor—Union Pacific Railroad	17th—*Harrison*, Ida, Monona, Woodbury	82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)
Wolfe, Mary Clinton		98th—*Clinton*	84(1st), 84(2nd), 85(1st)
Wood, Frank B. Eldridge	High School Associate Prinicipal	92nd—*Scott*	81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 85(1st)
Worthan, Gary Storm Lake	Farmer	11th—*Buena Vista*, Sac	82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st)

JUDICIAL BRANCH

JUSTICES OF THE SUPREME COURT

(Justices listed according to seniority)

Name	City of Office	Term Ending
Mark S. Cady, C.J.	Fort Dodge	December 31, 2016
David S. Wiggins	West Des Moines	December 31, 2020
Daryl L. Hecht	Sloan	December 31, 2016
Brent R. Appel	Ackworth	December 31, 2016
Thomas D. Waterman	Pleasant Valley	December 31, 2020
Edward M. Mansfield	Des Moines	December 31, 2020
Bruce B. Zager	Waterloo	December 31, 2020

JUDGES OF THE COURT OF APPEALS

(Judges listed according to seniority)

Gayle N. Vogel	Spirit Lake	December 31, 2016
Anuradha Vaitheswaran	Des Moines	December 31, 2018
Larry J. Eisenhauer, C.J.	Ankeny	December 31, 2014
Amanda Potterfield	Tiffin	December 31, 2016
Richard H. Doyle	Des Moines	December 31, 2016
David R. Danilson	Boone	December 31, 2016
Mary E. Tabor	Des Moines	December 31, 2018
Michael R. Mullins	Washington	December 31, 2018
Thomas N. Bower	Cedar Falls	December 31, 2014

CONGRESSIONAL DELEGATION AND DISTRICT OFFICES

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Waterloo, Iowa 50701
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120 Federal Building
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201 West Second Street
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307 Federal Building
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Dubuque, Iowa 52001
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310 Third Street SE
Cedar Rapids, Iowa 52401
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Second District: **Congressman David Loebsack (D)**

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Third District: **Congressman Tom Latham (R)**

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Fourth District: **Congressman Steve King (R)**

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526 Nebraska Street
Sioux City, Iowa 51101
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Fax (712) 224-4693

306 North Grand Avenue
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(712) 580-7754
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CONDITION OF STATE TREASURY

June 30, 2012

	Balance July 1, 2011	Total Receipts and Transfers	Total Available	Total Disbursements and Transfers	Balance June 30, 2012
General Fund	$ 872,213,801	$12,129,227,257	$13,001,441,058	$11,888,832,244	$ 1,112,608,814
Special Revenue Fund	1,532,212,976	4,842,173,562	6,374,386,538	5,028,776,223	1,345,610,315
Capitol Projects Fund	108,618,007	29,980,713	138,598,720	93,301,665	45,297,055
Debt Service Fund	669	2	671	0	671
Enterprise Fund	43,983,496	657,225,597	701,209,093	643,024,712	58,184,381
Internal Service Fund	130,894,570	573,842,269	704,736,839	575,184,352	129,552,487
Expendable Trust Fund	172,750,501	785,960,601	958,711,102	788,509,447	170,201,655
Nonexpendable Trust Fund	27,246,394	3,475,699	30,722,093	412,258	30,309,835
Pension Fund	18,994,080,928	2,523,186,110	21,517,267,038	1,674,250,130	19,843,016,908
Trust and Agency Fund	288,136,292	5,268,952,578	5,557,088,870	5,297,613,058	259,475,812
Totals	$22,170,137,634	$26,814,024,388	$48,984,162,022	$25,989,904,089	$22,994,257,933

Balance July 1, 2011	$22,170,137,634
Receipts and Transfers	26,814,024,388
Total Available	48,984,162,022
Disbursements and Transfers	25,989,904,089
Balance June 30, 2012	$22,994,257,933

DEPARTMENT OF ADMINISTRATIVE SERVICES
STATE ACCOUNTING ENTERPRISE

May 22, 2013

ANALYSIS BY CHAPTERS

2013 REGULAR SESSION

For Conversion Tables of Senate and House Files and Joint Resolutions to chapters of the 2013 Acts, Regular Session, see page 830

CH.	FILE		TITLE
1	SF	106	Internal Revenue Code references update — federal bonus depreciation changes — claims for refund or credit
2	SF	91	Pipeline safety violations — civil penalties
3	SF	110	Unemployment benefits — overpayments
4	SF	145	Information used to secure arrest warrants — confidentiality
5	SF	181	Regulation of persons and entities by banking division
6	SF	187	Transmission of court records on appeal
7	SF	188	Applications for return of seized property
8	SF	353	Administration of vaccines by pharmacists
9	HF	133	Discharge of firearms near buildings or feedlots — law enforcement exception
10	HF	185	Title of office of citizens' aide
11	HF	199	Sales and use tax — beverage-grade carbon dioxide gas
12	HF	225	Pollution prevention and waste management assistance
13	HF	324	Targeted small business assistance
14	HF	358	Boards of directors of public corporations
15	HF	458	Standards, programs, and substances regulated by the department of agriculture and land stewardship
16	HF	496	No-contact and protective orders — service of notice
17	SF	183	Regulation of credit unions
18	SF	184	Programs and services regulated by department on aging
19	SF	203	Mental health and disability services — miscellaneous changes
20	SF	327	Municipal fire and police retirement system changes
21	SF	347	Health care services providers — background checks
22	SF	349	Vehicle registration fee credit filing deadline
23	SF	351	Medicaid home and community-based services waivers — service providers
24	SF	357	Medicaid program — payments, claims, and service providers
25	SF	390	Property with private sewage disposal systems — abstracts of title
26	SF	394	Regulation of health care facilities and assisted living programs — complaints or citations — review
27	HF	14	Vehicles with retractable axles — weight limitations
28	HF	131	Community college employee payroll deductions — charities
29	HF	307	Department of homeland security and emergency management
30	HF	417	Nonsubstantive Code corrections
31	HF	469	Business corporations
32	HF	486	Orthotic, prosthetic, and pedorthic services
33	HF	591	Estates and trusts
34	HF	397	Economic development authority — duties and programs
35	HF	488	Regulation of alcoholic beverages
36	HF	544	Iowa veterans home
37	SF	114	Motor vehicle financial responsibility — certificates of deposit
38	SF	142	Business opportunity promotions — unlawful practices
39	SF	182	Insurance companies — credit for reinsurance
40	SF	189	Insurers and insurance groups — risk and solvency assessments
41	SF	282	In rem forfeiture proceedings — procedure
42	SF	288	Juvenile justice and youthful offenders
43	SF	298	Sex acts and lascivious acts with a child
44	SF	316	Termination of farm tenancies
45	SF	318	Judicial branch administration — fees
46	SF	332	National guard educational assistance program — application deadline

CH.	FILE		TITLE
47	SF	340	Rail crew transport vehicle drivers
48	SF	343	Tribal government reserve peace officers
49	SF	355	Regulation of vehicles of excessive size and weight
50	SF	362	Child in need of assistance and termination of parental rights proceedings — included relatives
51	SF	380	Charitable auctions — alcoholic spirits
52	SF	384	Interference with acts of peace officers or correctional officers — removal of communication or control device
53	SF	388	Water resource restoration sponsor program — project restrictions
54	HF	112	Criminal procedure — forfeiture of bail
55	HF	197	Certification of adult day services programs
56	HF	210	Indigent defense — practices and procedures
57	HF	212	Condemnation proceedings by school corporations — county attorney representation
58	HF	223	Explosives — licenses and user permits
59	HF	311	Water quality
60	HF	312	Manure management certification requirements — continuing instructional courses
61	HF	361	Special nonresident hunting licenses — disabled veterans and armed forces members
62	HF	394	Lifetime fur harvester license
63	HF	395	Motor vehicle franchises — alteration of community
64	HF	457	Agricultural land leases for beginning farmers
65	HF	472	Shared school district and area education agency operational functions — supplementary weighting
66	HF	484	Boiler inspections
67	HF	522	Regulation of aquatic invasive species
68	HF	530	Drug policy advisory councils — miscellaneous changes
69	HF	541	Dam reconstruction standards
70	HF	575	Income, franchise, and sales and use taxes and other miscellaneous changes
71	HF	533	Entrepreneurial education funds
72	SF	146	Watercraft registration fee increases — use — reporting
73	SF	186	Uniform commercial code — funds transfers
74	SF	317	Regulation of invasive plants — garlic mustard, oriental bittersweet, Japanese knotweed, and Japanese hop
75	SF	389	Hunter safety and ethics education course requirements
76	SF	419	Vision screening for school children
77	SF	427	Regulation of plumbing and mechanical systems and contractors
78	HF	351	Statewide preschool program enrollees — compulsory attendance
79	HF	538	Board of parole — alternate members
80	SF	115	Intermediate and special minor's driver's licenses
81	SF	202	Public health programs and services
82	SF	224	Driver's licenses and nonoperator's identification cards — expiration — replacement
83	SF	358	Limitations on claims against real estate
84	SF	368	Consumer credit code — Truth in Lending Act definition
85	SF	445	Real estate transfers — mortgage release certificate
86	HF	152	Drainage and levee districts
87	HF	211	In-state construction contracts — applicable law
88	HF	454	Education — miscellaneous changes
89	HF	524	City utility and enterprise services and rental property — notices
90	HF	556	Substantive Code corrections
91	HF	613	War orphans educational assistance fund
92	HF	630	Taxation of hydroelectricity conversion property sales
93	SF	438	Real estate broker and salesperson licensing and education — fees
94	SF	451	Taxation of rate-regulated water utilities
95	HF	356	Actions on claims for rent — limitations — execution on judgments
96	HF	487	Retailer applications for certificate of title for used mobile or manufactured homes

CH.	FILE		TITLE
97	HF	495	Landlord and tenant law — forcible entry and detainer
98	HF	545	Veterans trust fund — service-connected brain injuries
99	HF	565	Mechanics' liens
100	HF	607	Powers, duties, and organization of the Iowa finance authority — agricultural development
101	HF	631	Propane education and research council changes
102	SF	247	Possession of dangerous wild animals — bengals and savannahs exception
103	SF	386	Transportation — miscellaneous changes
104	HF	355	Driver's license renewals
105	HF	471	Parental rights
106	HF	512	Small animal feeding operations
107	HF	527	DNA samples from aggravated misdemeanants
108	HF	566	Business and nonprofit entities — statements of authority — real estate transfers
109	HF	627	Fairgrounds property tax exemption
110	SF	432	Administration of income, sales and use, excise, and property taxes and environmental surcharges
111	SF	433	Targeted jobs withholding credits — qualifying investments and agreements
112	SF	436	Historic preservation and cultural and entertainment district tax credits
113	HF	119	County attorney duties and juvenile court actions
114	HF	586	State administrative procedure
115	HF	590	Child abuse assessment and reporting procedures
116	HF	592	Indigent defense — compensation records — juvenile cases
117	HF	615	Innovation fund investment tax credit
118	HF	632	Property tax assessments — property used for algae production
119	HF	641	Economic development — municipal reinvestment districts
120	HF	644	Enhanced E911 emergency communication systems
121	HF	215	Education reform
122	HF	625	Sales and use taxes and school tuition organization tax credits
123	SF	295	State and local taxation of property and income
124	HF	489	Insurance, insurers, and duties of the insurance division
125	HF	599	Beginning farmer tax credit program and agricultural loan assistance
126	HF	620	Economic development programs and financial assistance
127	HF	640	Flammable or combustible liquids — miscellaneous provisions
128	HF	649	Landholder liability for public use of private property
129	SF	396	State government operations
130	SF	406	Mental health advocates and involuntary commitments
131	HF	160	Appropriations for mental health and disability services
132	SF	435	Appropriations — agriculture and natural resources
133	SF	442	Appropriations — judicial branch
134	HF	602	Appropriations — transportation
135	HF	603	Appropriations — administration and regulation
136	HF	614	Federal block grant appropriations and other federal funding
137	SF	430	Appropriations — economic development
138	SF	446	Appropriations — health and human services
139	SF	447	Appropriations — justice system
140	SF	452	State and local government financial and regulatory matters — appropriations and miscellaneous changes
141	HF	604	Appropriations — education
142	HF	638	Appropriations — infrastructure and capital projects
143	HF	648	Bond repayments, retirement funding, and other miscellaneous appropriations
144	HJR	13	James Harlan statue

2013 Regular Session

of the

Eighty-Fifth General Assembly

of the

State of Iowa

CHAPTER 1

INTERNAL REVENUE CODE REFERENCES UPDATE — FEDERAL BONUS DEPRECIATION CHANGES — CLAIMS FOR REFUND OR CREDIT

S.F. 106

AN ACT updating the Code references to the Internal Revenue Code and decoupling from certain federal bonus depreciation provisions, providing certain taxpayers additional time to file a claim for refund or credit of individual income tax, and including effective date and retroactive applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I
INTERNAL REVENUE CODE REFERENCES

Section 1. Section 15.335, subsection 7, paragraph b, Code 2013, is amended to read as follows:

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

Sec. 2. Section 422.3, subsection 5, Code 2013, is amended to read as follows:

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

Sec. 3. Section 422.9, subsection 2, paragraph i, Code 2013, is amended to read as follows:

i. The deduction for state sales and use taxes is allowable only if the taxpayer elected to deduct the state sales and use taxes in lieu of state income taxes under section 164 of the Internal Revenue Code. A deduction for state sales and use taxes is not allowed if the taxpayer has taken the deduction for state income taxes or claimed the standard deduction under section 63 of the Internal Revenue Code. This paragraph applies to taxable years beginning after December 31, 2003, and before January 1, 2008, and to taxable years beginning after December 31, 2009, and before January 1, ~~2012~~ 2014.

Sec. 4. Section 422.10, subsection 3, paragraph b, Code 2013, is amended to read as follows:

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

Sec. 5. Section 422.32, subsection 1, paragraph g, Code 2013, is amended to read as follows:

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

Sec. 6. Section 422.33, subsection 5, paragraph d, subparagraph (2), Code 2013, is amended to read as follows:

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

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

Sec. 8. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to January 1, 2012, for tax years beginning on or after that date.

DIVISION II
BONUS DEPRECIATION

Sec. 9. Section 422.7, subsection 39A, unnumbered paragraph 1, Code 2013, is amended to read as follows:

The additional first-year depreciation allowance authorized in section 168(k) of the Internal Revenue Code, as enacted by Pub. L. No. 110-185, § 103, Pub. L. No. 111-5, § 1201, Pub. L. No. 111-240, § 2022, ~~and~~ Pub. L. No. 111-312, § 401, and Pub. L. No. 112-240, § 331, does not apply in computing net income for state tax purposes. If the taxpayer has taken the additional first-year depreciation allowance for purposes of computing federal adjusted gross income, then the taxpayer shall make the following adjustments to federal adjusted gross income when computing net income for state tax purposes:

Sec. 10. Section 422.35, subsection 19A, unnumbered paragraph 1, Code 2013, is amended to read as follows:

The additional first-year depreciation allowance authorized in section 168(k) of the Internal Revenue Code, as enacted by Pub. L. No. 110-185, § 103, Pub. L. No. 111-5, § 1201, Pub. L. No. 111-240, § 2022, ~~and~~ Pub. L. No. 111-312, § 401, and Pub. L. No. 112-240, § 331, does not apply in computing net income for state tax purposes. If the taxpayer has taken the additional first-year depreciation allowance for purposes of computing federal taxable income, then the taxpayer shall make the following adjustments to federal taxable income when computing net income for state tax purposes:

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

Sec. 12. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to January 1, 2013, for tax years ending on or after that date.

DIVISION III
FILING OF CLAIMS

Sec. 13. Section 422.73, Code 2013, is amended by adding the following new subsection:
NEW SUBSECTION. 1A. Notwithstanding subsection 1, a claim for refund or credit of the individual income tax paid which resulted from a reduction in a person's federal adjusted gross income due to section 1106 of the FAA Modernization and Reform Act of 2012, Pub. L. No. 112-95, shall be considered timely if the claim is filed with the department on or before June 30, 2013.

Sec. 14. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 15. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to January 1, 2012, for refund or credit claims filed on or after that date.

Approved February 14, 2013

CHAPTER 2

PIPELINE SAFETY VIOLATIONS — CIVIL PENALTIES

S.F. 91

AN ACT increasing civil penalties applicable to specified pipeline safety violations.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 479.31, unnumbered paragraph 1, Code 2013, is amended to read as follows:
A person who violates this chapter or any rule or order issued pursuant to this chapter shall be subject to a civil penalty levied by the board not to exceed ~~ten~~ one hundred thousand dollars for each violation. Each day that the violation continues shall constitute a separate offense. However, the maximum civil penalty shall not exceed ~~five hundred thousand~~ one million dollars for any related series of violations. Civil penalties collected pursuant to this section shall be credited to and are appropriated for the Iowa energy center created in section 266.39C.

Approved February 28, 2013

CHAPTER 3

UNEMPLOYMENT BENEFITS — OVERPAYMENTS

S.F. 110

AN ACT relating to conformity with federal law concerning unemployment insurance employer charges and claimant misrepresentation regarding benefit overpayments, providing a penalty, and including applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 96.3, subsection 7, paragraph b, subparagraph (1), Code 2013, is amended to read as follows:

(1) (a) If the department determines that an overpayment has been made, the charge for the overpayment against the employer's account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation trust fund and this credit shall include both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5. The employer shall not be relieved of charges if benefits are paid because the employer or an agent of the employer failed to respond timely or adequately to the department's request for information relating to the payment of benefits. This prohibition against relief of charges shall apply to both contributory and reimbursable employers.

(b) However, provided the benefits were not received as the result of fraud or willful misrepresentation by the individual, benefits shall not be recovered from an individual if the employer did not participate in the initial determination to award benefits pursuant to section 96.6, subsection 2, and an overpayment occurred because of a subsequent reversal on appeal regarding the issue of the individual's separation from employment. ~~The employer shall not be charged with the benefits.~~

Sec. 2. Section 96.16, subsection 4, Code 2013, is amended to read as follows:

4. *Misrepresentation.*

a. An individual who, by reason of the nondisclosure or misrepresentation by the individual or by another of a material fact, has received any sum as benefits under this chapter while any conditions for the receipt of benefits imposed by this chapter were not fulfilled in the individual's case, or while the individual was disqualified from receiving benefits, shall, in the discretion of the department, either be liable to have the sum deducted from any future benefits payable to the individual under this chapter or shall be liable to repay to the department for the unemployment compensation fund, a sum equal to the amount so received by the individual. If the department seeks to recover the amount of the benefits by having the individual pay to the department a sum equal to that amount, the department may file a lien with the county recorder in favor of the state on the individual's property and rights to property, whether real or personal. The amount of the lien shall be collected in a manner similar to the provisions for the collection of past-due contributions in section 96.14, subsection 3.

b. The department shall assess a penalty equal to fifteen percent of the amount of a fraudulent overpayment. The penalty shall be collected in the same manner as the overpayment. The penalty shall be added to the amount of any lien filed pursuant to paragraph "*a*" and shall not be deducted from any future benefits payable to the individual under this chapter. Funds received for overpayment penalties shall be deposited in the unemployment trust fund.

Sec. 3. APPLICABILITY. The section of this Act amending section 96.3, subsection 7, relating to relief of charges, applies to any overpayment determination issued on or after July 1, 2013.

Sec. 4. APPLICABILITY. The section of this Act amending section 96.16, subsection 4, providing a penalty relating to fraudulent overpayment, applies to any fraudulent overpayment issued on or after July 1, 2013.

Approved February 28, 2013

CHAPTER 4

INFORMATION USED TO SECURE ARREST WARRANTS — CONFIDENTIALITY

S.F. 145

AN ACT relating to the confidentiality of information filed with the court for the purpose of securing an arrest warrant.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 804.29, subsection 2, paragraph a, Code 2013, is amended to read as follows:

a. A peace officer, or any other employee of a law enforcement agency if allowed access pursuant to section 692.14 and if authorized in writing by the head of the agency.

Approved March 28, 2013

CHAPTER 5

REGULATION OF PERSONS AND ENTITIES BY BANKING DIVISION

S.F. 181

AN ACT relating to matters under the purview of the banking division of the department of commerce.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 12C.7, subsection 1, Code 2013, is amended to read as follows:

1. A depository ~~shall not directly or indirectly~~ may pay interest to a public officer on ~~a demand deposit~~ deposits of public funds, and a public officer ~~shall not~~ may take or receive interest on ~~demand~~ deposits of public funds. ~~This provision does not apply to interest on time certificates of deposit or savings accounts for public funds.~~

Sec. 2. Section 524.904, subsection 5, paragraph b, subparagraph (1), Code 2013, is amended by striking the subparagraph.

Sec. 3. Section 533A.2, Code 2013, is amended by adding the following new subsections:

NEW SUBSECTION. 7. The superintendent may authorize applicants and licensees to be licensed through a nationwide licensing system and to pay the corresponding system processing fees. The superintendent may establish by rule or order new requirements as necessary, including but not limited to requirements that applicants, including officers and directors and those who have control of the applicant, submit to fingerprinting and criminal history checks.

NEW SUBSECTION. 8. For the purposes of this section and in order to reduce the points of contact which the federal bureau of investigation may be required to maintain for purposes of subsection 7, the superintendent may use the nationwide licensing system as a channeling agent for requesting information from and distributing information to the United States department of justice or other governmental agency, or to or from any other source so directed by the superintendent.

Sec. 4. Section 533A.4, Code 2013, is amended to read as follows:

533A.4 Expiration date.

The license issued under this chapter shall expire on ~~July 1 next~~ December 31 following its issuance unless sooner surrendered, revoked, or suspended, but may be renewed as provided in this chapter.

Sec. 5. Section 533A.5, subsection 1, Code 2013, is amended to read as follows:

1. To continue in the business of debt management, each licensee shall annually apply on or before ~~June~~ December 1 to the superintendent for renewal of its license. The superintendent may assess a late fee of ten dollars per day for applications submitted and accepted for processing after ~~June~~ December 1.

Sec. 6. Section 533A.10, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The superintendent may receive documents, materials, or other information, including otherwise confidential and privileged documents, materials, or other information, through a nationwide licensing system and from other local, state, federal, or international regulatory agencies, the conference of state bank supervisors and its affiliates and subsidiaries, the national association of consumer credit administrators and its affiliates and subsidiaries, and any other regulator association, and shall maintain as confidential and privileged any such document, material, or other information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material, or other information.

Sec. 7. Section 533C.202, subsection 4, Code 2013, is amended to read as follows:

4. A nonrefundable application fee of one thousand dollars and a license fee must accompany an application for a license under this article. The license fee must be refunded if the application is denied. The license fee shall be the sum of five hundred dollars plus an additional ten dollars for each location in this state at which business is conducted through authorized delegates or employees of the licensee, but shall not exceed five thousand dollars. Fees for locations added after the initial application shall be submitted with the quarterly reports pursuant to section 533C.503, subsection 2. If the licensee has no locations in this state at which business is conducted through authorized delegates or employees of the licensee, the license fee shall be set by the superintendent, but shall not exceed five thousand dollars. A license under this article expires on the next ~~September 30~~ December 31 after its issuance. The initial license fee is considered an annual fee and the superintendent shall prorate the license fee, refunding any amount due to a partial license year. However, no refund of a license fee shall be made when a license is suspended, revoked, or surrendered.

Sec. 8. Section 533C.202, Code 2013, is amended by adding the following new subsections:

NEW SUBSECTION. 6. The superintendent may authorize applicants and licensees to be licensed through a nationwide licensing system and to pay the corresponding system processing fees. The superintendent may establish by rule or order new licensing requirements as necessary, including but not limited to requirements that applicants, including officers and directors and those who have control of the applicant, submit to fingerprinting and criminal history checks.

NEW SUBSECTION. 7. For the purposes of this section and in order to reduce the points of contact which the federal bureau of investigation may be required to maintain for purposes of subsection 6, the superintendent may use the nationwide licensing system as a channeling agent for requesting information from and distributing information to the United States department of justice or other governmental agency, or to or from any other source so directed by the superintendent.

Sec. 9. Section 533C.205, subsections 1 and 3, Code 2013, are amended to read as follows:

1. A licensee under this article shall pay an annual renewal fee as determined below by no later than ~~September~~ December 1 of the year of expiration. The renewal fee shall be five hundred dollars plus an additional ten dollars for each location in this state at which business is conducted through authorized delegates or employees of the licensee, but shall not exceed five thousand dollars. Fees for locations added after submission of the renewal application shall be submitted with the quarterly reports pursuant to section 533C.503, subsection 2. If the licensee has no locations in this state at which business is conducted through authorized delegates or employees of the licensee, the license fee shall be set by the superintendent, but shall not exceed five thousand dollars. ~~Licenses issued under chapter 533B, Code 2003, will be initially renewed as provided in section 533C.904.~~

3. If a licensee does not file a renewal report or pay its renewal fee by ~~September~~ December 1, or any extension of time granted by the superintendent, the superintendent may assess a late fee of one hundred dollars per day.

Sec. 10. Section 533C.302, subsection 2, Code 2013, is amended to read as follows:

2. A nonrefundable application fee of one thousand dollars and the license fee must accompany an application for a license under this article. The license fee shall be the sum of five hundred dollars plus an additional one hundred dollars for each location at which business is conducted, but not to exceed two thousand dollars. Fees for locations added after the initial application shall be submitted with the quarterly reports pursuant to section 533C.503, subsection 2. The license fee must be refunded if the application is denied. A license under this article expires on the next ~~September 30~~ December 31 of an odd-ending year after its issuance. The initial license fee is considered a biennial fee and the superintendent shall prorate the license fee, refunding any amount due to a partial license period. However, no refund of a license fee shall be made when a license is suspended, revoked, or surrendered.

Sec. 11. Section 533C.302, Code 2013, is amended by adding the following new subsections:

NEW SUBSECTION. 3. The superintendent may authorize applicants and licensees to be licensed through a nationwide licensing system and to pay the corresponding system processing fees. The superintendent may establish by rule or order new requirements as necessary, including but not limited to requirements that applicants, including officers and directors and those who have control of the applicant, submit to fingerprinting and criminal history checks.

NEW SUBSECTION. 4. For the purposes of this section and in order to reduce the points of contact which the federal bureau of investigation may be required to maintain for purposes of subsection 3, the superintendent may use the nationwide licensing system as a channeling agent for requesting information from and distributing information to the United States department of justice or other governmental agency, or to or from any other source so directed by the superintendent.

Sec. 12. Section 533C.304, subsections 1 and 3, Code 2013, are amended to read as follows:

1. A licensee under this article shall pay a biennial renewal fee no later than ~~September~~ December 1 of an odd-ending year. The biennial renewal fee shall be the sum of five hundred dollars plus an additional one hundred dollars for each location at which business is conducted, but shall not exceed two thousand dollars. Fees for locations added after the initial application shall be submitted with the quarterly reports pursuant to section 533C.503, subsection 2.

3. If a licensee does not file a renewal report and pay its renewal fee by ~~September~~ December 1 of an odd-ending year, or any extension of time granted by the superintendent, the superintendent may assess a late fee of one hundred dollars per day.

Sec. 13. Section 533C.507, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 7. The superintendent may receive documents, materials, or other information, including otherwise confidential and privileged documents, materials, or other information, through a nationwide licensing system and from other local, state, federal, or international regulatory agencies, the conference of state bank supervisors and its affiliates and subsidiaries, the national association of consumer credit administrators and its affiliates and subsidiaries, the money transmitter regulators association, and any other regulator associations, and shall maintain as confidential and privileged any such document, material, or other information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material, or other information.

Sec. 14. Section 533C.904, Code 2013, is amended by striking the section and inserting in lieu thereof the following:

533C.904 Applicability.

This chapter applies to the provision of money services on or after October 1, 2003.

Sec. 15. Section 533D.3, subsection 3, unnumbered paragraph 1, Code 2013, is amended to read as follows:

The application required by this section shall be submitted with ~~both of~~ the following:

Sec. 16. Section 533D.3, subsection 6, Code 2013, is amended to read as follows:

6. *a.* A license issued pursuant to this chapter shall be conspicuously posted at the licensee's place of business. A license shall remain in effect until the next succeeding ~~May~~ January 1, unless earlier suspended or revoked by the superintendent.

b. A license shall be renewed annually by filing with the superintendent on or before ~~April~~ December 1 an application for renewal containing such information as the superintendent may require to indicate any material change in the information contained in the original application or succeeding renewal applications and a renewal fee of two hundred fifty dollars.

c. The superintendent may assess a late fee of ten dollars per day for applications submitted and accepted for processing after ~~April~~ December 1.

Sec. 17. Section 533D.3, Code 2013, is amended by adding the following new subsections:

NEW SUBSECTION. 7. The superintendent may authorize applicants and licensees to be licensed through a nationwide licensing system and to pay the corresponding system processing fees. The superintendent may establish by rule or order new requirements as necessary, including but not limited to requirements that applicants, including officers and directors and those who have control of the applicant, submit to fingerprinting and criminal history checks.

NEW SUBSECTION. 8. For the purposes of this section and in order to reduce the points of contact which the federal bureau of investigation may be required to maintain for purposes of subsection 7, the superintendent may use the nationwide licensing system as a channeling agent for requesting information from and distributing information to the United States department of justice or other governmental agency, or to or from any other source so directed by the superintendent.

Sec. 18. Section 533D.11, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 6. The superintendent may receive documents, materials, or other information, including otherwise confidential and privileged documents, materials, or other information, through a nationwide licensing system and from other local, state, federal, or international regulatory agencies, the conference of state bank supervisors and its affiliates and subsidiaries, the national association of consumer credit administrators and its affiliates and subsidiaries, and any other regulator association, and shall maintain as confidential and privileged any such document, material, or other information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material, or other information.

Sec. 19. Section 535D.15, subsection 1, Code 2013, is amended to read as follows:

1. Except as otherwise provided by this chapter, all papers, documents, examination reports, and other writings relating to the supervision of licensees are not public records and are not subject to disclosure under chapter 22. Except as otherwise provided in section 1512 of the federal Housing and Economic Recovery Act of 2008, Pub. L. No. 110-289, the requirements under any federal law or chapter 22 or 692 regarding the privacy or confidentiality of any information or material provided to the nationwide mortgage licensing system and registry, and any privilege arising under federal or state law, including the rules of any federal or state court, with respect to such information or material, shall continue to apply to such information or material after the information or material has been disclosed to the nationwide mortgage licensing system and registry. Such information and material may be shared with any state or federal regulatory official with mortgage industry oversight

authority without the loss of privilege or the loss of confidentiality protections provided by federal law or chapter 22 or 692.

Sec. 20. Section 542B.14, subsection 1, paragraph a, subparagraphs (2) and (4), Code 2013, are amended to read as follows:

(2) Successfully passing ~~a written, oral, or written and oral~~ an examination in fundamental engineering subjects which is designed to show the knowledge of general engineering principles. A person passing the examination in fundamental engineering subjects is entitled to a certificate as an engineer intern.

(4) Successfully passing ~~a written, oral, or written and oral~~ an examination designed to determine the proficiency and qualifications to engage in the practice of engineering. No applicant shall be entitled to take this examination until the applicant shows the necessary practical experience in engineering work.

Sec. 21. Section 542B.14, subsection 1, paragraph b, subparagraphs (2) and (4), Code 2013, are amended to read as follows:

(2) Successfully passing ~~a written, oral, or written and oral~~ an examination in fundamental land surveying subjects which is designed to show the knowledge of general land surveying principles.

(4) Successfully passing ~~a written, oral, or written and oral~~ an examination designed to determine the proficiency and qualifications to engage in the practice of land surveying. No applicant shall be entitled to take this examination until the applicant shows the necessary practical experience in land surveying work.

Sec. 22. Section 542B.15, Code 2013, is amended to read as follows:

542B.15 Examinations — report required.

Examinations for licensure shall be given as often as deemed necessary by the board, but no less than one time per year. The scope of the examinations and the methods of procedure shall be prescribed by the board. Any ~~written~~ examination may be given by representatives of the board. ~~All examinations in theory shall be in writing and the~~ The identity of the person taking the examination shall be concealed until after the examination ~~papers have~~ has been graded. ~~For examinations in practice, the identity of the person taking the examination shall also be concealed as far as possible.~~ As soon as practicable after the close of each examination, a report shall be filed in the office of the secretary of the board by the board. The report shall show the action of the board upon each application and the secretary of the board shall notify each applicant of the result of the applicant's examination. Applicants who fail the examination once shall be allowed to take the examination at the next scheduled time. Thereafter, the applicant shall be allowed to take the examination at the discretion of the board. An applicant who has failed the examination may request in writing information from the board concerning the applicant's examination grade and subject areas or questions which the applicant failed to answer correctly, except that if the board administers a uniform, standardized examination, the board shall only be required to provide the examination grade and such other information concerning the applicant's examination results which are available to the board.

Sec. 23. Section 543B.20, Code 2013, is amended to read as follows:

543B.20 ~~Written examination~~ Examination.

Examinations for registration shall be given as often as deemed necessary by the real estate commission, but no less than one time per year. Each applicant for a license must pass ~~a written~~ an examination authorized by the commission and administered by the commission or persons designated by the commission. The examination shall be of scope and wording sufficient in the judgment of the commission to establish the competency of the applicant to act as a real estate broker or salesperson in a manner to protect the interests of the public. An examination for a real estate broker shall be of a more exacting nature than that for a real estate salesperson and require higher standards of knowledge of real estate. ~~All examinations in real estate theory shall be in writing and the~~ The identity of the persons taking the examinations shall be concealed until after the examination ~~papers have~~ has been graded. ~~For examinations in practice, the identity of the persons taking the~~

~~examinations shall also be concealed as far as possible.~~ A person who fails to pass either ~~written~~ examination once may immediately apply to take the next available examination. Thereafter, the applicant may take the examination at the discretion of the commission. An applicant who has failed either examination may request in writing information from the commission concerning the applicant's examination grade and subject areas or questions which the applicant failed to answer correctly, except that if the commission administers a uniform, standardized examination, the commission is only required to provide the examination grade and other information concerning the applicant's examination results which is available to the commission.

Sec. 24. Section 543D.4, Code 2013, is amended to read as follows:

543D.4 Iowa real estate appraiser board.

A real estate appraiser examining board is established within the professional licensing and regulation bureau of the banking division of the department of commerce. The board consists of seven members, two of whom shall be public members and five of whom shall be certified real estate appraisers.

1. The governor shall appoint the members of the board who are subject to confirmation by the senate. The governor may remove a member for cause.

~~2. Appointees shall possess or maintain at least those standards of ethics, education, and experience required by federal regulations.~~

~~3.~~ 2. ~~Each real estate appraiser member of the board appointed after January 1, 1992, must be a certified real estate appraiser.~~ A certified real estate appraiser member of the board shall be actively engaged in practice as a certified real estate appraiser and shall have been so engaged for five years preceding appointment, the last two of which shall have been in this state. The governor shall attempt to represent each class of certified appraisers in making the appointments.

~~4.~~ 3. The term of each member is three years~~; except that, of the members first appointed, two shall be appointed for two years and two shall be appointed for one year~~. Vacancies occurring during a term shall be filled by appointment by the governor for the unexpired term.

~~5.~~ 4. Upon expiration of their terms, members of the board shall continue to hold office until the appointment and qualification of their successors. A person shall not serve as a member of the board for more than ~~two consecutive~~ three terms, but appointment to fill an unexpired term shall not be considered a complete term for this purpose.

~~6.~~ 5. The public members of the board shall not engage in the practice of real estate appraising.

~~7.~~ 6. The board shall meet at least once each calendar quarter to conduct its business.

~~8.~~ 7. The members of the board shall elect a chairperson from among the members to preside at board meetings.

~~9.~~ 8. A quorum of the board is four members. ~~At least three of the four members shall be appraiser members.~~

9. Members of the board are entitled to receive a per diem as specified in section 7E.6 for each day spent in performance of duties as members and shall be reimbursed for all actual and necessary expenses incurred in the performance of duties as members.

Sec. 25. Section 543D.5, Code 2013, is amended to read as follows:

543D.5 Powers of the board.

1. The board shall adopt rules establishing uniform appraisal standards and appraiser certification requirements and other rules necessary to administer and enforce this chapter and its responsibilities under chapter 272C. The board shall consider and may incorporate any standards required or recommended by the appraisal foundation~~,~~ or by a ~~professional appraisal organization, or by a public authority or organization responsible to review appraisals or for the oversight of appraisers~~ federal agency with regulatory authority over appraisal standards or the certification of appraisers for federally related transactions.

2. The uniform appraisal standards shall meet all of the following requirements:

a. Require compliance with federal law and appraisal standards adopted by federal authorities as they apply to federally ~~covered~~ related transactions. This paragraph does not require that an appraiser invoke a jurisdictional exception to the uniform standards of

professional appraisal practice in order to comply with federal law and appraisal standards adopted by federal authorities as they apply to federally ~~covered~~ related transactions, unless federal law requires that the exception be invoked.

b. Develop standards for the scope of practice for certified real estate appraisers.

c. Required compliance with the uniform standards of professional appraisal practice in all appraisal assignments.

3. Appraiser certification requirements shall require a demonstration that the applicant has a working knowledge of current appraisal theories, practices, and techniques which will provide a high degree of service and protection to members of the public dealt with in a professional relationship under authority of the certification. The board shall establish the examination specifications for each category of certified real estate appraiser, provide or procure appropriate examinations, establish procedures for grading examinations, receive and approve or disapprove applications for certification, and issue certificates.

4. The board shall maintain a registry of the names and ~~addresses~~ certificate numbers of appraisers certified under this chapter ~~and retain records and application materials submitted to the board~~ and the names and registration numbers of associate appraisers registered under this chapter.

Sec. 26. Section 543D.8, unnumbered paragraph 1, Code 2013, is amended to read as follows:

An original certification as a certified real estate appraiser shall not be issued to a person who has not demonstrated through ~~a written~~ an examination that the person possesses the following knowledge and understanding:

Sec. 27. Section 543D.16, subsection 2, Code 2013, is amended to read as follows:

2. The basic continuing education requirement for renewal of certification shall be the completion, before June 30 of the year in which the appraiser's certificate expires, of the number of hours of instruction required by the board in courses or seminars which have received the preapproval of the board. ~~Instructional hours by correspondence and home study courses claimed by an appraiser shall not exceed fifty percent of the required hours of instruction necessary for renewal.~~

Sec. 28. NEW SECTION. **543D.22 Criminal background checks.**

1. The board may require a national criminal history check through the federal bureau of investigation for applicants for certification or registration, or for persons certified or registered, under this chapter if needed to comply with federal law or regulation, or the policies of the appraisal qualification board of the appraisal foundation.

2. The board may require applicants, certificate holders, or registrants to provide a full set of fingerprints, in a form and manner prescribed by the board. Such fingerprints, if required, shall be submitted to the federal bureau of investigation through the state criminal history repository for purposes of the national criminal history check.

3. The board may also request and obtain, notwithstanding section 692.2, subsection 5, criminal history data for applicants, certificate holders, and registrants. A request for criminal history data shall be submitted to the department of public safety, division of criminal investigation, pursuant to section 692.2, subsection 1.

4. The board shall inform the applicant, certificate holder, or registrant of the requirement of a national criminal history check or request for criminal history data and obtain a signed waiver from the applicant, certificate holder, or registrant prior to requesting the check or data.

5. The board may, in addition to any other fees, charge and collect such amounts as may be incurred by the board, the department of public safety, or federal bureau of investigation in obtaining criminal history information. Amounts collected shall be considered repayment receipts as defined in section 8.2, subsection 8.

6. Criminal history data and other criminal history information relating to an applicant, certificate holder, or registrant obtained by the board pursuant to this section is confidential. Such information may, however, be used by the board in a certificate or registration denial or disciplinary proceeding.

Sec. 29. Section 544A.21, Code 2013, is amended by striking the section and inserting in lieu thereof the following:

544A.21 Practice by business entities.

The board shall adopt rules to govern the practice of architecture through business entities to protect the public from misleading and deceptive advertising and to guard against the unlicensed practice of architecture. [1]

Sec. 30. LICENSE EXPIRATION DATES — TRANSITION PROVISIONS. A license which would otherwise expire on or before the effective date of this Act pursuant to Code sections 533A.4 and 533D.3 shall remain in full force and effect until December 31, 2013, or January 1, 2014, as applicable.

Approved March 28, 2013

CHAPTER 6

TRANSMISSION OF COURT RECORDS ON APPEAL

S.F. 187

AN ACT relating to the transmission of court records by the clerk of the district court to the clerk of the supreme court in an appeal.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. **602.8103A Transmission of record on appeal.**

1. *a.* The clerk of the district court shall be solely responsible for transmitting the record on appeal to the clerk of the supreme court in civil and criminal proceedings. The clerk of the district court shall only transmit the record to the clerk of the supreme court upon the request of the appellee, appellant, the attorney for the appellee or appellant, or the appellate court.

b. The requirements of paragraph *"a"* shall not be delegated to another party. The appellee, appellant, the attorney for the appellee or appellant, or any agent of the appellee or appellant shall not transmit any part of the appellate record to the clerk of the supreme court.

2. For purposes of this section, the *"record on appeal"* consists of the original documents and exhibits filed in district court, transcripts of the proceedings, and a certified copy of the docket and court calendar entries prepared by the clerk of the district court in the case under appeal. Exhibits of unusual size or bulk are not required to be transmitted by the clerk of the district court unless requested by the appellee, appellant, the attorney for the appellee or appellant, or the appellate court.

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

Sec. 2. REPEAL. Section 625A.7, Code 2013, is repealed.

Approved March 28, 2013

[1] See chapter 140, §155 – 157 herein

CHAPTER 7

APPLICATIONS FOR RETURN OF SEIZED PROPERTY

S.F. 188

AN ACT relating to an application for the immediate return of seized property.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 809.3, Code 2013, is amended by adding the following new subsection:
NEW SUBSECTION. 3A. The application shall be signed by the claimant under penalty of perjury.

Approved March 28, 2013

CHAPTER 8

ADMINISTRATION OF VACCINES BY PHARMACISTS

S.F. 353

AN ACT relating to vaccine administration by licensed pharmacists.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. **155A.44 Vaccine and immunization administration.**

1. In accordance with rules adopted by the board, a licensed pharmacist may administer vaccines and immunizations pursuant to this section.

2. The board shall adopt rules requiring pharmacists to complete training pursuant to continuing education requirements and establish protocols for the review of prescriptions and administration of vaccines and immunizations. The rules shall allow a licensed pharmacist who has completed the required training to administer vaccines and immunizations in accordance with the rules of the board and shall include the United States centers for disease control and prevention's protocol for the administration of the vaccinations and immunizations.

3. Prior to the administration of a vaccination or immunization authorized by subsection 4, paragraph "*b*", subparagraphs (2) through (4), pursuant to the required protocols, a licensed pharmacist shall consult and review the statewide immunization registry or health information network. The board shall adopt rules requiring the reporting of the administration of vaccines and immunizations authorized by subsection 4, paragraph "*b*", subparagraphs (2) through (4), to a patient's primary health care provider, primary physician, and a statewide immunization registry or health information network.

4. A licensed pharmacist shall only administer the following vaccines and immunizations to the designated age categories:

a. Vaccination and immunization of patients ages six years through seventeen years shall be limited to vaccines or immunizations for influenza and other emergency immunizations or vaccines in response to a public health emergency.

b. Patients ages eighteen years and older may receive a vaccination or immunization administered by a licensed pharmacist for any of the following:

(1) An immunization or vaccination described in paragraph "*a*", including all forms of the influenza vaccine.

(2) An immunization or vaccination recommended by the United States centers for disease control and prevention advisory committee on immunization practices in its approved vaccination schedule for adults.

(3) An immunization or vaccine recommended by the United States centers for disease control and prevention for international travel.

(4) A Tdap (tetanus, diptheria, [1] acellular pertussis) vaccination in a booster application.

Approved March 28, 2013

CHAPTER 9

DISCHARGE OF FIREARMS NEAR BUILDINGS OR FEEDLOTS — LAW ENFORCEMENT EXCEPTION

H.F. 133

AN ACT relating to the discharge of a firearm near buildings or feedlots by certified law enforcement officers for training purposes, providing penalties, and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 481A.123, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 6. This section does not apply to the discharge of a firearm for the purpose of developing and retaining the shooting proficiency of certified law enforcement officers on premises owned by the state, a county, or a municipality, and operated by a law enforcement agency, which are not open to the general public and which were in operation prior to the effective date of this Act.

Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved March 28, 2013

CHAPTER 10

TITLE OF OFFICE OF CITIZENS' AIDE

H.F. 185

AN ACT relating to the title of the office of citizens' aide.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 2.12, unnumbered paragraph 4, Code 2013, is amended to read as follows:

There is appropriated out of any funds in the state treasury not otherwise appropriated such sums as may be necessary for the fiscal year budgets of the legislative services agency and the ~~citizens' aide~~ ombudsman office for salaries, support, maintenance, and miscellaneous purposes to carry out their statutory responsibilities. The legislative services agency and the ~~citizens' aide~~ ombudsman office shall submit their proposed budgets to the legislative council not later than September 1 of each year. The legislative council shall review and

[1] According to enrolled Act; the word "diphtheria" probably intended

approve the proposed budgets not later than December 1 of each year. The budget approved by the legislative council for each of its statutory legislative agencies shall be transmitted by the legislative council to the department of management on or before December 1 of each year for the fiscal year beginning July 1 of the following year. The department of management shall submit the approved budgets received from the legislative council to the governor for inclusion in the governor's proposed budget for the succeeding fiscal year. The approved budgets shall also be submitted to the chairpersons of the committees on appropriations. The committees on appropriations may allocate from the funds appropriated by this section the funds contained in the approved budgets, or such other amounts as specified, pursuant to a concurrent resolution to be approved by both houses of the general assembly. The director of the department of administrative services shall issue warrants for salaries, support, maintenance, and miscellaneous purposes upon requisition by the administrative head of each statutory legislative agency. If the legislative council elects to change the approved budget for a legislative agency prior to July 1, the legislative council shall transmit the amount of the budget revision to the department of management prior to July 1 of the fiscal year, however, if the general assembly approved the budget it cannot be changed except pursuant to a concurrent resolution approved by the general assembly. [1]

Sec. 2. Section 2.42, subsection 14, Code 2013, is amended to read as follows:

14. To hear and act upon appeals of aggrieved employees of the legislative services agency and the office of the [2] ~~citizens' aide~~ ombudsman pursuant to rules of procedure established by the council.

Sec. 3. Section 2C.2, Code 2013, is amended to read as follows:

2C.2 Office established.

The office of ~~citizens' aide~~ ombudsman is established.

Sec. 4. Section 2C.3, Code 2013, is amended to read as follows:

2C.3 Appointment — vacancy.

1. The ~~citizens' aide~~ ombudsman shall be appointed by the legislative council with the approval and confirmation of a constitutional majority of the senate and with the approval and confirmation of a constitutional majority of the house of representatives. The legislative council shall fill a vacancy in this office in the same manner as the original appointment. If the appointment or vacancy occurs while the general assembly is not in session, such appointment shall be reported to the senate and the house of representatives within thirty days of their convening at their next regular session for approval and confirmation.

2. The ~~citizens' aide~~ ombudsman shall employ and supervise all employees under the ~~citizens' aide's~~ ombudsman's direction in such positions and at such salaries as shall be authorized by the legislative council. The legislative council shall hear and act upon appeals of aggrieved employees of the office of the [3] ~~citizens' aide~~ ombudsman.

Sec. 5. Section 2C.4, Code 2013, is amended to read as follows:

2C.4 Citizen of United States and resident of Iowa.

The ~~citizens' aide~~ ombudsman shall be a citizen of the United States and a resident of the state of Iowa, and shall be qualified to analyze problems of law, administration, and public policy.

Sec. 6. Section 2C.5, Code 2013, is amended to read as follows:

2C.5 Term — removal.

The ~~citizens' aide~~ ombudsman shall hold office for four years from the first day in July of the year of approval by the senate and the house of representatives, and until a successor is appointed by the legislative council, unless the ~~citizens' aide~~ ombudsman can no longer perform the official duties, or is removed from office. The ~~citizens' aide~~ ombudsman may at any time be removed from office by constitutional majority vote of the two houses of the

[1] See chapter 140, §45 herein
[2] See chapter 140, §46 herein
[3] See chapter 140, §47 herein

general assembly or as provided by chapter 66. If a vacancy occurs in the office of ~~citizens' aide~~ ombudsman, the deputy ~~citizens' aide~~ ombudsman shall act as ~~citizens' aide~~ ombudsman until the vacancy is filled by the legislative council.

Sec. 7. Section 2C.6, Code 2013, is amended to read as follows:

2C.6 Deputy — assistant for penal agencies.

1. The ~~citizens' aide~~ ombudsman shall designate one of the members of the staff as the deputy ~~citizens' aide~~ ombudsman, with authority to act as ~~citizens' aide~~ ombudsman when the ~~citizens' aide~~ ombudsman is absent from the state or becomes disabled. The ~~citizens' aide~~ ombudsman may delegate to members of the staff any of the ~~citizens' aide's~~ authority or duties of the office except the duty of formally making recommendations to agencies or reports to the governor or the general assembly.

2. The ~~citizens' aide~~ ombudsman shall appoint an assistant who shall be primarily responsible for investigating complaints relating to penal or correctional agencies.

Sec. 8. Section 2C.7, unnumbered paragraph 1, Code 2013, is amended to read as follows:

Neither the ~~citizens' aide~~ ombudsman nor any member of the staff shall:

Sec. 9. Section 2C.8, Code 2013, is amended to read as follows:

2C.8 Closed files.

The ~~citizens' aide~~ ombudsman may maintain secrecy in respect to all matters including the identities of the complainants or witnesses coming before the ~~citizens' aide~~ ombudsman, except that the general assembly, any standing committee of the general assembly or the governor may require disclosure of any matter and shall have complete access to the records and files of the ~~citizens' aide~~ ombudsman. The ~~citizens' aide~~ ombudsman may conduct private hearings.

Sec. 10. Section 2C.9, Code 2013, is amended to read as follows:

2C.9 Powers.

The ~~citizens' aide~~ ombudsman may:

1. Investigate, on complaint or on the ~~citizens' aide's~~ ombudsman's own motion, any administrative action of any agency, without regard to the finality of the administrative action, except that the ~~citizens' aide~~ ombudsman shall not investigate the complaint of an employee of an agency in regard to that employee's employment relationship with the agency except as otherwise provided by this chapter. A communication or receipt of information made pursuant to the powers prescribed in this chapter shall not be considered an ex parte communication as described in the provisions of section 17A.17.

2. Investigate, on complaint or on the ~~citizens' aide's~~ ombudsman's own motion, any administrative action of any person providing child welfare or juvenile justice services under contract with an agency that is subject to investigation by the ~~citizens' aide~~ ombudsman. The person shall be considered to be an agency for purposes of the ~~citizens' aide's~~ ombudsman's investigation.

3. Prescribe the methods by which complaints are to be made, received, and acted upon; determine the scope and manner of investigations to be made; and, subject to the requirements of this chapter, determine the form, frequency, and distribution of the conclusions and recommendations of the ~~citizens' aide~~ ombudsman.

4. Request and receive from each agency assistance and information as necessary in the performance of the duties of the office. Notwithstanding section 22.7, pursuant to an investigation the ~~citizens' aide~~ ombudsman may examine any and all records and documents of any agency unless its custodian demonstrates that the examination would violate federal law or result in the denial of federal funds to the agency. Confidential documents provided to the ~~citizens' aide~~ ombudsman by other agencies shall continue to maintain their confidential status. The ~~citizens' aide~~ ombudsman is subject to the same policies and penalties regarding the confidentiality of the document as an employee of the agency. The ~~citizens' aide~~ ombudsman may enter and inspect premises within any agency's control and may observe proceedings and attend hearings, with the consent of the interested party, including those held under a provision of confidentiality, conducted by any agency unless the agency demonstrates that the attendance or observation would violate federal law or result in the

denial of federal funds to that agency. This subsection does not permit the examination of records or access to hearings and proceedings which are the work product of an attorney under section 22.7, subsection 4, or which are privileged communications under section 622.10.

5. Issue a subpoena to compel any person to appear, give sworn testimony, or produce documentary or other evidence relevant to a matter under inquiry. The ~~citizens' aide~~ ombudsman, deputies, and assistants of the ~~citizens' aide~~ ombudsman may administer oaths to persons giving testimony before them. If a witness either fails or refuses to obey a subpoena issued by the ~~citizens' aide~~ ombudsman, the ~~citizens' aide~~ ombudsman may petition the district court having jurisdiction for an order directing obedience to the subpoena. If the court finds that the subpoena should be obeyed, it shall enter an order requiring obedience to the subpoena, and refusal to obey the court order is subject to punishment for contempt.

6. Establish rules relating to the operation, organization, and procedure of the office of the [4] ~~citizens' aide~~ ombudsman. The rules are exempt from chapter 17A and shall be published in the Iowa administrative code.

Sec. 11. Section 2C.10, Code 2013, is amended to read as follows:

2C.10 No charge for services.

~~No~~ A monetary charge or other charge shall not be levied upon any person as a prerequisite to presentation of a complaint to the ~~citizens' aide~~ ombudsman.

Sec. 12. Section 2C.11, Code 2013, is amended to read as follows:

2C.11 Subjects for investigations.

1. An appropriate subject for investigation by the office of the [5] ~~citizens' aide~~ ombudsman is an administrative action that might be:

a. Contrary to law or regulation.

b. Unreasonable, unfair, oppressive, or inconsistent with the general course of an agency's functioning, even though in accordance with law.

c. Based on a mistake of law or arbitrary in ascertainments of fact.

d. Based on improper motivation or irrelevant consideration.

e. Unaccompanied by an adequate statement of reasons.

2. The ~~citizens' aide~~ ombudsman may also be concerned with strengthening procedures and practices which lessen the risk that objectionable administrative actions will occur.

Sec. 13. Section 2C.11A, Code 2013, is amended to read as follows:

2C.11A Subjects for investigations — disclosures of information.

The office of ~~citizens' aide~~ ombudsman shall investigate a complaint filed by an employee who is not a merit system employee or an employee covered by a collective bargaining agreement and who alleges that adverse employment action has been taken against the employee in violation of section 70A.28, subsection 2. A complaint filed pursuant to this section shall be made within thirty calendar days following the effective date of the adverse employment action. The ~~citizens' aide~~ ombudsman shall investigate the matter and shall issue findings relative to the complaint in an expeditious manner.

Sec. 14. Section 2C.12, Code 2013, is amended to read as follows:

2C.12 Complaints investigated.

1. The ~~citizens' aide~~ ombudsman may receive a complaint from any source concerning an administrative action. The ~~citizens' aide~~ ombudsman shall conduct a suitable investigation into the administrative actions complained of unless the ~~citizens' aide~~ ombudsman finds substantiating facts that:

a. The complainant has available another remedy or channel of complaint which the complainant could reasonably be expected to use.

b. The grievance pertains to a matter outside the ~~citizens' aide~~ ombudsman's power.

c. The complainant has no substantive or procedural interest which is directly affected by the matter complained about.

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[4] See chapter 140, §48 herein

[5] See chapter 140, §49 herein

d. The complaint is trivial, frivolous, vexatious, or not made in good faith.
e. Other complaints are more worthy of attention.
f. The ~~citizens' aide~~ ombudsman's resources are insufficient for adequate investigation.
g. The complaint has been delayed too long to justify present examination of its merit.
2. The ~~citizens' aide~~ ombudsman may decline to investigate a complaint, but shall not be prohibited from inquiring into the matter complained about or into related problems at some future time.

Sec. 15. Section 2C.13, Code 2013, is amended to read as follows:
2C.13 No investigation — notice to complainant.
If the ~~citizens' aide~~ ombudsman decides not to investigate, the complainant shall be informed of the reasons for the decision. If the ~~citizens' aide~~ ombudsman decides to investigate, the complainant and the agency shall be notified of the decision. After completing consideration of a complaint, whether or not it has been investigated, the ~~citizens' aide~~ ombudsman shall without delay inform the complainant of the fact, and if appropriate, shall inform the agency involved. The ~~citizens' aide~~ ombudsman shall on request of the complainant, and as appropriate, report the status of the investigation to the complainant.

Sec. 16. Section 2C.14, Code 2013, is amended to read as follows:
2C.14 Institutionalized complainants.
A letter to the ~~citizens' aide~~ ombudsman from a person in a correctional institution, a hospital, or other institution under the control of an agency shall be immediately forwarded, unopened, to the ~~citizens' aide~~ ombudsman by the institution where the writer of the letter is a resident. A letter from the ~~citizens' aide~~ ombudsman to such a person shall be immediately delivered, unopened, to the person.

Sec. 17. Section 2C.15, Code 2013, is amended to read as follows:
2C.15 Reports critical of agency or officer.
Before announcing a conclusion or recommendation that criticizes an agency or any officer or employee, the ~~citizens' aide~~ ombudsman shall consult with that agency, officer, or employee~~,~~ and shall attach to every report sent or made under the provisions of this chapter a copy of any unedited comments made by or on behalf of the officer, employee, or agency.

Sec. 18. Section 2C.16, Code 2013, is amended to read as follows:
2C.16 Recommendations to agency.
1. The ~~citizens' aide~~ ombudsman shall state recommendations to an agency, if, after having considered a complaint and whatever material the ~~citizens' aide~~ ombudsman deems pertinent, the ~~citizens' aide~~ ombudsman finds substantiating facts for any of the following:
a. A matter should be further considered by the agency.
b. An administrative action should be modified or canceled.
c. A rule on which an administrative action is based should be altered.
d. Reasons should be given for an administrative action.
e. Any other action should be taken by the agency.
2. If the ~~citizens' aide~~ ombudsman requests, the agency shall, within twenty working days notify the ~~citizens' aide~~ ombudsman of any action taken on the recommendations or the reasons for not complying with them.
3. If the ~~citizens' aide~~ ombudsman believes that an administrative action has occurred because of laws of which results are unfair or otherwise objectionable, the ~~citizens' aide~~ ombudsman shall notify the general assembly concerning desirable statutory change.

Sec. 19. Section 2C.17, Code 2013, is amended to read as follows:
2C.17 Publication of conclusions.
1. The ~~citizens' aide~~ ombudsman may publish the conclusions, recommendations, and suggestions and transmit them to the governor or the general assembly or any of its committees. When publishing an opinion adverse to an agency or official the ~~citizens' aide~~ ombudsman shall, unless excused by the agency or official affected, include with the opinion any unedited reply made by the agency.

2. Any conclusions, recommendations, and suggestions so published may at the same time be made available to the news media or others who may be concerned.

Sec. 20. Section 2C.18, Code 2013, is amended to read as follows:

2C.18 Report to general assembly.

The ~~citizens' aide~~ ombudsman shall by April 1 of each year submit an economically designed and reproduced report to the general assembly and to the governor concerning the exercise of the ~~citizens' aide~~ ombudsman[6] functions during the preceding calendar year. In discussing matters with which the ~~citizens' aide~~ ombudsman has been concerned, the ~~citizens' aide~~ ombudsman shall not identify specific persons if to do so would cause needless hardship. If the annual report criticizes a named agency or official, it shall also include unedited replies made by the agency or official to the criticism, unless excused by the agency or official affected.

Sec. 21. Section 2C.19, Code 2013, is amended to read as follows:

2C.19 Disciplinary action recommended.

If the ~~citizens' aide~~ ombudsman believes that any public official, employee or other person has acted in a manner warranting criminal or disciplinary proceedings, the ~~citizens' aide~~ ombudsman shall refer the matter to the appropriate authorities.

Sec. 22. Section 2C.20, Code 2013, is amended to read as follows:

2C.20 Immunities.

No civil action, except removal from office as provided in chapter 66, or proceeding shall be commenced against the ~~citizens' aide~~ ombudsman or any member of the staff for any act or omission performed pursuant to the provisions of this chapter unless the act or omission is actuated by malice or is grossly negligent, nor shall the ~~citizens' aide~~ ombudsman or any member of the staff be compelled to testify in any court with respect to any matter involving the exercise of the ~~citizens' aide's~~ ombudsman's official duties except as may be necessary to enforce the provisions of this chapter.

Sec. 23. Section 2C.21, Code 2013, is amended to read as follows:

2C.21 Witnesses.

A person required by the ~~citizens' aide~~ ombudsman to provide information shall be paid the same fees and travel allowances as are extended to witnesses whose attendance has been required in the district courts of this state. Officers and employees of an agency shall not be entitled to such fees and allowances. A person who, with or without service of compulsory process, provides oral or documentary information requested by the ~~citizens' aide~~ ombudsman shall be accorded the same privileges and immunities as are extended to witnesses in the courts of this state, and shall also be entitled to be accompanied and advised by counsel while being questioned.

Sec. 24. Section 2C.22, Code 2013, is amended to read as follows:

2C.22 Penalties.

A person who willfully obstructs or hinders the lawful actions of the ~~citizens' aide~~ ombudsman or the ~~citizens' aide's~~ ombudsman's staff, or who willfully misleads or attempts to mislead the ~~citizens' aide~~ ombudsman in the ~~citizens' aide's~~ ombudsman's inquiries, shall be guilty of a simple misdemeanor.

Sec. 25. Section 2C.23, Code 2013, is amended to read as follows:

2C.23 Citation.

This chapter shall be known and may be cited as the "*Iowa ~~Citizens' Aide~~ Ombudsman Act*".

Sec. 26. Section 8F.3, subsection 1, paragraph d, Code 2013, is amended to read as follows:

d. Information regarding any policies adopted by the governing body of the recipient entity that prohibit taking adverse employment action against employees of the recipient

[6] See chapter 140, §50 herein

entity who disclose information about a service contract to the oversight agency, the auditor of state, the office of the attorney general, or the office of ~~citizens' aide~~ ombudsman and that state whether those policies are substantially similar to the protection provided to state employees under section 70A.28. The information provided shall state whether employees of the recipient entity are informed on a regular basis of their rights to disclose information to the oversight agency, the office of ~~citizens' aide~~ ombudsman, the auditor of state, or the office of the attorney general and the telephone numbers of those organizations.

Sec. 27. Section 23A.4, Code 2013, is amended to read as follows:

23A.4 Relief for aggrieved persons.

1. Any aggrieved person may, after pursuing remedies offered by chapter 17A, seek injunctive relief for violations of this chapter by filing an action in the district court for the county in which the aggrieved business is located.

2. A state agency or political subdivision found to be in violation of this chapter shall be assessed and shall pay to the aggrieved person fees and other expenses, as defined in section 625.28.

3. Chapter 17A and this section are the exclusive remedy for violations of this chapter. However, the office of the [7] ~~citizens' aide~~ ombudsman may review violations of this chapter and make recommendations as provided in chapter 2C.

Sec. 28. Section 70A.28, subsections 2, 6, and 8, Code 2013, are amended to read as follows:

2. A person shall not discharge an employee from or take or fail to take action regarding an employee's appointment or proposed appointment to, promotion or proposed promotion to, or any advantage in, a position in a state employment system administered by, or subject to approval of, a state agency as a reprisal for a failure by that employee to inform the person that the employee made a disclosure of information permitted by this section, or for a disclosure of any information by that employee to a member or employee of the general assembly, a disclosure of information to the office of ~~citizens' aide~~ ombudsman, or a disclosure of information to any other public official or law enforcement agency if the employee reasonably believes the information evidences a violation of law or rule, mismanagement, a gross abuse of funds, an abuse of authority, or a substantial and specific danger to public health or safety. However, an employee may be required to inform the person that the employee made a disclosure of information permitted by this section if the employee represented that the disclosure was the official position of the employee's immediate supervisor or employer.

6. Subsection 2 may also be enforced by an employee through an administrative action pursuant to the requirements of this subsection if the employee is not a merit system employee or an employee covered by a collective bargaining agreement. An employee eligible to pursue an administrative action pursuant to this subsection who is discharged, suspended, demoted, or otherwise receives a reduction in pay and who believes the adverse employment action was taken as a result of the employee's disclosure of information that was authorized pursuant to subsection 2, may file an appeal of the adverse employment action with the public employment relations board within thirty calendar days following the later of the effective date of the action or the date a finding is issued to the employee by the office of the [8] ~~citizens' aide~~ ombudsman pursuant to section 2C.11A. The findings issued by the ~~citizens' aide~~ ombudsman may be introduced as evidence before the public employment relations board. The employee has the right to a hearing closed to the public, but may request a public hearing. The hearing shall otherwise be conducted in accordance with the rules of the public employment relations board and the Iowa administrative procedure Act, chapter 17A. If the public employment relations board finds that the action taken in regard to the employee was in violation of subsection 2, the employee may be reinstated without loss of pay or benefits for the elapsed period, or the public employment relations board may

[7] See chapter 140, §52 herein
[8] See chapter 140, §55 herein

provide other appropriate remedies. Decisions by the public employment relations board constitute final agency action.

8. The director of the department of administrative services or, for employees of the general assembly or of the state board of regents, the legislative council or the state board of regents, respectively, shall provide procedures for notifying new state employees of the provisions of this section and shall periodically conduct promotional campaigns to provide similar information to state employees. The information shall include the toll-free telephone number of the ~~citizens' aide~~ ombudsman.

Sec. 29. Section 217.3A, subsection 3, paragraph a, subparagraph (1), Code 2013, is amended to read as follows:

(1) Members of the advisory committee shall include at least one district judge and representatives of custodial parent groups, noncustodial parent groups, the general assembly, the office of ~~citizens' aide~~ ombudsman, the Iowa state bar association, the Iowa county attorneys association, and other constituencies which have an interest in child support enforcement issues, appointed by the respective entity.

Sec. 30. Section 236.16, subsection 1, paragraph c, Code 2013, is amended to read as follows:

c. Designate and award moneys for publicizing and staffing a statewide, toll-free telephone hotline for use by victims of domestic abuse. The department may award a grant to a public agency or a private, nonprofit organization for the purpose of operating the hotline. The operation of the hotline shall include informing victims of their rights and of various community services that are available, referring victims to service providers, receiving complaints concerning misconduct by peace officers and encouraging victims to refer such complaints to the office of ~~citizens' aide~~ ombudsman, providing counseling services to victims over the telephone, and providing domestic abuse victim advocacy.

Approved March 28, 2013

CHAPTER 11

SALES AND USE TAX — BEVERAGE-GRADE CARBON DIOXIDE GAS

H.F. 199

AN ACT relating to the administration of the streamlined sales and use tax agreement by the department of revenue.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 423.3, subsection 57, paragraph d, Code 2013, is amended to read as follows:

d. *"Food and food ingredients"* means substances, whether in liquid, concentrated, solid, frozen, dried, or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value. *"Food and food ingredients"* includes beverage-grade carbon dioxide gas.

Approved March 28, 2013

CHAPTER 12

POLLUTION PREVENTION AND WASTE MANAGEMENT ASSISTANCE

H.F. 225

AN ACT relating to pollution prevention and waste management assistance.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 455B.481, subsections 1 through 3, Code 2013, are amended to read as follows:

1. The purpose of this part is to promote the proper ~~and safe storage, treatment, and disposal~~ management of solid, hazardous, and low-level radioactive wastes in Iowa. ~~The management of these wastes generated within Iowa is the responsibility of Iowans. It is the intent of the general assembly that Iowans assume this responsibility to the extent consistent with the protection of public health, safety, and the environment, and that Iowans insure that waste management practices, as alternatives to land disposal, including source reduction, recycling, compaction, incineration, and other forms of waste reduction, are employed.~~

~~2. It is also the intent of the general assembly that a comprehensive waste management plan be established by the department which includes: the determination of need and adequate regulatory controls prior to the initiation of site selection; the process for selecting a superior site determined to be necessary; the establishment of a process for a site community to submit or present data, views, or arguments regarding the selection of the operator and the technology that best ensures proper facility operation; the prohibition of shallow land burial of hazardous and low-level radioactive wastes; the establishment of a regulatory framework for a facility; and the establishment of provisions for the safe and orderly development, operation, closure, postclosure, and long-term monitoring and maintenance of the facility.~~

~~3.~~ 2. ~~In order to meet capacity assurance requirements of section 104k of the federal Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, and further the objectives of waste minimization, the~~ The department, in cooperation with the ~~small business assistance center at the university of northern Iowa~~ Iowa waste reduction center for safe and economic management of solid waste and hazardous substances established in section 268.4, shall work with generators of hazardous wastes in the state to develop and implement aggressive waste minimization programs. ~~The goal of these programs is to reduce the volume of hazardous waste generated in the state as a whole by twenty-five percent of the amount generated as of January 1, 1987, as reported in the biennial reports collected by the United States environmental protection agency. The twenty-five percent reduction goal shall be reached as expeditiously as possible and no later than July 1, 1994. In meeting the reduction goal, elements "a" through "d" of the hazardous waste management hierarchy shall be utilized. The department, in cooperation with the small business assistance center, shall reassess the twenty-five percent reduction goal in 1994.~~ The department shall ~~promote research and development,~~ provide and promote educational and informational programs, ~~promote and encourage~~ provide confidential, voluntary technical assistance to hazardous waste generators, promote assistance by the ~~small business assistance~~ Iowa waste reduction center, and promote other voluntary activities by the public and private sectors that support ~~this goal. In the promotion of the goal,~~ the following ~~hazardous waste management~~ pollution prevention hierarchy, in descending order of preference~~, is established by the department~~:

a. Source reduction for waste elimination.

b. Reuse.

c. On-site recycling.

~~*c.*~~ *d.* Off-site recycling.

~~*d.*~~ *e.* Waste treatment.

~~*e.*~~ *f.* ~~Incineration~~ Combustion with energy recovery.

~~*f.*~~ *g.* Land disposal.

Sec. 2. Section 455B.481, subsections 4 and 5, Code 2013, are amended by striking the subsections.

Sec. 3. Section 455B.482, Code 2013, is amended by adding the following new subsection:
NEW SUBSECTION. 7A. *"Pollution prevention"* means employment of a practice that reduces the industrial use of toxic substances or reduces the environmental and health hazards associated with an environmental waste without diluting or concentrating the waste before the release, handling, storage, transport, treatment, or disposal of the waste.

Sec. 4. Section 455B.484, Code 2013, is amended by adding the following new subsection:
NEW SUBSECTION. 1A. Implement the waste management policy provided in section 455B.481.

Sec. 5. Section 455B.484, subsections 2, 3, 4, 6, 7, 9, and 10, Code 2013, are amended by striking the subsections.

Sec. 6. Section 455B.484A, subsection 1, paragraph c, Code 2013, is amended to read as follows:
c. "Assistance program" means the ~~waste reduction assistance~~ pollution prevention program of the department or of the Iowa waste reduction center for safe and economic management of solid waste and hazardous substances conducted pursuant to section 268.4.

Sec. 7. Section 455B.485, subsections 3 and 5, Code 2013, are amended by striking the subsections.

Sec. 8. Section 455B.486, subsection 1, Code 2013, is amended by striking the subsection.

Sec. 9. Section 455B.487, subsection 1, Code 2013, is amended to read as follows:
1. The commission shall adopt rules establishing criteria for the identification of land areas or sites which are suitable for the operation of facilities for the management of ~~hazardous and~~ low-level radioactive wastes. Upon request, the department shall assist in locating suitable sites for the location of a facility. The commission may purchase or condemn land to be leased or used for the operation of a facility subject to chapter 6A. Consideration for a contract for purchase of land shall not be in excess of funds appropriated by the general assembly for that purpose. The commission may lease land purchased under this section to any person including the state or a state agency. This section authorizes the state to own or operate ~~hazardous waste facilities and~~ low-level radioactive waste facilities, subject to the approval of the general assembly.

Sec. 10. Section 455B.487, subsection 8, Code 2013, is amended by striking the subsection.

Sec. 11. Section 455C.12, subsection 1, Code 2013, is amended to read as follows:
1. Any person violating the provisions of section 455C.2, 455C.3, or 455C.5, ~~and 455C.8,~~ or a rule adopted under this chapter, shall be guilty of a simple misdemeanor.

Sec. 12. Section 455D.1, subsections 3, 5, and 7, Code 2013, are amended by striking the subsections.

Sec. 13. Section 455D.1, Code 2013, is amended by adding the following new subsection:
NEW SUBSECTION. 4A. *"Pollution prevention techniques"* means any of the following practices employed by the user of a toxic substance:
a. Input substitution, which is the replacement of a toxic substance or raw material used in a production process with a nontoxic or less toxic substance.
b. Product reformulation, which is the substitution of an end product which is nontoxic or less toxic upon use or release for an existing end product.
c. Production process redesign or modification, which is the development and use of production processes of a different design other than those currently in use.
d. Production process modernization, which is the upgrading or replacing of existing production process equipment or methods with other equipment or methods based on the same production process.

e. Improved operation and maintenance of existing production process equipment and methods, which is the modification or addition to existing equipment or methods, including but not limited to such techniques as improved housekeeping practices, system adjustments, product and process inspections, and production process control equipment or methods.

f. Recycling, reuse, or extended use of toxic substances by using equipment or methods that become an integral part of the production process.

Sec. 14. Section 455D.3, subsections 1 and 3, Code 2013, are amended to read as follows:

1. ~~*Year 1994 and 2000 goals*~~ *Waste reduction goals.*

a. The goal of the state is to reduce the amount of materials in the waste stream, existing as of July 1, 1988, by an intermediate goal of twenty-five percent ~~by July 1, 1994~~, and by a final goal of at least fifty percent ~~by July 1, 2000~~, through the practice of waste volume reduction at the source and through recycling. For the purposes of this section, *"waste stream"* means the disposal of solid waste as *"solid waste"* is defined in section 455B.301.

b. Notwithstanding section 455D.1, subsection 6, facilities which employ combustion of solid waste with energy recovery and refuse-derived fuel, which are included in an approved comprehensive plan, may include these processes in the definition of recycling for the purpose of meeting the state goal if at least thirty-five percent of the fifty percent waste reduction goal~~, required to be met by July 1, 2000, pursuant to this section,~~ is met through volume reduction at the source and recycling and reuse, as established pursuant to section 455B.301A, subsection 1, paragraphs *"a"* and *"b"*.

3. *Departmental monitoring.*

a. ~~By October 31, 1994, a planning area shall submit to the department a solid waste abatement table which is updated through June 30, 1994. By April 1, 1995, the department shall report to the general assembly on the progress that has been made by each planning area on attainment of the July 1, 1994, twenty-five percent goal.~~

~~(1)~~ If at any time the department determines that a planning area has met or exceeded the twenty-five percent goal, but has not met or exceeded the fifty percent goal, a planning area shall subtract sixty cents from the total amount of the tonnage fee imposed pursuant to section 455B.310. If at any time the department determines that a planning area has met or exceeded the fifty percent goal, a planning area shall subtract fifty cents from the total amount of the tonnage fee imposed pursuant to section 455B.310. The reduction in tonnage fees pursuant to this ~~subparagraph~~ paragraph shall be taken from that portion of the tonnage fees which would have been allocated for funding alternatives to landfills pursuant to section 455E.11, subsection 2, paragraph *"a"*, subparagraph (1).

~~(2)~~ *b.* If the department determines that a planning area has failed to meet the ~~July 1, 1994,~~ twenty-five percent goal, the planning area shall~~, at a minimum, implement the solid waste management techniques as listed in subsection 4. Evidence of implementation of the solid waste management techniques shall be documented in subsequent comprehensive plans submitted to the department~~ remit fifty cents per ton to the department. The moneys shall be deposited in the groundwater protection fund created in section 455E.11, subsection 2, paragraph *"a"*, and credited to the solid waste account of the fund to be used for funding alternatives to landfills pursuant to section 455E.11, subsection 2, paragraph *"a"*, subparagraph (1). Moneys shall continue to be remitted pursuant to this paragraph until such time as evidence of attainment of the twenty-five percent goal is documented in subsequent plans submitted to the department.

~~*b.* (1) By October 31, 2000, a planning area shall submit to the department, a solid waste abatement table which is updated through June 30, 2000. By April 1, 2001, the department shall report to the general assembly on the progress that has been made by each planning area on attainment of the July 1, 2000, fifty percent goal.~~

~~(2)~~ *c.* If at any time the department determines that a planning area has met or exceeded the fifty percent goal, the planning area shall subtract fifty cents from the total amount of the tonnage fee imposed pursuant to section 455B.310. This amount shall be in addition to any amount subtracted pursuant to paragraph *"a"*. The reduction in tonnage fees pursuant to this ~~subparagraph~~ paragraph shall be taken from that portion of the tonnage fees which would have been allocated to funding alternatives to landfills pursuant to section 455E.11, subsection 2, paragraph *"a"*, subparagraph (1). ~~Except for fees required under subsection 4,~~

~~paragraph "*a*", a~~ A planning area failing to meet the fifty percent goal is not required to remit any additional tonnage fees to the department.

Sec. 15. Section 455D.3, subsections 2 and 4, Code 2013, are amended by striking the subsections.

Sec. 16. Section 455D.6, subsections 1, 6, and 7, Code 2013, are amended to read as follows:

1. Unless otherwise specified in this chapter, recommend rules to the commission which are necessary to implement this chapter. ~~Initial recommendations shall be made to the commission no later than July 1, 1991.~~

6. Develop a strategy and recommend to the commission the adoption of rules necessary to implement a strategy for white goods and waste oil ~~by January 1, 1990~~.

7. Develop a strategy and recommend to the commission the adoption of rules necessary to implement ~~by January 1, 2004,~~ a strategy for the recycling of electronic goods and the disassembling and removing of toxic parts from electronic goods.

Sec. 17. Section 455D.6, subsections 2, 5, 8, 9, and 10, Code 2013, are amended by striking the subsections.

Sec. 18. Section 455D.7, subsection 1, Code 2013, is amended to read as follows:

1. Unless otherwise specified in this chapter, adopt rules necessary to implement this chapter pursuant to chapter 17A. ~~Initial rules shall be adopted no later than April 1, 1992.~~

Sec. 19. Section 455D.7, subsection 4, Code 2013, is amended by striking the subsection.

Sec. 20. Section 455D.9, subsections 1, 2, 3, and 6, Code 2013, are amended to read as follows:

1. ~~Beginning January 1, 1991, land~~ Land disposal of yard waste as defined by the department is prohibited. However, yard waste which has been separated at its source from other solid waste may be accepted by a sanitary landfill for the purposes of soil conditioning or composting.

2. The department shall assist local communities in the development of collection systems for yard waste generated from residences and shall assist in the establishment of local composting facilities. ~~Within one hundred twenty days of the adoption of rules by the department regarding yard waste, each~~ Each city and county shall, by ordinance, require persons within the city or county to separate yard waste from other solid waste generated. ~~Municipalities which provide a collection system for solid waste shall provide for a collection system for yard waste which is not composted.~~

3. The department shall ~~develop~~ adopt rules which define yard waste and provide for the safe and proper method of composting~~. The rules adopted for a composting facility to be located on property owned by an applicant for a permit prior to July 1, 1992, when the property is located within twenty miles of a metropolitan area of two hundred fifty thousand or more, shall require that prior to the issuance of a permit for a composting facility, the applicant shall submit an economic impact statement to the department. For the purpose of this subsection, "*economic impact statement*" means an estimate of the economic impact of the siting of a composting facility at a specific location on affected property owners~~ yard waste and other organic materials.

6. This section prohibits the ~~incineration~~ open burning of yard waste within the permitted boundary at a sanitary disposal project.

Sec. 21. Section 455D.12, subsection 2, unnumbered paragraph 1, Code 2013, is amended to read as follows:

~~Beginning July 1, 1992, a~~ A person shall not distribute, sell, or offer for sale in this state a plastic bottle or rigid plastic container unless the product is labeled with a code indicating the plastic resin used to produce the bottle or container. Rigid plastic bottles or rigid plastic containers with labels and basecups of a different material shall be coded by their basic material. The code shall consist of a number placed within a triangle of arrows and letters

placed below the triangle of arrows. The triangle shall be equilateral, formed by three arrows with the apex of each point of the triangle at the midpoint of each arrow, rounded with a short radius. The arrowhead of each arrow shall be at the midpoint of each side of the triangle with a short gap separating the pointer from the base of the adjacent arrow. The triangle, formed by the three arrows curved at their midpoints, shall depict a clockwise path around the code number. The numbers and letters used shall be as follows:

Sec. 22. Section 455D.12, subsection 3, Code 2013, is amended by striking the subsection.

Sec. 23. Section 455D.15, subsection 2, Code 2013, is amended by striking the subsection and inserting in lieu thereof the following:

2. The fund shall be utilized by the department for providing technical assistance to Iowa businesses in developing and implementing pollution prevention techniques.

Sec. 24. Section 455D.15, subsection 3, Code 2013, is amended by striking the subsection.

Sec. 25. Section 455E.8, subsections 2 and 3, Code 2013, are amended by striking the subsections.

Sec. 26. REPEAL. Sections 455B.516, 455B.517, 455B.518, 455C.8, and 455C.15, Code 2013, are repealed.

Approved March 28, 2013

CHAPTER 13

TARGETED SMALL BUSINESS ASSISTANCE

H.F. 324

AN ACT relating to the termination of the targeted small business financial assistance program and transferring funds for assistance to targeted small businesses.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 8.6, subsection 12, Code 2013, is amended to read as follows:

12. *Targeted small businesses.* To assist the director of the economic development authority as requested in the establishment and implementation of the Iowa targeted small business procurement Act ~~and the targeted small business loan guarantee program~~.

Sec. 2. Section 15.107B, subsection 2, paragraph c, Code 2013, is amended by striking the paragraph.

Sec. 3. Section 15.108, subsection 7, paragraph c, unnumbered paragraph 1, Code 2013, is amended to read as follows:

Aid for the development and implementation of the Iowa targeted small business procurement Act established in sections 73.15 through 73.21 ~~and the targeted small business financial assistance program established in section 15.247~~.

Sec. 4. Section 15.108, subsection 7, paragraph c, subparagraph (1), subparagraph division (c), Code 2013, is amended by striking the subparagraph division.

Sec. 5. Section 15.108, subsection 7, paragraph c, subparagraphs (3) and (5), Code 2013, are amended by striking the subparagraphs.

Sec. 6. Section 15.240, subsection 2, paragraph f, Code 2013, is amended by striking the paragraph.

Sec. 7. Section 15.313, subsection 2, paragraph c, Code 2013, is amended by striking the paragraph.

Sec. 8. Section 73.20, Code 2013, is amended to read as follows:

73.20 Determination of ability to perform.

Before announcing a contract award pursuant to the targeted small business procurement goal program, the purchasing authority shall evaluate whether the targeted small business scheduled to receive the award is able to perform the contract. This determination shall include consideration of production and financial capacity and technical competence. If the purchasing authority determines that the targeted small business may be unable to perform, the director of the economic development authority shall be notified ~~and shall assist the targeted small business pursuant to section 15.108, subsection 7, paragraph "c", subparagraph (3)~~.

Sec. 9. REPEAL. Section 15.247, Code 2013, is repealed.

Sec. 10. TRANSITION UPON REPEAL.

1. Upon repeal of the targeted small business financial assistance program established in section 15.247, the authority shall transfer all unencumbered and unobligated moneys accruing to the authority pursuant to existing agreements to a fund established by the authority in the state treasury under the control of the authority pursuant to section 15.106A, subsection 1, paragraph "o", to be used for the purposes of providing assistance to targeted small businesses pursuant to subsection 3 of this section of this Act.

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

3. a. From the moneys transferred pursuant to subsections 1 and 2, the authority shall procure the services of a qualified microloan service provider to provide financial and technical assistance to targeted small businesses in Iowa.

b. The authority shall enter into an agreement with a microloan service provider for the provision of services to targeted small businesses. The agreement shall provide for an initial performance period of three years. In engaging the services of a qualified microloan service provider, the authority shall require the service provider to offer financial and technical assistance to targeted small businesses at a discounted rate. The authority shall ensure that the moneys transferred for purposes of this subsection are used to subsidize the provision of financial and technical assistance by the microloan service provider to targeted small businesses in order for the microloan service provider to offer its services at a discounted rate.

c. The authority shall, upon completion of the initial performance period and the other applicable terms of the agreement with the microloan service provider, submit a report to the general assembly and the governor's office describing the results achieved by the service provider and shall make recommendations as to whether the state should continue to provide funds for future fiscal years for the purpose of providing financial and technical assistance to targeted small businesses through the services of a microloan service provider.

d. For purposes of this subsection, "targeted small business" means the same as defined in section 15.102.

Approved March 28, 2013

CHAPTER 14

BOARDS OF DIRECTORS OF PUBLIC CORPORATIONS

H.F. 358

AN ACT relating to the boards of directors of public corporations.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. REPEAL. 2011 Iowa Acts, chapter 2, section 9, is repealed.

Approved March 28, 2013

CHAPTER 15

STANDARDS, PROGRAMS, AND SUBSTANCES REGULATED BY THE DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

H.F. 458

AN ACT providing for the department of agriculture and land stewardship's administration of programs regarding a conservation practices revolving loan fund, the state metrologist, pesticide regulation, and motor fuel standards, and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I
SOIL AND WATER CONSERVATION DISTRICTS

Section 1. Section 161A.71, subsection 1, Code 2013, is amended to read as follows:

1. The division may establish a conservation practices revolving loan fund composed of any money appropriated by the general assembly for that purpose, and of any other moneys available to and obtained or accepted by the committee from the federal government or private sources for placement in that fund. Except as otherwise provided by subsection 3, the assets of the conservation practices revolving loan fund shall be used only to make loans directly to owners of land in this state for the purpose of establishing on that land any new permanent soil and water conservation practice which the commissioners of the soil and water conservation district in which the land is located have found is necessary or advisable to meet the soil loss limits established for that land. A loan shall not be made for establishing a permanent soil and water conservation practice on land that is subject to the restriction on state cost-sharing funds of section 161A.76. Revolving loan funds and public cost-sharing funds ~~shall not~~ may be used in combination for funding a particular soil and water conservation practice. Each loan made under this section shall be for a period not to exceed ten years, shall bear no interest, and shall be repayable to the conservation practices revolving loan fund in equal yearly installments due March 1 of each year the loan is in effect. The interest rate upon loans for which payment is delinquent shall accelerate immediately to the current legal usury limit. Applicants are eligible for no more than ~~ten~~ twenty thousand dollars in loans outstanding at any time under this program. *"Permanent soil and water conservation practices"* has the same meaning as defined in section 161A.42 and those established under this program are subject to the requirements of section 161A.7, subsection 3. Loans made under this program shall come due for payment upon sale of the land on which those practices are established.

DIVISION II
WEIGHTS AND MEASURES

Sec. 2. Section 213.1, Code 2013, is amended to read as follows:

213.1 State metrologist.

The department ~~shall~~ may designate one of its assistants to act as state metrologist of weights and measures. All weights and measures sealed by the state metrologist shall be impressed with the word "Iowa."

DIVISION III
MOTOR FUEL STANDARDS

Sec. 3. Section 214A.1, subsection 23, Code 2013, is amended to read as follows:

23. *"Standard ethanol blended gasoline"* means ethanol blended gasoline for use in gasoline-powered vehicles ~~other than~~ not required to be flexible fuel vehicles, that meets the requirements of section 214A.2.

Sec. 4. Section 214A.2, subsection 2, paragraphs a and b, Code 2013, are amended by striking the paragraphs.

Sec. 5. Section 214A.2, subsection 3, paragraph b, subparagraph (2), Code 2013, is amended to read as follows:

(2) Gasoline blended with ethanol must meet ~~any of the following requirements:~~ requirements established by rules adopted in part or in whole based on

~~(a) For the gasoline, A.S.T.M. international specification D4814.~~

~~(b) For the ethanol blended gasoline,~~ A.S.T.M. international specification D4814.

~~(c) For the gasoline, A.S.T.M. international specification D4814 except for distillation, if, for E-10 or a classification below E-10, the ethanol blended gasoline meets the requirements of A.S.T.M. international specification D4814.~~

Sec. 6. Section 214A.2, subsection 3, paragraph b, subparagraph (4), Code 2013, is amended to read as follows:

(4) For standard ethanol blended gasoline, it must be ethanol blended gasoline classified as any of the following:

(a) From E-9 ~~or E-10~~ to E-15, if the ethanol blended gasoline meets the standards for that classification as otherwise provided in this paragraph *"b"*.

(b) Higher than ~~E-10~~ E-15, if authorized by the department pursuant to approval for the use of that classification of ethanol blended gasoline in this state by the United States environmental protection agency, by granting a waiver or the adoption of regulations.

Sec. 7. Section 214A.7, Code 2013, is amended to read as follows:

214A.7 Department inspection — samples tested.

The department shall, from time to time, make or cause to be made tests of any motor fuel or biofuel which is being sold, or held or offered for sale within this state. A departmental inspector may enter upon the premises of a dealer and take from any container a sample of the motor fuel or biofuel, not to exceed ~~sixteen fluid ounces~~ one gallon. The sample shall be sealed and appropriately marked or labeled by the inspector and delivered to the department. The department shall make, or cause to be made, complete analyses or tests of the motor fuel or biofuel by the methods specified in section 214A.2.

Sec. 8. Section 214A.16, subsection 1, Code 2013, is amended to read as follows:

1. *a.* If ethanol blended gasoline is sold from a motor fuel pump, the motor fuel pump shall have affixed a decal identifying the ethanol blended gasoline.

b. If the motor fuel pump dispenses ethanol blended gasoline classified as E-11 to E-15 for use in gasoline-powered vehicles not required to be flexible fuel vehicles, the motor fuel pump shall have affixed a decal as prescribed by the United States environmental protection agency.

c. If the motor fuel pump dispenses ethanol blended gasoline classified as higher than standard ethanol blended gasoline pursuant to section 214A.2, the decal shall contain the following notice:
FOR FLEXIBLE FUEL VEHICLES ONLY.

~~b.~~ d. If biodiesel fuel is sold from a motor fuel pump, the motor fuel pump shall have affixed a decal identifying the biodiesel fuel as provided in 16 C.F.R. pt. 306.

Sec. 9. REPEAL. Section 214A.9, Code 2013, is repealed.

DIVISION IV
PESTICIDE REGULATION

Sec. 10. Section 206.13, subsection 2, Code 2013, is amended to read as follows:

2. The amount of the evidence of financial responsibility as provided for in this section shall be not less than ~~two~~ one hundred ~~fifty~~ thousand dollars for property damage and public liability insurance, each separately, or liability insurance with limits of one hundred thousand dollars per occurrence and three hundred thousand dollars annual aggregate. The evidence of financial responsibility shall be maintained at not less than that amount at all times during the licensed period. The department shall be notified ten days prior to any reduction in the surety bond or liability insurance made at the request of the applicant or cancellation of the surety bond by the surety or the liability insurance by the insurer. The department shall be notified ninety days prior to any reduction of the amount of the irrevocable letter of credit at the request of the applicant or the cancellation of the irrevocable letter of credit by the financial institution. The total and aggregate liability of the surety, insurer, or financial institution for all claims shall be limited to the face of the surety bond, liability insurance policy, or irrevocable letter of credit.

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

Approved March 28, 2013

CHAPTER 16

NO-CONTACT AND PROTECTIVE ORDERS — SERVICE OF NOTICE

H.F. 496

AN ACT relating to the service of notice of no-contact orders and protective orders, and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 236.3, subsection 3, Code 2013, is amended to read as follows:

3. a. The filing fee and court costs for an order for protection and in a contempt action under this chapter shall be waived for the plaintiff.

b. The clerk of court, the sheriff of any county in this state, and other law enforcement and corrections officers shall perform their duties relating to service of process without charge to the plaintiff. When an order for protection is entered by the court, the court may direct the defendant to pay to the clerk of court the fees for the filing of the petition and reasonable costs of service of process if the court determines the defendant has the ability to pay the plaintiff's fees and costs. In lieu of personal service of an order for protection issued pursuant to this section, the sheriff of any county in this state, and other law enforcement and corrections officers may serve a defendant with a short-form notification pursuant to section 664A.4A.

Sec. 2. NEW SECTION. **664A.4A Short-form notification — no-contact order or protective order.**

1. In lieu of personal service of a no-contact order or a protective order on a person whose activities are restrained by the order, a sheriff of any county in this state or any peace officer or corrections officer in this state may serve the person with a short-form notification pursuant to this section to effectuate service of an unserved no-contact order or protective order.

2. Service of a short-form notification under this section shall be allowed during traffic stops and other contacts with the person by a sheriff, peace officer, or corrections officer in this state in the course of performing official duties. The person may be detained for a reasonable period of time to complete the short-form notification process.

3. When the short-form notification process is complete, the sheriff, peace officer, or corrections officer serving the notification shall file a copy of the notification with the clerk of the district court. The filing shall indicate the date and time the notification was served on the person.

4. The short-form notification shall be on a form prescribed by the state court administrator. The state court administrator shall prescribe rules relating to the content and distribution of the form to appropriate law enforcement agencies in this state. The form shall include but not be limited to all of the following statements:

a. The person shall have no contact with the protected party.

b. The person is responsible for obtaining a full copy of the no-contact order or the protective order from the county sheriff of the county in which the order was entered or from the clerk of the district court.

c. The terms and conditions of the no-contact order or protective order are enforceable, and the person is subject to arrest for violating the no-contact order or the protective order.

Sec. 3. EFFECTIVE DATE. This Act takes effect April 1, 2014.

Approved March 28, 2013

CHAPTER 17

REGULATION OF CREDIT UNIONS

S.F. 183

AN ACT relating to matters under the purview of the credit union division of the department of commerce, and making penalties applicable.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 533.102, subsection 4, Code 2013, is amended to read as follows:

4. "*Credit union service organization*" means a corporation, ~~or~~ limited partnership, or limited liability company organized under state law to provide financial and financial-related services for one or more credit unions, each of which owns part of the capital stock of the credit union service organization, as authorized under section 533.301, subsection 5, paragraph "*f*", and which corporation, ~~or~~ limited partnership, or limited liability company is subject to examination by the credit union division of the Iowa department of commerce or a federal supervisory agency.

Sec. 2. Section 533.205, subsection 1, paragraph d, Code 2013, is amended to read as follows:

d. A ~~chief~~ financial officer whose title shall be designated by the board.

Sec. 3. Section 533.301, subsections 28 and 29, Code 2013, are amended to read as follows:

28. Sell, to persons in the field of membership, negotiable checks, including traveler's checks; money orders; and other similar money transfer instruments including international and domestic electronic fund transfers and remittance checks.

29. Cash checks and money orders, and send and receive international and domestic electronic fund transfers and remittance transfers, for persons in the field of membership.

Sec. 4. Section 533.401, subsection 3, paragraphs a and b, Code 2013, are amended to read as follows:

a. Notice of ~~the meeting called to consider~~ balloting for the membership vote on the merger was mailed to each member of the merging credit union entitled to vote upon the question at least twenty days prior to the ~~date of the merger meeting~~ scheduled conclusion of the vote.

b. The notice of balloting disclosed the purpose of the ~~meeting~~ vote and properly informed the membership that approval of the merger would be sought pursuant to this section.

Sec. 5. Section 533.401, subsection 9, Code 2013, is amended by striking the subsection.

Sec. 6. Section 533.404, subsection 4, Code 2013, is amended by striking the subsection.

Sec. 7. Section 533.405, subsection 2, Code 2013, is amended by adding the following new paragraph:

NEW PARAGRAPH. *d.* The board of directors shall notify the national credit union administration of the intent to dissolve, as required by federal regulation.

Sec. 8. Section 533.405, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. *a.* (1) Within ten days of the conclusion of a membership vote approving the voluntary dissolution, the board of directors or the liquidating agent appointed pursuant to subsection 4 shall cause notice, as provided in this subsection, to be given to creditors of the state credit union to present their claims.

(2) A copy of the notice of voluntary dissolution shall be mailed to all creditors reflected on the records of the state credit union.

b. In addition to mailing notice to known creditors, the state credit union shall also publish notice of the voluntary dissolution as follows:

(1) State credit unions with assets in excess of $5 million as of the month ending immediately prior to the date of the conclusion of the vote by the membership approving the dissolution shall publish the notice once a week for two successive weeks in a newspaper of general circulation in each county in which the state credit union maintains an office or branch for the transaction of business.

(2) State credit unions with assets of $5 million or less as of the month ending immediately prior to the date of the conclusion of the vote by the membership approving the dissolution shall publish the notice once in a newspaper of general circulation in each county in which the state credit union maintains an office or branch. [1]

c. Mailed and published notices under this subsection shall indicate all of the following:

(1) A creditor shall have thirty days from the date the notice was sent or first published to submit the creditor's claim. The state credit union must receive the claim on or before the thirtieth day, or the claim is barred.

(2) Information that must be included in a claim.

(3) A mailing address where a claim is to be sent.

Sec. 9. Section 533.405, subsections 5 and 6, Code 2013, are amended to read as follows:

5. *a.* Upon such proof as is satisfactory to the superintendent that all ~~assets~~ of the following have occurred, the superintendent shall issue a certificate of dissolution:

(1) Assets have been liquidated from which there is a reasonable expectance of realization~~, that the~~.

(2) The liabilities of the state credit union have been discharged ~~and distribution~~.

[1] See chapter 140, §74 herein

(3) Distribution has been made ~~to its members, and that the~~ pursuant to section 533.404, subsection 1.

(4) The liquidation has been completed~~, the superintendent shall issue a certificate of dissolution, which~~.

b. The certificate shall be filed and recorded in the county in which the state credit union has its principal place of business and in the county in which its original articles of incorporation were filed and recorded.

~~*b.*~~ *c.* Upon the ~~issuance~~ filing of a certificate of dissolution, the existence of the state credit union shall cease.

6. *a.* At any time prior to ~~any~~ the final distribution of its assets, a state credit union may revoke the voluntary dissolution proceedings by the affirmative vote of a majority of its members eligible to vote, according to the provisions of section 533.203. At least twenty days' notice shall be provided between the sending of notice and the scheduled conclusion of the vote.

b. Upon the conclusion of the vote, the board of directors shall immediately notify the superintendent of any such action to revoke voluntary dissolution proceedings.

Approved April 5, 2013

CHAPTER 18

PROGRAMS AND SERVICES REGULATED BY DEPARTMENT ON AGING

S.F. 184

AN ACT relating to programs and services under the purview of the department on aging.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 10A.402, subsection 5, Code 2013, is amended by striking the subsection.

Sec. 2. Section 16.182, subsections 1 and 2, Code 2013, are amended to read as follows:

1. A senior living revolving loan program fund is created within the authority ~~to further the goal of the senior living program as specified in section 249H.2~~. The moneys in the senior living revolving loan program fund shall be used by the authority for the development and operation of a revolving loan program to provide financing to construct affordable assisted living and service-enriched affordable housing for seniors and persons with disabilities, including through new construction or acquisition and rehabilitation.

2. Moneys ~~received by the authority from the senior living trust fund,~~ transferred by the authority for deposit in the senior living revolving loan program fund, moneys appropriated to the senior living revolving loan program, and any other moneys available to and obtained or accepted by the authority for placement in the senior living revolving loan program fund shall be deposited in the fund. Additionally, payment of interest, recaptures of awards, and other repayments to the senior living revolving loan program fund shall be deposited in the fund. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the senior living revolving loan program fund shall be credited to the fund. Notwithstanding section 8.33, moneys that remain unencumbered or unobligated at the end of the fiscal year shall not revert but shall remain available for the same purpose in the succeeding fiscal year.

Sec. 3. Section 16.183, subsection 2, Code 2013, is amended to read as follows:

2. Moneys ~~received by the authority from the senior living trust fund,~~ transferred by the authority for deposit in the home and community-based services revolving loan program fund, moneys appropriated to the home and community-based services revolving loan program, and any other moneys available to and obtained or accepted by the authority for placement

in the home and community-based services revolving loan program fund shall be deposited in the fund. Additionally, payment of interest, recaptures of awards, and other repayments to the ~~senior living~~ home and community-based services revolving loan program fund shall be deposited in the fund. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the home and community-based services revolving loan program fund shall be credited to the fund. Notwithstanding section 8.33, moneys that remain unencumbered or unobligated at the end of the fiscal year shall not revert but shall remain available for the same purpose in the succeeding fiscal year.

Sec. 4. Section 22.7, subsection 62, Code 2013, is amended to read as follows:

62. Records ~~of~~ maintained by the department on aging ~~pertaining to clients served by the prevention of elder abuse, neglect, and exploitation program~~ or office of long-term care ombudsman that disclose the identity of a complainant, resident, tenant, or individual receiving services provided by the department on aging, an area agency on aging, or the office of long-term care ombudsman, unless disclosure is otherwise allowed under section 231.42, subsection 12, paragraph *"a"*.

Sec. 5. Section 135C.1, Code 2013, is amended by adding the following new subsections:

NEW SUBSECTION. 1A. *"Certified volunteer long-term care ombudsman"* means a volunteer long-term care ombudsman certified pursuant to section 231.45.

NEW SUBSECTION. 13A. *"Office of long-term care ombudsman"* means the office of long-term care ombudsman established pursuant to section 231.42.

NEW SUBSECTION. 20A. *"State long-term care ombudsman"* means the state long-term care ombudsman appointed pursuant to section 231.42.

Sec. 6. Section 135C.11, subsection 2, Code 2013, is amended to read as follows:

2. The procedure governing hearings authorized by this section shall be in accordance with the rules promulgated by the department. A full and complete record shall be kept of all proceedings, and all testimony shall be reported but need not be transcribed unless judicial review is sought pursuant to section 135C.13. Copies of the transcript may be obtained by an interested party upon payment of the cost of preparing the copies. Witnesses may be subpoenaed by either party and shall be allowed fees at a rate prescribed by the department's rules. The director may, after advising the ~~resident advocate committee established pursuant to section 135C.25~~ certified volunteer long-term care ombudsman, either proceed in accordance with section 135C.30, or remove all residents and suspend the license or licenses of any health care facility, prior to a hearing, when the director finds that the health or safety of residents of the health care facility requires such action on an emergency basis. The fact that ~~no resident advocate committee~~ a certified volunteer long-term care ombudsman has not been appointed for a particular facility shall not bar the director from exercising the emergency powers granted by this subsection with respect to that facility.

Sec. 7. Section 135C.13, Code 2013, is amended to read as follows:

135C.13 Judicial review.

Judicial review of any action of the director may be sought in accordance with the terms of the Iowa administrative procedure Act, chapter 17A. Notwithstanding the terms of ~~said Act~~ chapter 17A, petitions for judicial review may be filed in the district court of the county where the facility or proposed facility is located, and pending final disposition of the matter the status quo of the applicant or licensee shall be preserved except when the director, with the advice and consent of the ~~resident advocate committee established pursuant to section 135C.25~~ certified volunteer long-term care ombudsman, determines that the health, safety or welfare of the residents of the facility is in immediate danger, in which case the director may order the immediate removal of such residents. The fact that ~~no resident advocate committee~~ a certified volunteer long-term care ombudsman has not been appointed for a particular facility shall not bar the director from exercising the emergency powers granted by this ~~subsection~~ section with respect to that facility.

Sec. 8. Section 135C.14, subsection 8, paragraph d, Code 2013, is amended to read as follows:

d. The notification of ~~resident advocate committees~~ certified volunteer long-term care ombudsmen by the department of all complaints relating to health care facilities and the involvement of the ~~resident advocate committees~~ certified volunteer long-term care ombudsmen in resolution of the complaints.

Sec. 9. Section 135C.20A, subsection 2, Code 2013, is amended to read as follows:

2. The report card form shall be developed by the department in cooperation with representatives of the department on aging, the state long-term care ~~resident's advocate~~ ombudsman, representatives of ~~resident advocate committees~~ certified volunteer long-term care ombudsmen, representatives of protection and advocacy entities, consumers, and other interested persons.

Sec. 10. Section 135C.20B, subsection 2, paragraph c, Code 2013, is amended to read as follows:

c. Any information submitted by ~~care review committee members or~~ residents with regard to the quality of care of the facility.

Sec. 11. Section 135C.37, Code 2013, is amended to read as follows:

135C.37 Complaints alleging violations — confidentiality.

A person may request an inspection of a health care facility by filing with the department, ~~resident advocate committee of the facility~~ certified volunteer long-term care ombudsman, or the office of long-term care ~~resident's advocate as established pursuant to section 231.42~~ ombudsman, a complaint of an alleged violation of applicable requirements of this chapter or the rules adopted pursuant to this chapter. A person alleging abuse or neglect of a resident with a developmental disability or with mental illness may also file a complaint with the protection and advocacy agency designated pursuant to section 135B.9 or section 135C.2. A copy of a complaint filed with ~~the resident advocate committee~~ a certified volunteer long-term care ombudsman or the office of long-term care ~~resident's advocate~~ ombudsman shall be forwarded to the department. The complaint shall state in a reasonably specific manner the basis of the complaint, and a statement of the nature of the complaint shall be delivered to the facility involved at the time of the inspection. The name of the person who files a complaint with the department, ~~resident advocate committee~~ certified volunteer long-term care ombudsman, or the office of long-term care ~~resident's advocate~~ ombudsman shall be kept confidential and shall not be subject to discovery, subpoena, or other means of legal compulsion for its release to a person other than department employees involved in the investigation of the complaint.

Sec. 12. Section 135C.38, subsection 1, paragraphs a and c, Code 2013, are amended to read as follows:

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

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

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

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

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

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

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

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

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

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

Sec. 13. Section 135C.38, subsection 2, paragraphs a and d, Code 2013, are amended to read as follows:

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

d. A person who is dissatisfied with any aspect of the department's handling of the complaint may contact the office of long-term care ~~resident's advocate, established pursuant to section 231.42~~ ombudsman, or may contact the protection and advocacy agency designated pursuant to section 135C.2 if the complaint relates to a resident with a developmental disability or a mental illness.

Sec. 14. Section 135C.38, subsections 3 and 4, Code 2013, are amended to read as follows:

3. An inspection made pursuant to a complaint filed under section 135C.37 need not be limited to the matter or matters included in the complaint. However, the inspection shall not be a general inspection unless the complaint inspection coincides with a scheduled general inspection or unless in the course of the complaint investigation a violation is evident to the inspector. Upon arrival at the facility to be inspected, the inspector shall show identification to the person in charge of the facility and state that an inspection is to be made, before beginning the inspection. Upon request of either the complainant or the department or ~~committee~~ certified volunteer long-term care ombudsman, the complainant or the complainant's representative or both may be allowed the privilege of accompanying the inspector during any on-site inspection made pursuant to this section. The inspector may cancel the privilege at any time if the inspector determines that the privacy of any resident of the facility to be inspected would otherwise be violated. The protection and dignity of the resident shall be given first priority by the inspector and others.

4. If upon an inspection of a facility by its ~~resident advocate committee~~ certified volunteer long-term care ombudsman pursuant to this section, the ~~committee~~ certified volunteer long-term care ombudsman advises the department of any circumstance believed to constitute a violation of this chapter or of any rule adopted pursuant to it, the ~~committee~~ certified volunteer long-term care ombudsman shall similarly advise the facility at the same time. If the facility's licensee or administrator disagrees with the conclusion of the ~~committee~~ certified volunteer long-term care ombudsman regarding the supposed violation, an informal conference may be requested and if requested shall be arranged by the department as provided in section 135C.42 before a citation is issued. If the department thereafter issues a citation pursuant to the ~~committee's~~ certified volunteer long-term care ombudsman's finding, the facility shall not be entitled to a second informal conference on

the same violation and the citation shall be considered affirmed. The facility cited may proceed under section 135C.43 if it so desires.

Sec. 15. Section 225C.4, subsection 1, paragraph m, Code 2013, is amended to read as follows:

m. Provide consultation and technical assistance to patients' advocates appointed pursuant to section 229.19, in cooperation with the judicial branch and the ~~resident advocate committees appointed for health care facilities~~ certified volunteer long-term care ombudsmen certified pursuant to section ~~135C.25~~ 231.45.

Sec. 16. Section 227.2, subsection 2, Code 2013, is amended to read as follows:

2. A copy of the written report prescribed by subsection 1 shall be furnished to the county board of supervisors, to the county mental health and intellectual disability coordinating board or to its advisory board if the county board of supervisors constitutes ex officio the coordinating board, to the administrator of the county care facility inspected and to its ~~resident advocate committee~~ certified volunteer long-term care ombudsman, and to the department on aging.

Sec. 17. Section 227.4, Code 2013, is amended to read as follows:

227.4 Standards for care of persons with mental illness or an intellectual disability in county care facilities.

The administrator, in cooperation with the department of inspections and appeals, shall recommend and the mental health and disability services commission created in section 225C.5 shall adopt standards for the care of and services to persons with mental illness or an intellectual disability residing in county care facilities. The standards shall be enforced by the department of inspections and appeals as a part of the licensure inspection conducted pursuant to chapter 135C. The objective of the standards is to ensure that persons with mental illness or an intellectual disability who are residents of county care facilities are not only adequately fed, clothed, and housed, but are also offered reasonable opportunities for productive work and recreational activities suited to their physical and mental abilities and offering both a constructive outlet for their energies and, if possible, therapeutic benefit. When recommending standards under this section, the administrator shall designate an advisory committee representing administrators of county care facilities, county mental health and developmental disabilities regional planning councils, and county care facility ~~resident advocate committees~~ certified volunteer long-term care ombudsmen to assist in the establishment of standards.

Sec. 18. Section 231.4, subsection 1, Code 2013, is amended to read as follows:

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

a. *"Administrative action"* means an action or decision made by an owner, employee, or agent of a long-term care facility, assisted living program, elder group home, or by a governmental agency, which affects the service provided to residents or tenants covered in this chapter.

b. *"Assisted living program"* means a program which provides assisted living as defined pursuant to section 231C.2 and which is certified under chapter 231C.

c. *"Certified volunteer long-term care ombudsman"* or *"certified volunteer"* means a volunteer long-term care ombudsman certified pursuant to section 231.45.

~~*c*.~~ *d*. *"Commission"* means the commission on aging.

~~*d*.~~ *e*. *"Department"* means the department on aging.

~~*e*.~~ *f*. *"Director"* means the director of the department on aging.

~~*f*.~~ *g*. *"Elder group home"* means elder group home as defined in section 231B.1 which is certified under chapter 231B.

~~*g*.~~ *h*. *"Equivalent support"* means in-kind contributions of services, goods, volunteer support time, administrative support, or other support reasonably determined by the department as equivalent to a dollar amount.

~~*h*.~~ *i*. *"Federal Act"* means the Older Americans Act of 1965, 42 U.S.C. § 3001 et seq., as amended.

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

~~*j.*~~ *k.* *"Legal representative"* means a tenant's legal representative as defined in section 231B.1 or 231C.2, or a guardian, conservator, or attorney in fact of a resident.

~~*k.*~~ *l.* *"Long-term care facility"* means a long-term care unit of a hospital or a facility licensed under section 135C.1 whether the facility is public or private.

m. *"Long-term care ombudsman"* means an advocate for residents and tenants of long-term care facilities, assisted living programs, and elder group homes who carries out duties as specified in this chapter.

~~*l.*~~ *n.* *"Older individual"* means an individual who is sixty years of age or older.

o. *"Options counseling"* means a service involving an interactive process, which may include a needs assessment, directed by the recipient individual and which may include other participants of the individual's choosing and the individual's legal representative, in which the individual receives guidance to make informed choices about long-term living services and supports in order to sustain independent living.

~~*m.*~~ *p.* *"Resident"* means ~~a resident or tenant of~~ an individual residing in a long-term care facility, ~~assisted living program, or elder group home,~~ excluding facilities licensed primarily to serve persons with an intellectual disability or mental illness.

q. *"Tenant"* means an individual who receives assisted living services through an assisted living program or an individual who receives elder group home services through an elder group home.

~~*n.*~~ *r.* *"Unit of general purpose local government"* means the governing body of a city, county, township, metropolitan area, or region within the state that has a population of one hundred thousand or more, that is recognized for areawide planning, and that functions as a political subdivision of the state whose authority is general and not limited to only one function or combination of related functions, or a tribal organization.

Sec. 19. Section 231.23A, subsection 2, Code 2013, is amended to read as follows:

2. The ~~senior internship~~ older American community service employment program.

Sec. 20. Section 231.23A, subsection 7, Code 2013, is amended by striking the subsection.

Sec. 21. Section 231.32, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 5. Upon designation, an area agency on aging shall be considered an instrumentality of the state and shall adhere to all state and federal mandates applicable to an instrumentality of the state.

Sec. 22. Section 231.33, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 21. Comply with all applicable requirements of the Iowa public employees' retirement system established pursuant to chapter 97B. [1]

Sec. 23. Section 231.41, Code 2013, is amended to read as follows:

231.41 Purpose.

The purpose of this subchapter is to establish and provide for the operation of the office of long-term care ~~resident's advocate~~ ombudsman; to carry out, through the office, a state long-term care ombudsman program within the department in accordance with the requirements of the federal Act~~,~~; and to adopt the supporting federal regulations and guidelines for its operation.

Sec. 24. Section 231.42, Code 2013, is amended to read as follows:

231.42 Office of long-term care ~~resident's advocate~~ ombudsman — duties — penalties for violations.

[1] See chapter 138, §48, 54, 55 herein

1. *Office established.* The office of long-term care ~~resident's advocate~~ ombudsman is established within the department, in accordance with ~~section 712 of~~ the federal Act, ~~as codified at 42 U.S.C. § 3058g~~ and state law. The office shall consist of the state long-term care ~~resident's advocate and~~ ombudsman, any local long-term care ~~resident's advocates~~ ombudsmen, and any certified volunteer long-term care ombudsmen.

2. *State long-term care ~~resident's advocate~~ ombudsman.* The director of the department shall appoint the state long-term care ~~resident's advocate~~ ombudsman who shall do all of the following:

a. Establish and implement a statewide confidential uniform reporting system for receiving, analyzing, referring, investigating, and resolving complaints about administrative actions and the health, safety, welfare, and rights of residents or tenants of long-term care facilities, assisted living programs, and elder group homes, excluding facilities licensed primarily to serve persons with an intellectual disability or mental illness.

b. Publicize the office of long-term care ~~resident's advocate~~ ombudsman and provide information and education to consumers, the public, and other agencies about issues related to long-term care in Iowa.

c. Monitor the development and implementation of federal, state, and local laws, regulations, and policies that relate to long-term care in Iowa.

d. Annually report to the governor and general assembly on the activities of the office and make recommendations for improving the health, safety, welfare, and rights of residents and tenants ~~of long-term care facilities, assisted living programs, and elder group homes~~.

e. Cooperate with persons and public or private agencies with regard to, and participate in, inquiries, meetings, or studies that may lead to improvements in the health, safety, welfare, and rights of residents and tenants ~~and the functioning of long-term care facilities, assisted living programs, and elder group homes~~.

~~*f.* Recruit, train, educate, support, and monitor volunteers associated with the office.~~

3. *Local long-term care ~~resident's advocates~~ ombudsmen.* The local long-term care ~~resident's advocates~~ ombudsmen established pursuant to this section shall do all of the following:

a. Accept, investigate, verify, and work to resolve complaints~~, whether reported to or initiated by a long-term care resident's advocate,~~ relating to any action or inaction that may adversely affect the health, safety, welfare, or rights of residents or tenants ~~of a long-term care facility, assisted living program, or elder group home~~.

b. Provide information about long-term care, the rights of residents and tenants, payment sources for care, and selection of a long-term care facility, assisted living program, or elder group home to providers, consumers, family members, volunteers, and the public.

c. Make referrals to appropriate licensing, certifying, and enforcement agencies to assure appropriate investigation of abuse complaints and corrective actions.

d. Assist in the ~~recruitment,~~ training~~,~~ and education~~, support, and monitoring~~ of certified volunteers associated with the office of ~~the~~ long-term care ~~resident's advocate~~ ombudsman.

e. Make noncomplaint-related visits to long-term care facilities, assisted living programs, and elder group homes to observe daily routines, meals, and activities, and work to resolve complaints if any are identified during these visits.

4. *Referrals of abuse, neglect, or exploitation.*

a. If abuse, neglect, or exploitation of a resident or tenant ~~of a long-term care facility, assisted living program, or elder group home~~ is suspected, the state or a local long-term care ~~resident's advocate~~ ombudsman shall, with the permission of the resident or tenant as applicable under federal law, make an immediate referral to the department of inspections and appeals, ~~or~~ the department of human services ~~as applicable, and to~~, the department on aging, or the appropriate law enforcement agency, as applicable. The state or a local long-term care ~~resident's advocate~~ ombudsman shall cooperate, if requested, with the department of inspections and appeals, department of human services, department on aging, or any law enforcement agency pursuant to any investigation of such abuse, neglect, or exploitation.

b. If the department of inspections and appeals responds to a complaint referred by the state or a local long-term care ~~resident's advocate~~ ombudsman against a long-term care facility, assisted living program, elder group home, or an employee of such entity, copies

of related inspection reports, plans of correction, and notice of any citations and sanctions levied against the facility, program, or home shall be forwarded to the office of ~~the~~ long-term care ~~resident's advocate~~ ombudsman.

5. *Access to long-term care facility, assisted living program, or elder group home and residents and tenants.* The state or a local long-term care ~~resident's advocate~~ ombudsman or a ~~trained~~ certified volunteer may enter any long-term care facility, assisted living program, or elder group home at any time with or without prior notice or complaint and shall be granted access to residents and tenants at all times for the purpose of carrying out the duties specified in this section. As used in this section, *"access"* means the right to do all of the following:

a. Enter any long-term care facility, assisted living program, or elder group home and provide identification.

b. Seek consent from the resident, tenant, or legal representative to communicate privately and without restriction with any resident, ~~or~~ tenant, or legal representative.

c. Communicate privately and without restriction with any resident, tenant, or legal representative~~, or other representative who consents to communication~~.

d. Review the ~~clinical~~ medical, social, or other records of a resident or tenant.

e. Observe all resident or tenant areas of a long-term care facility, assisted living program, or ~~housing establishment~~ elder group home except the living area of any resident or tenant who protests the observation.

6. *Access to medical and ~~personal~~ social records.*

a. The state or a local long-term care ~~resident's advocate~~ ombudsman shall have access to the medical and ~~personal~~ social records of ~~an individual who is~~ a resident or tenant ~~of a long-term care facility, assisted living program, or elder group home retained by the facility, program, or home.~~, if any of the following applies:

(1) The state or local long-term care ombudsman or certified volunteer long-term care ombudsman has the permission of the resident or tenant, or the legal representative of the resident or tenant.

(2) The resident or tenant is unable to consent to the access and has no legal representative.

(3) Access to the records is necessary to investigate a complaint if all of the following apply:

(a) A legal representative of the resident or tenant refuses to give the permission.

(b) The state or local long-term care ombudsman or a certified volunteer long-term care ombudsman has reasonable cause to believe that the legal representative is not acting in the best interest of the resident or tenant.

(c) The local long-term care ombudsman or a certified volunteer long-term care ombudsman obtains the approval of the state long-term care ombudsman.

b. Records may be reproduced by the state or a local long-term care ~~resident's advocate~~ ombudsman.

c. Upon request of the state or a local long-term care ~~resident's advocate~~ ombudsman, a long-term care facility, assisted living program, or elder group home shall provide the name, address, and telephone number of the legal representative or next of kin of any resident or tenant.

d. A long-term care facility, assisted living program, or elder group home or personnel of such a facility, program, or home who discloses records in compliance with this section and the procedures adopted pursuant to this section shall not be liable for such disclosure.

7. *Access to administrative records.*

a. Pursuant to the federal Act, the state or a local long-term care ombudsman or a certified volunteer shall have access to the administrative records, policies, and documents of the long-term care facility, assisted living program, or elder group home, which are accessible to residents, tenants, or the general public.

b. Pursuant to the federal Act, the state or a local long-term care ombudsman or a certified volunteer shall have access to, and upon request, copies of, all licensing and certification records maintained by the state with respect to a long-term care facility, assisted living program, or elder group home.

~~7.~~ 8. *Interference prohibited — penalties.*

a. An officer, owner, director, or employee of a long-term care facility, assisted living program, or elder group home who intentionally prevents, interferes with, or attempts to impede the work of the state or a local long-term care ~~resident's advocate~~ ombudsman or

a certified volunteer is subject to a penalty imposed by the director of not more than one thousand five hundred dollars for each violation. If the director imposes a penalty for a violation under this paragraph, no other state agency shall impose a penalty for the same interference violation. Any moneys collected pursuant to this subsection shall be deposited in the general fund of the state.

b. The office of ~~the~~ long-term care ~~resident's advocate~~ ombudsman shall adopt rules specifying procedures for notice and appeal of penalties imposed pursuant to this subsection.

c. The director, in consultation with the office of ~~the~~ long-term care ~~resident's advocate~~ ombudsman, shall notify the county attorney of the county in which the long-term care facility, assisted living program, or elder group home is located, or the attorney general, of any violation of this subsection.

~~8.~~ 9. *Retaliation prohibited — penalties*. An officer, owner, director, or employee of a long-term care facility, assisted living program, or elder group home shall not retaliate against any person for having filed a complaint with, or provided information to, the state or a local long-term care ~~resident's advocate~~ ombudsman or a certified volunteer. A person who retaliates or discriminates in violation of this subsection is guilty of a simple misdemeanor.

~~9.~~ 10. *Change in operations*. A long-term care facility, assisted living program, or elder group home shall inform the office of ~~the~~ long-term care ~~resident's advocate~~ ombudsman in writing at least thirty days prior to any change in operations, programs, services, licensure, or certification that affects residents or tenants, including but not limited to the intention to close, decertify, or change ownership. In an emergency situation, or when a long-term care facility, assisted living program, or elder group home is evacuated, the department of inspections and appeals shall notify the office of ~~the state~~ long-term care ~~resident's advocate~~ ombudsman.

~~10.~~ 11. *Immunity*. The state or a local long-term care ~~resident's advocate~~ ombudsman, certified volunteer, or any representative of the office participating in the good faith performance of their official duties shall have immunity from any civil or criminal liability that otherwise might result by reason of taking, investigating, or pursuing a complaint under this section.

~~11.~~ 12. *Confidentiality*.

a. Information relating to any complaint made to or investigation by the state or a local long-term care ~~resident's advocate~~ ombudsman or certified volunteer that discloses the identity of a complainant, resident, or tenant~~, or~~; information related to a resident's or tenant's ~~personal~~ social or medical records~~,~~; or files maintained by the state long-term care ombudsman program that disclose the identity of a complainant, resident, or tenant, shall remain confidential ~~except as follows~~ and shall not be disclosed unless any of the following applies:

~~*a*. If permission is granted by the director in consultation with the state long-term care resident's advocate.~~

~~*b*. If disclosure is authorized in writing by the complainant and the resident, tenant, or the individual's guardian or legal representative.~~

~~*c*. If disclosure is necessary for the provision of services to a resident or tenant, or the resident or tenant is unable to express written or oral consent.~~

~~*d*. If ordered by a court.~~

(1) The complainant, resident, tenant, or a legal representative consents to the disclosure and the consent is given in writing.

(2) The complainant, resident, or tenant gives consent orally and the consent is documented contemporaneously in a writing made by the state long-term care ombudsman or a local long-term care ombudsman.

(3) The disclosure is required by a court order.

b. The department shall adopt rules pursuant to chapter 17A to administer this subsection.

~~12.~~ 13. *Posting of state long-term care ~~resident's advocate~~ ombudsman information*. Every long-term care facility, assisted living program, and elder group home shall post information in a prominent location that includes the name, address, and telephone number, and a brief description of the services provided by the office of ~~the~~ long-term care ~~resident's advocate~~ ombudsman. The information posted shall be approved or provided by the office of ~~the~~ long-term care ~~resident's advocate~~ ombudsman.

Sec. 25. Section 231.45, Code 2013, is amended to read as follows:

231.45 Certified volunteer long-term care ~~resident's advocate~~ ombudsman program.

1. The department shall establish a certified volunteer long-term care ~~resident's advocate~~ ombudsman program in accordance with the federal Act to provide assistance to the state and local long-term care ~~resident's advocates~~ ombudsmen.

2. The department shall develop and implement a certification process for volunteer long-term care ~~resident's advocates~~ ombudsmen including but not limited to an application process, provision for background checks, classroom or on-site training, orientation, and continuing education.

3. ~~The~~ Unless specifically excluded, the provisions of section 231.42 relating to local long-term care ~~resident's advocates~~ ombudsmen shall apply to certified volunteer long-term care ~~resident's advocates~~ ombudsmen.

4. The department shall adopt rules pursuant to chapter 17A to administer this section.

Sec. 26. Section 231.51, subsections 1, 3, and 4, Code 2013, are amended to read as follows:

1. The department shall direct and administer the older American community service employment program as authorized by the federal Act in coordination with the department of workforce development ~~and the economic development authority~~.

3. Funds appropriated to the department from the United States department of labor shall be distributed to ~~local projects~~ subgrantees in accordance with federal requirements.

4. The department shall require such uniform reporting and financial accounting by ~~area agencies on aging and local projects~~ subgrantees as may be necessary to fulfill the purposes of this section.

Sec. 27. Section 231.53, Code 2013, is amended to read as follows:

231.53 Coordination with Workforce Investment Act.

The ~~senior internship~~ older American community service employment program shall be coordinated with the federal Workforce Investment Act administered by the department of workforce development.

Sec. 28. Section 231.56A, Code 2013, is amended to read as follows:

231.56A Prevention of elder abuse, neglect, and exploitation program.

1. The department shall administer the prevention of elder abuse, neglect, and exploitation program in accordance with the requirements of the federal Act. The purpose of the program is to carry out activities for intervention in, investigation of, and response to elder abuse, neglect, and exploitation including financial exploitation.

~~2. The target population of the program shall be any older individual residing in Iowa who is at risk of or who is experiencing abuse, neglect, or exploitation including financial exploitation.~~

~~3. The contractor implementing the program shall identify emergency shelter and support services, state funding, outcomes, reporting requirements, and approved community resources from which services may be obtained.~~

~~4. The contractor shall implement the program and shall coordinate the provider network through the use of referrals or other engagement of community resources to provide services to older individuals.~~

~~5.~~ 2. The department shall adopt rules to implement this section.

Sec. 29. Section 231.64, Code 2013, is amended to read as follows:

231.64 Aging and disability resource center ~~program~~.

1. The aging and disability resource center ~~program~~ shall be administered by the department consistent with the federal Act. The department shall designate participating entities to establish a coordinated system for providing all of the following:

a. Comprehensive information, referral, and assistance regarding the full range of available public and private long-term care programs, options, service providers, and resources within a community, including information on the availability of integrated long-term care.

b. ~~Personal~~ Options counseling to assist individuals in assessing their existing or anticipated long-term care needs and developing and implementing a plan for long-term care designed to meet their specific needs and circumstances. The plan for long-term care may include support with person-centered care transitions to assist consumers and family caregivers with transitions between home and care settings.

c. Consumer access to the range of publicly-supported long-term care programs for which consumers may be eligible, by serving as a convenient point of entry for such programs.

2. The aging and disability resource center ~~program~~ shall assist older individuals, persons with disabilities age eighteen or older, family caregivers, and people who inquire about or request assistance on behalf of members of these groups, as they seek long-term care living services and community supports.

Sec. 30. Section 231B.1, subsection 10, Code 2013, is amended to read as follows:

10. *"Tenant advocate"* means the office of ~~the~~ long-term care ~~resident's advocate~~ ombudsman established in section 231.42.

Sec. 31. Section 231C.2, subsection 15, Code 2013, is amended to read as follows:

15. *"Tenant advocate"* means the office of long-term care ~~resident's advocate~~ ombudsman established in section 231.42.

Sec. 32. Section 235B.6, subsection 2, paragraph e, subparagraph (10), Code 2013, is amended to read as follows:

(10) The state or a local long-term care ~~resident's advocate~~ ombudsman if the victim resides in ~~a long-term care facility~~ or the alleged perpetrator is an employee of a long-term care facility as defined in section 231.4.

Sec. 33. Section 669.14, subsection 12, Code 2013, is amended to read as follows:

12. Any claim based upon the actions of a ~~resident advocate committee member~~ certified volunteer long-term care ombudsman in the performance of duty if the action is undertaken and carried out in good faith.

Sec. 34. REPEAL. Sections 135C.25, 231.44, 231.52, and 231B.19, Code 2013, are repealed.

Sec. 35. REPEAL. Chapter 249H, Code 2013, is repealed.

Approved April 5, 2013

CHAPTER 19

MENTAL HEALTH AND DISABILITY SERVICES — MISCELLANEOUS CHANGES

S.F. 203

AN ACT relating to mental health and disability services requirements involving the department of human services and including effective date and retroactive applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I
MENTAL HEALTH AND DISABILITY SERVICES CLIENT IDENTIFIER

Section 1. Section 225C.6A, subsection 3, paragraph b, Code 2013, is amended to read as follows:

b. In implementing a system under this subsection for collecting and analyzing state, county, and private contractor data, the department shall establish a client identifier for the individuals receiving services. ~~The client identifier shall be used in lieu of the individual's name or social security number. The client identifier shall consist of the last four digits of an individual's social security number, the first three letters of the individual's last name, the individual's date of birth, and the individual's gender in an order determined by the department.~~

DIVISION II
INTERAGENCY INFORMATION SERVICE ON PERSONS WITH MENTAL DISABILITIES

Sec. 2. REPEAL. Section 218.11, Code 2013, is repealed.

Sec. 3. REPEAL. Chapter 220A, Code 2013, is repealed.

DIVISION III
SUBACUTE MENTAL HEALTH CARE FACILITIES

Sec. 4. Section 135G.3, subsections 1 and 2, Code 2013, are amended to read as follows:

1. A subacute care facility shall utilize a team of professionals to direct an organized program of diagnostic services, subacute mental health services, and rehabilitative services to meet the needs of residents in accordance with a treatment care plan developed for each resident under the supervision of a ~~licensed psychiatrist~~ mental health professional. The goal of a treatment care plan is to transition residents to a less restrictive environment, including a home-based community setting. Social and rehabilitative services shall also be provided under the direction of a mental health professional.

2. The ~~licensed psychiatrist~~ mental health professional providing supervision of the subacute care ~~facility~~ facility's treatment care plans shall evaluate the condition of each resident as medically necessary and shall be available to residents of the facility on an on-call basis at all other times. Additional evaluation and treatment may be provided by a mental health professional. The subacute care facility may employ a seclusion room meeting the conditions described in 42 C.F.R. § 483.364(b) with approval of ~~the~~ a licensed psychiatrist ~~of the facility~~ or by order of the resident's physician, a physician assistant, or an advanced registered nurse practitioner.

Sec. 5. Section 135G.4, subsection 2, Code 2013, is amended to read as follows:

2. An intermediate care facility for persons with mental illness licensed under chapter 135C may convert to a subacute care facility by ~~providing~~ submitting an application for a license in accordance with section 135G.5 accompanied by written notice to the department that the facility has employed a ~~full-time psychiatrist~~ mental health professional and desires to make the conversion. An intermediate care facility for persons with mental illness applying for a license under this subsection remains subject to subsection 1 until a license is issued.

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

Sec. 7. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to July 1, 2012.

DIVISION IV
COMMUNITY MENTAL HEALTH SERVICES BLOCK GRANT ALLOCATION

Sec. 8. 2011 Iowa Acts, chapter 126, section 20, subsection 1, paragraph d, is amended to read as follows:

d. Of the amount allocated to eligible services providers under paragraph "c", 70 percent shall be distributed to the state's accredited community mental health centers established or designated by counties in accordance with ~~law~~ chapter 230A or applicable administrative rule. If a ~~county has not established or designated a community mental health center and has received a waiver from the mental health and disability services commission, the~~ mental health services provider ~~designated by that county is~~ was designated as authorized in section 230A.107, subsection 2, the provider remains eligible to receive funding distributed pursuant to this paragraph ~~in lieu of~~ as a community mental health center. The funding distributed shall be used by recipients of the funding for the purpose of ~~developing and providing evidence-based practices and emergency~~ staff training or services to adults with a serious mental illness and children with a serious emotional disturbance. The distribution amounts shall be announced at the beginning of the federal fiscal year and distributed on a quarterly basis ~~according to the formulas used in previous fiscal years~~. Recipients shall submit quarterly reports containing data consistent with the performance measures approved by the federal substance abuse and mental health services administration.

Sec. 9. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 5, 2013

CHAPTER 20

MUNICIPAL FIRE AND POLICE RETIREMENT SYSTEM CHANGES

S.F. 327

AN ACT concerning the municipal fire and police retirement system and including effective date and retroactive applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 400.8, subsection 1, Code 2013, is amended to read as follows:

1. The commission, when necessary under the rules, including minimum and maximum age limits, which shall be prescribed and published in advance by the commission and posted in the city hall, shall hold examinations for the purpose of determining the qualifications of applicants for positions under civil service, other than promotions, which examinations shall be practical in character and shall relate to matters which will fairly test the mental and physical ability of the applicant to discharge the duties of the position to which the applicant seeks appointment. The physical examination of applicants for appointment to the positions of police officer, police matron, or fire fighter shall be held in accordance with medical protocols established by the board of trustees of the fire and police retirement system established by section 411.5 and shall be conducted in accordance with the directives of the board of trustees. However, the prohibitions of section 216.6, subsection 1, paragraph "*d*", regarding tests for the presence of the antibody to the human immunodeficiency virus shall not apply to such examinations. The board of trustees may change the medical protocols at any time the board so determines. In the event of a conflict between the medical protocols established under this section and the minimum entrance requirements of the Iowa law enforcement academy under section 80B.11, the medical protocols established under this section shall control. The physical examination of an applicant for the position

of police officer, police matron, or fire fighter shall be conducted after a conditional offer of employment has been made to the applicant. An applicant shall not be discriminated against on the basis of height, weight, sex, or race in determining physical or mental ability of the applicant. Reasonable rules relating to strength, agility, and general health of applicants shall be prescribed. The costs of the physical examination required under this subsection shall be paid from the trust and agency fund of the city.

Sec. 2. Section 411.1, subsection 14, Code 2013, is amended to read as follows:

14. *"Member in good standing"* means a member in service who is not subject to removal by the employing city of the member pursuant to section 400.18 or 400.19, or other comparable process, and who is not the subject of an investigation that could lead to such removal. ~~A~~ Except as specifically provided pursuant to section 411.9, a person who is restored to active service for purposes of applying for a pension under this chapter is not a member in good standing.

Sec. 3. Section 411.1, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 23. *"Vested member"* means a member who has become eligible to receive monthly retirement benefits upon the member's retirement as the result of either completing at least four years of service or of attaining the age of fifty-five while performing membership service.

Sec. 4. Section 411.5, subsection 12, paragraph e, Code 2013, is amended by striking the paragraph and inserting in lieu thereof the following:

e. Notwithstanding any provision of this chapter to the contrary, all benefits under this chapter shall commence no later than the required beginning date specified under section 401(a)(9) of the federal Internal Revenue Code and shall comply with the required minimum distribution provisions of that section.

Sec. 5. Section 411.6, subsection 1, paragraph b, Code 2013, is amended to read as follows:

b. Any vested member in service ~~who has been a member of the retirement system four or more years and~~ whose employment is terminated ~~prior to the member's retirement~~, other than by death or disability, prior to the member being credited with twenty-two years of service shall, upon attaining retirement age for a vested member with four or more years of service or upon application to the system for a vested member with less than four years of service, receive a service retirement allowance ~~of four~~ as calculated in the manner provided in this paragraph. A vested member receiving a retirement allowance pursuant to this paragraph shall receive a service retirement allowance equal to one twenty-seconds of the retirement allowance the member would receive ~~at retirement if the member's employment had not been terminated, and an additional one twenty-second of such retirement allowance for each additional year of service not exceeding~~ based on twenty-two years of service, multiplied by the number of years of service credited to the member. The amount of the retirement allowance shall be calculated in the manner provided in this paragraph using the average final compensation at the time of termination of employment.

Sec. 6. Section 411.6, subsection 8, paragraph c, subparagraph (3), Code 2013, is amended by striking the subparagraph.

Sec. 7. Section 411.9, subsection 2, Code 2013, is amended to read as follows:

2. In the case of a member's death occurring on or after January 1, 2007, if the member dies while performing qualified military service as defined in section 414(u) of the Internal Revenue Code, the survivors of the member are entitled to any additional benefits~~, other than benefit accruals relating to the period of qualified military service,~~ provided by the system as if the member had resumed membership service and had died as the natural and proximate result of an injury or disease incurred in or aggravated by the actual performance of duty at some definite time and place.

Sec. 8. Section 411.9, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. In the case of a member's disability incurred while performing qualified military service as defined in section 414(u) of the Internal Revenue Code, the member shall be treated as a member in good standing, whether or not the member returns to membership service, and shall be permitted to file an application for an ordinary disability retirement benefit as provided in section 411.6.

Sec. 9. Section 411.9, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 2B. In the case of a member's death or disability occurring on or after January 1, 2007, if the member is unable to resume membership service as a result of death or disability incurred while performing qualified military service as defined in section 414(u) of the Internal Revenue Code, the member shall be treated as if the member had returned to membership service and the period of military service shall be treated as membership service.

Sec. 10. Section 411.23, subsection 1, Code 2013, is amended to read as follows:

1. Commencing July 1, 1990, if an active member, in service on or after that date, terminates service, other than by death or disability, the member may elect to withdraw the member's contributions under section 411.8, subsection 1, paragraphs *"f"* and *"h"*, together with interest thereon at a rate determined by the board of trustees. If the member is married at the time of the application for withdrawal, the application is subject to the consent of the member's spouse unless the amount to be withdrawn does not exceed the amount that may be withdrawn without consent as established by section 401(a) of the federal Internal Revenue Code. If a member withdraws contributions as provided in this section, the member shall be deemed to have waived all claims for other benefits from the system for the period of membership service for which the contributions are withdrawn.

Sec. 11. Section 411.36, subsection 1, paragraph a, subparagraph (3), Code 2013, is amended to read as follows:

(3) A city treasurer, city financial officer, ~~or~~ city clerk, or other city officer involved with the management of the financial matters of the city from four participating cities, one of whom is from a city having a population of less than thirty thousand, and three of whom are from cities having a population of thirty thousand or more. The members authorized pursuant to this paragraph shall be appointed by the governing body of the Iowa league of cities.

Sec. 12. EFFECTIVE UPON ENACTMENT. The following provision or provisions of this Act, being deemed of immediate importance, take effect upon enactment:

1. The section of this Act amending section 411.9, subsection 2.
2. The section of this Act enacting section 411.9, subsection 2B.
3. The section of this Act amending section 411.36, subsection 1.

Sec. 13. RETROACTIVE APPLICABILITY. The following provision or provisions of this Act apply retroactively to January 1, 2007:

1. The section of this Act amending section 411.9, subsection 2.
2. The section of this Act enacting section 411.9, subsection 2B.

Sec. 14. RETROACTIVE APPLICABILITY. The following provision or provisions of this Act apply retroactively to appointments made on or after January 1, 2013:

1. The section of this Act amending section 411.36, subsection 1.

Approved April 5, 2013

CHAPTER 21

HEALTH CARE SERVICES PROVIDERS — BACKGROUND CHECKS

S.F. 347

AN ACT relating to record checks of prospective and current health care employees and certain students and including effective date and applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 135B.34, subsection 2, Code 2013, is amended by adding the following new paragraph:

NEW PARAGRAPH. *0b.* (1) If a person being considered for employment, other than employment involving the operation of a motor vehicle, has been convicted of a crime listed in subparagraph (2) but does not have a record of founded child or dependent abuse and the hospital has requested an evaluation in accordance with paragraph *"a"* to determine whether the crime warrants prohibition of the person's employment, the hospital may employ the person for not more than sixty calendar days pending completion of the evaluation.

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

Sec. 2. Section 135B.34, subsection 4, paragraph b, Code 2013, is amended to read as follows:

b. A person with a criminal or abuse record who is or was employed by a hospital licensed under this chapter and is hired by another ~~licensee without a lapse in employment~~ hospital shall be subject to the criminal history and abuse record checks required pursuant to subsection 1. ~~If~~ However, if an evaluation was previously performed by the department of human services concerning the person's criminal or abuse record and it was determined that the record did not warrant prohibition of the person's employment and the latest record checks do not indicate a crime was committed or founded abuse record was entered subsequent to that evaluation, the person may commence employment with the other ~~licensee while~~ hospital in accordance with the department of human services' evaluation ~~of the latest record checks is pending~~ and an exemption from the requirements in paragraph *"a"* for reevaluation of the latest record checks is authorized. Otherwise, the requirements of paragraph *"a"* remain applicable to the person's employment. Authorization of an exemption under this paragraph *"b"* from requirements for reevaluation of the latest record checks by the department of human services is subject to all of the following provisions:

(1) The position with the subsequent employer is substantially the same or has the same job responsibilities as the position for which the previous evaluation was performed.

(2) Any restrictions placed on the person's employment in the previous evaluation by the department of human services shall remain applicable in the person's subsequent employment.

(3) The person subject to the record checks has maintained a copy of the previous evaluation and provides the evaluation to the subsequent employer or the previous employer provides the previous evaluation from the person's personnel file pursuant to the person's authorization. If a physical copy of the previous evaluation is not provided to the subsequent employer, the record checks shall be reevaluated.

(4) Although an exemption under this lettered paragraph *"b"* may be authorized, the subsequent employer may instead request a reevaluation of the record checks and may employ the person while the reevaluation is being performed.

Sec. 3. Section 135C.33, subsection 2, Code 2013, is amended by adding the following new paragraph:

NEW PARAGRAPH. *0b.* (1) If a person being considered for employment, other than employment involving the operation of a motor vehicle, has been convicted of a crime listed in subparagraph (2) but does not have a record of founded child or dependent abuse and the licensee has requested an evaluation in accordance with paragraph *"a"* to determine whether

the crime warrants prohibition of the person's employment, the licensee may employ the person for not more than sixty calendar days pending completion of the evaluation.

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

Sec. 4. Section 135C.33, subsection 8, Code 2013, is amended by adding the following new paragraph:

NEW PARAGRAPH. *0d.* (1) If a student's clinical education component of the training program involves children or dependent adults but does not involve operation of a motor vehicle, and the student has been convicted of a crime listed in subparagraph (2), but does not have a record of founded child or dependent adult abuse, and the training program has requested an evaluation in accordance with paragraph "c" to determine whether the crime warrants prohibition of the student's involvement in such clinical education component, the training program may allow the student's participation in the component for not more than sixty days pending completion of the evaluation.

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

Sec. 5. STUDY OF BACKGROUND CHECK IMPROVEMENTS AND REQUIREMENTS FOR CERTAIN PROVIDERS OF HOME HEALTH SERVICES. The department of inspections and appeals, in conjunction with the departments of administrative services, human services, public health, and public safety, shall study the potential for applying new technologies and other improvements that may be implemented for the current processes of performing and evaluating child and dependent adult abuse and criminal record checks of persons providing health care services. In addition, the study shall consider applying record check requirements to individuals and agencies providing home health services that are not subject to certification, licensing, or other regulation by state government. The department shall submit a report with findings and recommendations to the governor and general assembly on or before December 15, 2013.

Sec. 6. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 7. APPLICABILITY. This Act applies retroactively to persons for whom a record check was requested not more than sixty calendar days prior to the effective date of this Act.

Approved April 5, 2013

CHAPTER 22

VEHICLE REGISTRATION FEE CREDIT FILING DEADLINE

S.F. 349

AN ACT relating to the deadline for obtaining a registration fee credit for a vehicle that is sold, transferred, or junked or for a motor vehicle purchased by a lessee, and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 321.46, subsection 3, paragraph a, Code 2013, is amended to read as follows:

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

Sec. 2. Section 321.46, subsection 7, Code 2013, is amended to read as follows:

7. If a motor vehicle is leased and the lessee purchases the vehicle upon termination of the lease, the lessor shall, upon claim by the lessee with the lessor within ~~thirty days~~ six months of the purchase, assign the annual registration fee credit and registration plates for the leased motor vehicle to the lessee. Credit shall be applied as provided in subsection 3.

Sec. 3. EFFECTIVE DATE. This Act takes effect January 1, 2014.

Approved April 5, 2013

CHAPTER 23

MEDICAID HOME AND COMMUNITY-BASED SERVICES WAIVERS — SERVICE PROVIDERS

S.F. 351

AN ACT relating to service providers under Medicaid home and community-based services waivers.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 135C.6, subsection 8, paragraph c, unnumbered paragraph 1, Code 2013, is amended to read as follows:

A residential program approved by the department of human services pursuant to this paragraph "c" to receive moneys appropriated to the department of human services under provisions of a federally approved home and community-based services habilitation or waiver ~~for persons with intellectual disabilities~~ program may provide care to not more than five individuals. The department shall approve a residential program under this paragraph that complies with all of the following conditions:

Sec. 2. 2010 Iowa Acts, chapter 1031, section 351, is amended to read as follows:

SEC. 351. MEDICAID HOME AND COMMUNITY-BASED SERVICES WAIVER ~~PAYMENTS~~ UTILIZATION — REVIEW. The department of human services shall evaluate ~~payment records~~ utilization data and determine the proper mechanism to trigger a review of ~~payments~~ medical necessity for services provided under each home and community-based services waiver ~~that are in excess of the median amount for payments through the applicable waiver~~. Following evaluation of the utilization data and determination of the trigger mechanism, the department shall notify the affected providers of the results of the evaluation of utilization data, the determination of the trigger mechanism, and the criteria that will be used for review of services that exceed the trigger mechanism, at least sixty days prior to applying the trigger mechanism to assess the medical necessity of the services requested. Following ~~development of the trigger mechanism~~ provision of notice to affected providers as required under this section, the department shall require advance approval for services for which ~~payment~~ utilization is projected to exceed the ~~median~~ trigger mechanism as

applicable to each waiver service. The use of a trigger mechanism and the approval process is intended to preserve necessary services while preventing overuse of services.

Approved April 5, 2013

CHAPTER 24

MEDICAID PROGRAM — PAYMENTS, CLAIMS, AND SERVICE PROVIDERS

S.F. 357

AN ACT relating to Medicaid program integrity, and providing penalties.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 10A.108, subsections 6 and 7, Code 2013, are amended to read as follows:

6. The department shall pay, from moneys appropriated to the department for this purpose, recording fees as provided in section 331.604, for the recording of the lien~~, or for satisfaction of the lien~~.

7. Upon payment of a debt for which the director has filed notice with a county recorder, the director shall ~~file a~~ provide to the debtor a satisfaction of the debt. The debtor shall be responsible for filing the satisfaction of the debt with the recorder and the recorder shall enter the satisfaction on the notice on file in the recorder's office.

Sec. 2. Section 249A.2, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 8A. "*Overpayment*" means any funds that a provider receives or retains under the medical assistance program to which the person, after applicable reconciliation, is not entitled. To the extent the provider and the department disagree as to whether the provider is entitled to funds received or retained under the medical assistance program, "*overpayment*" includes such funds for which the provider's administrative and judicial review remedies under 441 IAC ch. 7 and chapter 17A have been exhausted. For purposes of repayment, an overpayment may include interest in accordance with section 249A.41.

Sec. 3. NEW SECTION. **249A.39 Reporting of overpayment.**

1. A provider who has received an overpayment shall notify in writing, and return the overpayment to, the department, the department's agent, or the department's contractor, as appropriate. The notification shall include the reason for the return of the overpayment.

2. Notification and return of an overpayment under this section shall be provided by no later than the later of either of the following, as applicable:

a. The date which is sixty days after the date on which the overpayment was identified by the provider.

b. The date any corresponding cost report is due.

3. A violation of this section is a violation of chapter 685.

Sec. 4. NEW SECTION. **249A.40 Involuntarily dissolved providers — overpayments or incorrect payments.**

Medical assistance paid to a provider following involuntary administrative dissolution of the provider pursuant to chapter 490, division XIV, part B, shall be considered incorrectly paid for the purposes of section 249A.5 and the provider shall be considered to have received an overpayment for the purposes of this subchapter. For the purposes of this section, the overpayment shall not accrue until after a grace period of ninety days following receipt of notice by the provider of the dissolution from the department. Notwithstanding section 490.1422, or any other similar retroactive provision for reinstatement, the director shall

recoup any medical assistance paid to a provider while the provider was dissolved if the provider is not retroactively reinstated within the ninety-day grace period. The principals of the provider shall be personally liable for the incorrect payment or overpayment.

Sec. 5. NEW SECTION. **249A.41 Overpayment — interest.**

1. Interest may be collected upon any overpayment determined to have been made and shall accrue at the rate and in the manner specified in this section.

2. Prior to the provision of a notice of overpayment to the provider, interest shall accrue at the statutory rate for prejudgment interest applicable in civil actions.

3. After the provision of a notice of overpayment to the provider and after all of the provider's administrative and judicial review remedies under 441 IAC ch. 7 and chapter 17A have been exhausted, interest shall accrue at the statutory rate for prejudgment interest applicable in civil actions plus five percent per annum, or the maximum legal rate, whichever is lower.

4. At the discretion of the director, interest on an overpayment may be waived in whole or in part when the department determines the imposition of interest would produce an unjust result, would unduly burden the provider, or would substantially delay the prompt and efficient resolution of an outstanding audit or investigation.

Sec. 6. NEW SECTION. **249A.42 Overpayment — limitations periods.**

1. An administrative action to recover an overpayment to a provider shall be commenced within five years of the date the overpayment was incurred. For the purposes of this subsection, *"incurred"* means the date the medical assistance claim was paid, or the date any applicable reconciliation was completed, whichever is later.

2. An administrative action to impose a sanction related to an overpayment to a provider shall be commenced within five years of the date the conduct underlying the sanction concluded, or the director discovered such conduct, whichever is later.

Sec. 7. NEW SECTION. **249A.43 Provider overpayment — notice — judgment.**

1. Any overpayment to a provider under this chapter shall become a judgment against the provider, by operation of law, ninety days after a notice of overpayment is personally served upon the enrolled provider as required in the Iowa rules of civil procedure or by certified mail, return receipt requested, by the director or the attorney general or, if applicable, upon exhaustion of the provider's administrative and judicial review remedies under 441 IAC ch. 7 or chapter 17A, whichever is later. The judgment is entitled to full faith and credit in all states.

2. The notice of overpayment shall include the amount and cause of the overpayment, the provider's appeal rights, and a disclaimer that a judgment may be established if an appeal is not timely filed or if an appeal is filed and at the conclusion of the administrative process under chapter 17A a determination is made that there is an overpayment.

3. An affidavit of service of a notice of entry of judgment shall be made by first class mail at the address where the debtor was served with the notice of overpayment. Service is completed upon mailing as specified in this paragraph. [1]

4. On or after the date an unpaid overpayment becomes a judgment by operation of law, the director or the attorney general may file all of the following with the district court:

a. A statement identifying, or a copy of, the notice of overpayment.

b. Proof of service of the notice of overpayment.

c. An affidavit of default, stating the full name, occupation, place of residence, and last known post office address of the debtor; the name and post office address of the department; the date or dates the overpayment was incurred; the program under which the debtor was overpaid; and the total amount of the judgment.

5. Nothing in this section shall be construed to impede or restrict alternative methods of recovery of the overpayments specified in this section or of overpayments which do not meet the requirements of this section.

Sec. 8. NEW SECTION. **249A.44 Overpayment — emergency relief.**

[1] See chapter 140, §59 herein

1. Concurrently with a withholding of payment, the imposition of a sanction, or the institution of a criminal, civil, or administrative proceeding against a provider or other person for overpayment, the director or the attorney general may bring an action for a temporary restraining order or injunctive relief to prevent a provider or other person from whom recovery may be sought, from transferring property or otherwise taking action to protect the provider's or other person's business inconsistent with the recovery sought.

2. To obtain such relief, the director or the attorney general shall demonstrate all necessary requirements for the relief to be granted.

3. If an injunction is granted, the court may appoint a receiver to protect the property and business of the provider or other person from whom recovery may be sought. The court shall assess the costs of the receiver to the provider or other person.

4. The director or the attorney general may file a lis pendens on the property of the provider or other person during the pendency of a criminal, civil, or administrative proceeding.

5. When requested by the court, the director, or the attorney general, a provider or other person from whom recovery may be sought shall have an affirmative duty to fully disclose all property and liabilities to the requester.

6. An action brought under this section may be brought in the district court for Polk county or any other county in which a provider or other person from whom recovery may be sought has its principal place of business or is domiciled.

Sec. 9. NEW SECTION. **249A.45 Provider's third-party submissions.**

1. The department may refuse to accept a financial and statistical report, cost report, or any other submission from any third party acting under a provider's authority or direction to prepare or submit such documents or information, for good cause shown. For the purposes of this section, *"good cause"*, includes but is not limited to a pattern or practice of submitting unallowable costs on cost reports; making a false statement or certification to the director or any representative of the department; professional negligence or other demonstrated lack of knowledge of the cost reporting process; conviction under a federal or state law relating to the operation of a publicly funded program; or submission of a false claim under chapter 685.

2. If the department refuses to accept a cost report from a third party for good cause under this section, the third party shall be strictly liable to the provider for all fees incurred in preparation of the cost report, as well as reasonable attorney fees and costs. The department shall not take any adverse action against a provider that results from the unintentional delay in the submission of a new cost report or other submission necessitated by the department's refusal to accept a cost report or other submission under this section. The department shall notify an affected provider within seven business days of any refusal to accept a cost report.

Sec. 10. NEW SECTION. **249A.46 Liability of other persons — repayment of claims.**

1. The department may require repayment of medical assistance paid from the person submitting an incorrect or improper claim, the person causing the claim to be submitted, or the person receiving payment for the claim.

2. Nothing in this section shall be construed to impede or restrict alternative recovery methods for claims specified in this section or claims which do not meet the requirements of this section.

Sec. 11. NEW SECTION. **249A.47 Improperly filed claims — other violations — imposition of monetary recovery and sanctions.**

1. In addition to any other remedies or penalties prescribed by law, including but not limited to those specified pursuant to section 249A.8 or chapter 685, all of the following shall be applicable to violations under the medical assistance program:

a. A person who intentionally and purposefully presents or causes to be presented to the department a claim that the department determines meets any of the following criteria is subject to a civil penalty of not more than ten thousand dollars for each item or service:

(1) A claim for medical or other items or services that the provider knows was not provided as claimed, including a claim by any provider who engages in a pattern or practice of presenting or causing to be presented a claim for an item or service that is based on a

billing code that the provider knows will result in a greater payment to the provider than the billing code the provider knows is applicable to the item or service actually provided.

(2) A claim for medical or other items or services the provider knows to be false or fraudulent.

(3) A claim for a physician service or an item or service incident to a physician service by a person who knows that the individual who furnished or supervised the furnishing of the service meets any of the following:

(a) Was not licensed as a physician.

(b) Was licensed as a physician, but such license had been obtained through a misrepresentation of material fact.

(c) Represented to the patient at the time the service was furnished that the physician was certified in a medical specialty by a medical specialty board when the individual was not so certified.

(4) A claim for medical or other items or services furnished during a period in which the provider was excluded from providing such items or services.

(5) A claim for a pattern of medical or other items or services that a provider knows were not medically necessary.

b. A provider who intentionally and purposefully presents or causes to be presented to any person a request for payment which is in violation of the terms of either of the following is subject to a civil penalty of not more than ten thousand dollars for each item or service:

(1) An agreement with the department or a requirement of a state plan under Tit. XIX or XXI of the federal Social Security Act not to charge a person for an item or service in excess of the amount permitted to be charged.

(2) An agreement to be a participating provider.

c. A provider who is not an organization, agency, or other entity, and knowing that the provider is excluded from participating in a program under Tit. XVIII, XIX, or XXI of the federal Social Security Act at the time of the exclusion, who does any of the following, is subject to a civil penalty of ten thousand dollars for each day that the prohibited relationship occurs:

(1) Retains a direct or indirect ownership or control interest in an entity that is participating in such programs, and knows of the action constituting the basis for the exclusion.

(2) Is an officer or managing employee of such an entity.

d. A provider who intentionally and purposefully offers to or transfers remuneration to any individual eligible for benefits under Tit. XIX or XXI of the federal Social Security Act and who knows such offer or remuneration is likely to influence such individual to order or receive from a particular provider any item or service for which payment may be made, in whole or in part, under Tit. XIX or XXI of the federal Social Security Act, is subject to a civil penalty of not more than ten thousand dollars for each item or service.

e. A provider who intentionally and purposefully arranges or contracts, by employment or otherwise, with an individual or entity that the provider knows is excluded from participation under Tit. XVIII, XIX, or XXI of the federal Social Security Act, for the provision of items or services for which payment may be made under such titles, is subject to a civil penalty of not more than ten thousand dollars for each item or service.

f. A provider who intentionally and purposefully offers, pays, solicits, or receives payment, directly or indirectly, to reduce or limit services provided to any individual eligible for benefits under Tit. XVIII, XIX, or XXI of the federal Social Security Act, is subject to a civil penalty of not more than fifty thousand dollars for each act.

g. A provider who intentionally and purposefully makes, uses, or causes to be made or used, a false record or statement material to a false or fraudulent claim for payment for items and services furnished under Tit. XIX or XXI of the federal Social Security Act, is subject to a civil penalty of not more than fifty thousand dollars for each false record or statement.

h. A provider who intentionally and purposefully fails to grant timely access, upon reasonable request and without good cause, to the department for the purpose of audits, investigations, evaluations, or other functions of the department, is subject to a civil penalty of fifteen thousand dollars for each day of the failure.

i. A provider who intentionally and purposefully makes or causes to be made any false statement, omission, or misrepresentation of a material fact in any application, bid, or

contract to participate or enroll as a provider of services or a supplier under Tit. XVIII, XIX, or XXI of the federal Social Security Act, including a managed care organization or entity that applies to participate as a provider of services or supplier in such a managed care organization or plan, is subject to a civil penalty of fifty thousand dollars for each false statement, omission, or misrepresentation of a material fact.

j. A provider who intentionally and purposefully fails to report and return an overpayment in accordance with section 249A.41 is subject to a civil penalty of ten thousand dollars for each failure to report and return an overpayment.

2. In addition to the civil penalties prescribed under subsection 1, for any violation specified in subsection 1, a provider shall be subject to the following, as applicable:

a. For violations specified in subsection 1, paragraph "*a*", "*b*", "*c*", "*d*", "*e*", "*g*", "*h*", or "*j*", an assessment of not more than three times the amount claimed for each such item or service in lieu of damages sustained by the department because of such claim.

b. For a violation specified in subsection 1, paragraph "*f*", damages of not more than three times the total amount of remuneration offered, paid, solicited, or received, without regard to whether a portion of such remuneration was offered, paid, solicited, or received for a lawful purpose.

c. For a violation specified in subsection 1, paragraph "*i*", an assessment of not more than three times the total amount claimed for each item or service for which payment was made based upon the application containing the false statement, omission, or misrepresentation of a material fact.

3. In determining the amount or scope of any penalty or assessment imposed pursuant to a violation specified in subsection 1, the director shall consider all of the following:

a. The nature of the claims and the circumstances under which they were presented.

b. The degree of culpability, history of prior offenses, and financial condition of the person against whom the penalties or assessments are levied.

c. Such other matters as justice may require.

4. Of any amount recovered arising out of a claim under Tit. XIX or XXI of the federal Social Security Act, the department shall receive the amount bearing the same proportion paid by the department for such claims, including any federal share that must be returned to the centers for Medicare and Medicaid services of the United States department of human services. The remainder of any amount recovered shall be deposited in the general fund of the state.

5. Civil penalties levied under this section are appealable under 441 IAC ch. 7, but, notwithstanding any provision to the contrary in that chapter, the appellant shall bear the burden to prove by clear and convincing evidence that the claim was not filed improperly.

6. For the purposes of this section, "*claim*" includes but is not limited to the submission of a cost report.

Sec. 12. NEW SECTION. **249A.48 Temporary moratoria.**

1. The Iowa Medicaid enterprise shall impose a temporary moratorium on the enrollment of new providers or provider types identified by the centers for Medicare and Medicaid services of the United States department of health and human services as posing an increased risk to the medical assistance program.

a. This section shall not be interpreted to require the Iowa Medicaid enterprise to impose a moratorium if the Iowa Medicaid enterprise determines that imposition of a temporary moratorium would adversely affect access of recipients to medical assistance services.

b. If the Iowa Medicaid enterprise makes a determination as specified in paragraph "*a*", the Iowa Medicaid enterprise shall notify the centers for Medicare and Medicaid services of the United States department of health and human services in writing.

2. The Iowa Medicaid enterprise may impose a temporary moratorium on the enrollment of new providers, or impose numerical caps or other limits that the Iowa Medicaid enterprise and the centers for Medicare and Medicaid services identify as having a significant potential for fraud, waste, or abuse.

a. Before implementing the moratorium, caps, or other limits, the Iowa Medicaid enterprise shall determine that its action would not adversely impact access by recipients to medical assistance services.

b. The Iowa Medicaid enterprise shall notify, in writing, the centers for Medicare and Medicaid services, if the Iowa Medicaid enterprise seeks to impose a moratorium under this subsection, including all of the details of the moratorium. The Iowa Medicaid enterprise shall receive approval from the centers for Medicare and Medicaid services prior to imposing a moratorium under this subsection.

3. *a.* The Iowa Medicaid enterprise shall impose any moratorium for an initial period of six months.

b. If the Iowa Medicaid enterprise determines that it is necessary, the Iowa Medicaid enterprise may extend the moratorium in six-month increments. Each time a moratorium is extended, the Iowa Medicaid enterprise shall document, in writing, the necessity for extending the moratorium.

Sec. 13. NEW SECTION. **249A.49 Internet site — providers found in violation of medical assistance program.**

1. The director shall maintain on the department's internet site, in a manner readily accessible by the public, all of the following:

a. A list of all providers that the department has terminated, suspended, or placed on probation.

b. A list of all providers that have failed to return an identified overpayment of medical assistance within the time frame specified in section 249A.41.

c. A list of all providers found liable for a false claims law violation related to the medical assistance program under chapter 685.

2. The director shall take all appropriate measures to safeguard the protected health information, social security numbers, and other information of the individuals involved, which may be redacted or omitted as provided in rule of civil procedure 1.422. A provider shall not be included on the internet site until all administrative and judicial remedies relating to the violation have been exhausted.

Sec. 14. CODE EDITOR DIRECTIVES. The Code editor shall do all of the following:

1. Create a new subchapter in chapter 249A, entitled "Medical Assistance Eligibility and Miscellaneous Provisions", which shall include sections 249A.1 through 249A.4, section 249A.4B, sections 249A.9 through 249A.13, sections 249A.15 through 249A.18A, and sections 249A.20 through 249A.38, Code 2013. The Code editor may renumber sections within the subchapter and shall correct internal references as necessary.

2. Create a new subchapter in chapter 249A, entitled "Medical Assistance Program Integrity", which shall include sections 249A.39 through 249A.49, as enacted in this Act.

3. a. Transfer section 249A.4A, sections 249A.5 through 249A.8, section 249A.14, and section 249A.19, Code 2013, to the new subchapter entitled "Medical Assistance Program Integrity". The Code editor shall renumber the transferred sections as follows:

(1) Section 249A.4A as section 249A.52.
(2) Section 249A.5 as section 249A.53.
(3) Section 249A.6 as section 249A.54.
(4) Section 249A.6A as section 249A.55.
(5) Section 249A.7 as section 249A.50.
(6) Section 249A.8 as section 249A.51.
(7) Section 249A.14 as section 249A.56.
(8) Section 249A.19 as section 249A.57.

b. The Code editor shall correct internal references as necessary.

Approved April 5, 2013

CHAPTER 25

PROPERTY WITH PRIVATE SEWAGE DISPOSAL SYSTEMS — ABSTRACTS OF TITLE

S.F. 390

AN ACT relating to certain title abstracts to property with private sewage disposal systems and providing effective date and retroactive applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. 2010 Iowa Acts, chapter 1120, is amended by adding the following new section:

NEW SECTION. SEC. 8. RETROACTIVE APPLICABILITY. The following provision or provisions of this Act apply retroactively to July 1, 2009:

1. The portion of the section of this Act amending section 455B.172, subsection 11, paragraph "i".

Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 3. RETROACTIVE APPLICABILITY. This Act applies retroactively to July 1, 2010.

Approved April 5, 2013

CHAPTER 26

REGULATION OF HEALTH CARE FACILITIES AND ASSISTED LIVING PROGRAMS — COMPLAINTS OR CITATIONS — REVIEW

S.F. 394

AN ACT relating to informal conferences on contested citations or regulatory insufficiencies in health care facilities or assisted living programs and including applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 135C.41, subsection 2, Code 2013, is amended to read as follows:

2. Notify the director that the facility desires to contest the citation and request an informal conference with ~~a representative of the department~~ an independent reviewer pursuant to section 135C.42.

Sec. 2. Section 135C.42, Code 2013, is amended to read as follows:

135C.42 Informal conference on contested citation.

1. The director shall ~~assign a representative of the department, other than the inspector upon whose inspection the contested citation is based,~~ provide an independent reviewer to hold an informal conference with the facility within ten working days after receipt of a request made under section 135C.41, subsection 2. At the conclusion of the conference the ~~representative~~ independent reviewer may affirm or may modify or dismiss the citation. ~~In the latter case, the representative~~ The independent reviewer shall state in writing the specific reasons for the affirmation, modification, or dismissal and immediately transmit copies of the statement to the director, and to the facility. If the facility does not desire to further contest an affirmed or modified citation, it shall within five working days after the informal conference, or after receipt of the written explanation of the ~~representative~~ independent reviewer, as the case may be, comply with section 135C.41, subsection 1.

2. An independent reviewer shall be licensed as an attorney in the state of Iowa and shall not be employed or have been employed by the department in the past eight years or have

appeared in front of the department on behalf of a health care facility in the past eight years. Preference shall be given to an attorney with background knowledge, experience, or training in long-term care. The department may issue a request for proposals to enter into a contract for the purpose of providing one or more independent reviewers for informal conferences.

3. The department shall hold the informal conference, as required in this section, concurrently with any informal dispute resolution held pursuant to 42 C.F.R. § 488.331 for those health care facilities certified under Medicare or the medical assistance program.

Sec. 3. Section 135C.43, subsection 1, Code 2013, is amended to read as follows:

1. A facility ~~which~~ that desires to further contest an affirmed or modified citation for a Class I, Class II, or Class III violation, may do so in the manner provided by chapter 17A for contested cases. Notice of intent to formally contest a citation shall be given the department in writing within five days after the informal conference or after receipt of the written explanation of the ~~representative delegated~~ independent reviewer provided to hold the informal conference, whichever is applicable, in the case of an affirmed or modified citation. A facility which has exhausted all adequate administrative remedies and is aggrieved by the final action of the department may petition for judicial review in the manner provided by chapter 17A.

Sec. 4. Section 231C.8, Code 2013, is amended by striking the section and inserting in lieu thereof the following:

231C.8 Exit interview — issuance of findings.

1. The department shall provide an assisted living program an exit interview at the conclusion of a monitoring evaluation or complaint investigation, and the department shall inform the program's representative of all issues and areas of concern related to the insufficient practices. The department may conduct the exit interview in person or by telephone, and the department shall provide a second exit interview if any additional issues or areas of concern are identified. The program shall have two working days from the date of the exit interview to submit additional or rebuttal information to the department.

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

Sec. 5. Section 231C.9, Code 2013, is amended to read as follows:

231C.9 Public disclosure of findings.

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

Sec. 6. NEW SECTION. **231C.9A Informal conference — formal contest — judicial review.**

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

2. The department shall provide an independent reviewer to hold an informal conference with an assisted living program within ten working days after receiving a request from the program pursuant to subsection 1. At the conclusion of the informal conference, the independent reviewer may affirm, modify, or dismiss a contested regulatory insufficiency. The independent reviewer shall state in writing the specific reasons for the affirmation, modification, or dismissal and immediately transmit copies of the statement to the department and to the program.

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

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

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

Sec. 7. APPLICABILITY.

1. The sections of this Act amending sections 135C.41, 135C.42, and 135C.43 apply to an informal conference requested under chapter 135C on or after January 1, 2014.

2. The sections of this Act amending sections 231C.8 and 231C.9, and adding section 231C.9A, apply to assisted living programs desiring to request an informal conference on or after January 1, 2014.

Approved April 5, 2013

CHAPTER 27

VEHICLES WITH RETRACTABLE AXLES — WEIGHT LIMITATIONS

H.F. 14

AN ACT relating to the enforcement of weight limitations for vehicles with retractable axles.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 321.463, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 12A. *a.* A vehicle or combination of vehicles equipped with a retractable axle may raise the axle when necessary to negotiate a turn, provided that the retractable axle is lowered within one thousand feet following completion of the turn. This paragraph does not apply to a vehicle or combination of vehicles operated on an interstate highway, including a ramp to or from an interstate highway, or on a bridge.

b. A vehicle or combination of vehicles operated with a retractable axle raised as permitted under paragraph "*a*" is exempt from the weight limitations of this section as long as the vehicle or combination of vehicles is in compliance with the weight limitations of this section when the retractable axle is lowered.

c. This subsection does not prohibit the operation of a vehicle or combination of vehicles equipped with a retractable axle from operating with the retractable axle raised when the

vehicle or combination of vehicles is in compliance with the weight limitations of this section with the retractable axle raised. [1]

Approved April 5, 2013

CHAPTER 28

COMMUNITY COLLEGE EMPLOYEE PAYROLL DEDUCTIONS — CHARITIES

H.F. 131

AN ACT authorizing charitable giving payroll deductions for community college employees.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 70A.15A, subsection 1, paragraph a, Code 2013, is amended to read as follows:

a. "Applicable public employer" means a board of directors of a school district, a community college, a county board of supervisors, or a governing body of a city.

Approved April 5, 2013

CHAPTER 29

DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT

H.F. 307

AN ACT establishing the department of homeland security and emergency management.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 7E.5, subsection 1, paragraph p, Code 2013, is amended to read as follows:

p. The department of public defense, created in section 29.1, which has primary responsibility for state military forces ~~and emergency management~~.

Sec. 2. Section 7E.5, subsection 1, Code 2013, is amended by adding the following new paragraph:

NEW PARAGRAPH. *w.* The department of homeland security and emergency management, created in section 29C.5, which has primary responsibility for the administration of emergency planning matters, including emergency resource planning in this state, homeland security activities, and coordination of available services and resources in the event of a disaster to include those services and resources of the federal government and private entities.

Sec. 3. Section 8A.202, subsection 5, paragraph e, Code 2013, is amended to read as follows:

e. The department of public defense~~, including both the military division and the homeland security and emergency management division,~~ shall not be required to obtain any information technology services pursuant to this subchapter for the department of public defense ~~or its~~

[1] See chapter 140, §62 herein

~~divisions~~ that is provided by the department pursuant to this chapter without the consent of the adjutant general.

Sec. 4. Section 8D.2, subsection 5, paragraph b, Code 2013, is amended to read as follows:

b. For the purposes of this chapter, *"public agency"* also includes any homeland security or defense facility or disaster response agency established by the ~~administrator~~ director of the department of homeland security and emergency management ~~division of the department of public defense~~ or the governor or any facility connected with a security or defense system or disaster response as required by the ~~administrator~~ director of the department of homeland security and emergency management ~~division of the department of public defense~~ or the governor.

Sec. 5. Section 8D.9, subsection 3, Code 2013, is amended to read as follows:

3. A facility that is considered a public agency pursuant to section 8D.2, subsection 5, paragraph *"b"*, shall be authorized to access the Iowa communications network strictly for homeland security communication purposes and disaster communication purposes. Any utilization of the network that is not related to communications concerning homeland security or a disaster, as defined in section 29C.2, is expressly prohibited. Access under this subsection shall be available only if a state of disaster emergency is proclaimed by the governor pursuant to section 29C.6 or a homeland security or disaster event occurs requiring connection of disparate communications systems between public agencies to provide for a multiagency or multijurisdictional response. Access shall continue only for the period of time the homeland security or disaster event exists. For purposes of this subsection, disaster communication purposes includes training and exercising for a disaster if public notice of the training and exercising session is posted on the ~~website~~ internet site of the department of homeland security and emergency management ~~division of the department of public defense~~. A scheduled and noticed training and exercising session shall not exceed five days. Interpretation and application of the provisions of this subsection shall be strictly construed.

Sec. 6. Section 16.191, subsection 2, paragraph e, Code 2013, is amended to read as follows:

e. The ~~administrator~~ director of the department of homeland security and emergency management ~~division of the department of public defense~~ or the ~~administrator's~~ director's designee.

Sec. 7. Section 22.7, subsection 45, Code 2013, is amended to read as follows:

45. The critical asset protection plan or any part of the plan prepared pursuant to section 29C.8 and any information held by the department of homeland security and emergency management ~~division~~ that was supplied to the ~~division~~ department by a public or private agency or organization and used in the development of the critical asset protection plan to include, but not be limited to, surveys, lists, maps, or photographs. However, the ~~administrator~~ director shall make the list of assets available for examination by any person. A person wishing to examine the list of assets shall make a written request to the ~~administrator~~ director on a form approved by the ~~administrator~~ director. The list of assets may be viewed at the ~~division's~~ department's offices during normal working hours. The list of assets shall not be copied in any manner. Communications and asset information not required by law, rule, or procedure that are provided to the ~~administrator~~ director by persons outside of government and for which the ~~administrator~~ director has signed a nondisclosure agreement are exempt from public disclosures. The department of homeland security and emergency management ~~division~~ may provide all or part of the critical asset plan to federal, state, or local governmental agencies which have emergency planning or response functions if the ~~administrator~~ director is satisfied that the need to know and intended use are reasonable. An agency receiving critical asset protection plan information from the ~~division~~ department shall not redisseminate the information without prior approval of the ~~administrator~~ director.

Sec. 8. Section 23A.2, subsection 10, paragraph m, Code 2013, is amended to read as follows:

m. The repair, calibration, or maintenance of radiological detection equipment by the department of homeland security and emergency management ~~division of the department of public defense~~.

Sec. 9. Section 29.1, Code 2013, is amended to read as follows:

29.1 Department of public defense.

The department of public defense is composed of the ~~military division and the homeland security and emergency management division~~ office of the adjutant general and the military forces of the state of Iowa. The adjutant general is the director of the department of public defense and ~~the budget and personnel of all of the divisions are subject to the approval of the adjutant general~~ shall perform all functions, responsibilities, powers, and duties over [1] the military forces of the state of Iowa as provided in the laws of the state. ~~The Iowa emergency response commission established by section 30.2 is attached to the department of public defense for organizational purposes.~~

Sec. 10. Section 29.2A, Code 2013, is amended to read as follows:

29.2A Airport fire fighters — maximum age.

The maximum age for a person to be employed as an airport fire fighter by the ~~military division of the~~ department of public defense is sixty-five years of age.

Sec. 11. Section 29A.3A, subsection 4, paragraph a, Code 2013, is amended to read as follows:

a. Operations and administration of the civil air patrol relating to missions not qualifying for federal mission status shall be funded by the state from moneys appropriated to the department of homeland security and emergency management ~~division of the department of public defense~~ for that purpose.

Sec. 12. Section 29A.12, subsection 1, Code 2013, is amended to read as follows:

1. The adjutant general shall have command and control of the ~~military division~~ department of public defense, and perform such duties as pertain to the office of the adjutant general under law and regulations, pursuant to the authority vested in the adjutant general by the governor. The adjutant general shall superintend the preparation of all letters and reports required by the United States from the state, and perform all the duties prescribed by law. The adjutant general shall have charge of the state military reservations, and all other property of the state kept or used for military purposes. The adjutant general may accept and expend nonappropriated funds in accordance with law and regulations. The adjutant general shall cause an inventory to be taken at least once each year of all military stores, property, and funds under the adjutant general's jurisdiction. In each year preceding a regular session of the general assembly, the adjutant general shall prepare a detailed report of the transactions of that office, its expenses, and other matters required by the governor for the period since the last preceding report, and the governor may at any time require a similar report.

Sec. 13. Section 29A.56, Code 2013, is amended to read as follows:

29A.56 Special police.

The adjutant general may by order entered of record commission one or more of the employees of the ~~military division~~ department of public defense as special police. Such special police shall on the premises of any state military reservation or other state military property have and exercise the powers of regular peace officers.

Sec. 14. Section 29C.1, subsection 1, Code 2013, is amended to read as follows:

1. To establish a department of homeland security and emergency management ~~division of the department of public defense~~ and to authorize the establishment of local organizations for emergency management in the political subdivisions of the state.

[1] See chapter 140, §53 herein

Sec. 15. Section 29C.2, Code 2013, is amended by adding the following new subsections:

NEW SUBSECTION. 1A. *"Department"* means the department of homeland security and emergency management.

NEW SUBSECTION. 1B. *"Director"* means the director of the department of homeland security and emergency management.

Sec. 16. Section 29C.5, Code 2013, is amended to read as follows:

29C.5 ~~Homeland~~ Department of homeland security and emergency management ~~division~~.

~~A~~ The department of homeland security and emergency management ~~division~~ is created ~~within the department of public defense~~. The department of homeland security and emergency management ~~division~~ shall be responsible for the administration of emergency planning matters, including emergency resource planning in this state, cooperation with, support of, funding for, and tasking of the civil air patrol for missions not qualifying for federal mission status as described in section 29A.3A in accordance with operational and funding criteria developed with the adjutant general and coordinated with the civil air patrol, homeland security activities, and coordination of available services and resources in the event of a disaster to include those services and resources of the federal government and private entities. The Iowa emergency response commission established by section 30.2 is attached to the department of homeland security and emergency management for organizational purposes.

Sec. 17. Section 29C.8, Code 2013, is amended to read as follows:

29C.8 Powers and duties of ~~administrator~~ director.

1. The department of homeland security and emergency management ~~division~~ shall be under the management of ~~an administrator~~ a director appointed by the governor.

2. The ~~administrator~~ director shall be vested with the authority to administer emergency management and homeland security affairs in this state and shall be responsible for preparing and executing the emergency management and homeland security programs of this state subject to the direction of the ~~adjutant general~~ governor.

3. The ~~administrator~~ director, upon the direction of the governor ~~and supervisory control of the director of the department of public defense~~, shall:

a. Prepare a comprehensive emergency plan and emergency management program for homeland security, disaster preparedness, response, recovery, mitigation, emergency operation, and emergency resource management of this state. The plan and program shall be integrated into and coordinated with the homeland security and emergency plans of the federal government and of other states to the fullest possible extent ~~and~~. The director shall also coordinate the preparation of plans and programs for emergency management of the political subdivisions and various state departments of this state. The plans shall be integrated into and coordinated with a comprehensive state homeland security and emergency program for this state as coordinated by the ~~administrator of the homeland security and emergency management division~~ director to the fullest possible extent.

b. Make such studies and surveys of the industries, resources, and facilities in this state as may be necessary to ascertain the vulnerabilities of critical state infrastructure and assets to attack and the capabilities of the state for disaster recovery, disaster planning and operations, and emergency resource management, and to plan for the most efficient emergency use thereof.

c. Provide technical assistance to any commission requiring the assistance in the development of an emergency management or homeland security program.

d. Implement planning and training for emergency response teams as mandated by the federal government under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 as amended by the Superfund Amendments and Reauthorization Act of 1986, 42 U.S.C. § 9601 et seq.

e. Prepare a critical asset protection plan that contains an inventory of infrastructure, facilities, systems, other critical assets, and symbolic landmarks; an assessment of the criticality, vulnerability, and level of threat to the assets; and information pertaining to the

mobilization, deployment, and tactical operations involved in responding to or protecting the assets.

f. Approve and support the development and ongoing operations of homeland security and emergency response teams to be deployed as a resource to supplement and enhance disrupted or overburdened local emergency and disaster operations and deployed as available to provide assistance to other states pursuant to the interstate emergency management assistance compact described in section 29C.21. The following shall apply to homeland security and emergency response teams:

(1) A member of a homeland security and emergency response team acting under this section upon the directive of the ~~administrator~~ director or pursuant to a governor's disaster proclamation as provided in section 29C.6 shall be considered an employee of the state for purposes of section 29C.21 and chapter 669 and shall be afforded protection as an employee of the state under section 669.21. Disability, workers' compensation, and death benefits for team members working under the authority of the ~~administrator~~ director or pursuant to the provisions of section 29C.6 shall be paid by the state in a manner consistent with the provisions of chapter 85, 410, or 411 as appropriate, depending on the status of the member, provided that the member is registered with the ~~homeland security and emergency management division~~ department as a member of an approved team and is participating as a team member in a response or recovery operation initiated by the ~~administrator~~ director or governor pursuant to this section or in a training or exercise activity approved by the ~~administrator~~ director.

(2) Each approved homeland security and emergency management response team shall establish standards for team membership, shall provide the ~~division~~ department with a listing of all team members, and shall update the list each time a member is removed from or added to the team. Individuals so identified as team members shall be considered to be registered as team members for purposes of subparagraph (1).

(3) Upon notification of a compensable loss to a member of a homeland security and emergency management response team, the department of administrative services shall process the claim and seek authorization from the executive council to pay as an expense paid from the appropriations addressed in section 7D.29 those costs associated with covered benefits.

g. Implement and support the national incident management system as established by the United States department of homeland security to be used by state agencies and local and tribal governments to facilitate efficient and effective assistance to those affected by emergencies and disasters.

h. Carry out duties related to the flood mitigation program and the flood mitigation board under chapter 418.

4. The ~~administrator~~ director, with the approval of the governor ~~and upon recommendation of the adjutant general~~, may employ a deputy ~~administrator~~ director and such technical, clerical, stenographic, and other personnel and make such expenditures within the appropriation or from other funds made available to the department ~~of public defense for purposes of emergency management~~, as may be necessary to administer this chapter.

5. The ~~homeland security and emergency management division~~ department may charge fees for the repair, calibration, or maintenance of radiological detection equipment and may expend funds in addition to funds budgeted for the servicing of the radiological detection equipment. The ~~division~~ department shall adopt rules pursuant to chapter 17A providing for the establishment and collection of fees for radiological detection equipment repair, calibration, or maintenance services and for entering into agreements with other public and private entities to provide the services. Fees collected for repair, calibration, or maintenance services shall be treated as repayment receipts as defined in section 8.2 and shall be used for the operation of the ~~division's~~ department's radiological maintenance facility or radiation incident response training.

Sec. 18. Section 29C.8A, subsection 2, Code 2013, is amended to read as follows:

2. The emergency response fund shall be administered by the ~~homeland security and emergency management division~~ department to carry out planning and training for the emergency response teams.

Sec. 19. Section 29C.9, subsections 1, 5, 7, 8, and 10, Code 2013, are amended to read as follows:

1. The county boards of supervisors, city councils, and the sheriff in each county shall cooperate with the ~~homeland security and emergency management division of the department of public defense~~ department to establish a commission to carry out the provisions of this chapter.

5. The commission shall model its bylaws and conduct its business according to the guidelines provided in the ~~state division's~~ department's administrative rules.

7. The commission shall delegate to the emergency management coordinator the authority to fulfill the commission duties as described in the ~~division's~~ department's administrative rules. Each commission shall appoint a local emergency management coordinator who shall meet the qualifications specified in the administrative rules by the ~~administrator of the homeland security and emergency management division~~ director. Additional emergency management personnel may be appointed at the discretion of the commission.

8. The commission shall develop, adopt, and submit for approval by local governments within the commission's jurisdiction, a comprehensive emergency plan which meets standards adopted by the ~~division~~ department in accordance with chapter 17A. If an approved comprehensive emergency plan has not been prepared according to established standards and the ~~administrator of the homeland security and emergency management division~~ director finds that satisfactory progress is not being made toward the completion of the plan, or if the ~~administrator~~ director finds that a commission has failed to appoint a qualified emergency management coordinator as provided in this chapter, the ~~administrator~~ director shall notify the governing bodies of the counties and cities affected by the failure and the governing bodies shall not appropriate any moneys to the local emergency management fund until the comprehensive emergency plan is prepared and approved or a qualified emergency management coordinator is appointed. If the ~~administrator~~ director finds that a commission has appointed an unqualified emergency management coordinator, the ~~administrator~~ director shall notify the commission citing the qualifications which are not met and the commission shall not approve the payment of the salary or expenses of the unqualified emergency management coordinator.

10. Two or more commissions may, upon review by the ~~state administrator~~ director and with the approval of their respective boards of supervisors and cities, enter into agreements pursuant to chapter 28E for the joint coordination and administration of emergency management services throughout the multicounty area.

Sec. 20. Section 29C.11, subsection 1, Code 2013, is amended to read as follows:

1. The local emergency management commission shall, in collaboration with other public and private agencies within this state, develop mutual aid arrangements for reciprocal disaster services and recovery aid and assistance in case of disaster too great to be dealt with unassisted. The arrangements shall be consistent with the ~~homeland security and emergency management division~~ department plan and program, and in time of emergency each local emergency management agency shall render assistance in accordance with the provisions of the mutual aid arrangements.

Sec. 21. Section 29C.12, Code 2013, is amended to read as follows:

29C.12 Use of existing facilities.

In carrying out the provisions of this chapter, the governor, ~~and~~ the director ~~of the department of public defense~~, and the executive officers or governing boards of political subdivisions of the state shall utilize, to the maximum extent practicable, the services, equipment, supplies, and facilities of existing departments, officers, and agencies of the state and of political subdivisions at their respective levels of responsibility.

Sec. 22. Section 29C.12A, Code 2013, is amended to read as follows:

29C.12A Participation in funding disaster recovery facility.

All state government departments and agencies may participate in sharing the cost of the design, construction, and operation of a disaster recovery facility located in the ~~STARC~~ joint forces headquarters armory at Camp Dodge. State departments and agencies may use funds

from any source, including but not limited to user fees and appropriations for operational or capital purposes, to participate in the facility.

Sec. 23. Section 29C.14, Code 2013, is amended to read as follows:

29C.14 Director of the department of administrative services to issue warrants.

The director of the department of administrative services shall draw warrants on the treasurer of state for the purposes specified in this chapter, upon duly itemized and verified vouchers that have been approved by the ~~administrator~~ director of the department of homeland security and emergency management ~~division~~.

Sec. 24. Section 29C.18, subsection 1, Code 2013, is amended to read as follows:

1. Every organization for homeland security and emergency management established pursuant to this chapter and its officers shall execute and enforce the orders or rules made by the governor, or under the governor's authority and the orders or rules made by subordinate organizations and not contrary or inconsistent with the orders or rules of the governor.

Sec. 25. Section 29C.20B, Code 2013, is amended to read as follows:

29C.20B Disaster case management.

1. The department of homeland security and emergency management ~~division~~ shall work with the department of human services and nonprofit, voluntary, and faith-based organizations active in disaster recovery and response to establish a statewide system of disaster case management to be activated following the governor's proclamation of a disaster emergency or the declaration of a major disaster by the president of the United States for individual assistance purposes. Under the system, the department of homeland security and emergency management ~~division~~ shall coordinate case management services locally through local committees as established in each commission's emergency plan.

2. The department of homeland security and emergency management ~~division~~, in conjunction with the department of human services and an Iowa representative to the national voluntary organizations active in disaster, shall adopt rules pursuant to chapter 17A to create coordination mechanisms and standards for the establishment and implementation of a statewide system of disaster case management which shall include at least all of the following:

a. Disaster case management standards.

b. Disaster case management policies.

c. Reporting requirements.

d. Eligibility criteria.

e. Coordination mechanisms necessary to carry out the services provided.

f. Development of formal working relationships with agencies and creation of interagency agreements for those considered to provide disaster case management services.

g. Coordination of all available services for individuals from multiple agencies.

Sec. 26. Section 29C.22, subsection 3, paragraph c, Code 2013, is amended to read as follows:

c. The authorized representative of a participating government may initiate a request by contacting the department of homeland security and emergency management ~~division of the state department of public defense~~. When a request is received by the ~~division~~ department, the ~~division~~ department shall directly contact other participating governments to coordinate the provision of mutual aid.

Sec. 27. Section 29C.22, subsection 11, paragraphs b and c, Code 2013, are amended to read as follows:

b. Any participating government may withdraw from this compact by adopting an ordinance or resolution repealing the same, but a withdrawal shall not take effect until thirty days after the governing body of the withdrawing participating government has given notice in writing of the withdrawal to the ~~administrator~~ director of the department of homeland security and emergency management ~~division~~ who shall notify all other participating governments. The action shall not relieve the withdrawing political subdivision from obligations assumed under this compact prior to the effective date of withdrawal.

c. Duly authenticated copies of this compact and any supplementary agreements as may be entered into shall be deposited, at the time of their approval, with the ~~administrator~~ director of the department of homeland security and emergency management ~~division~~ who shall notify all participating governments and other appropriate agencies of state government.

Sec. 28. Section 30.2, subsections 1 and 2, Code 2013, are amended to read as follows:

1. The Iowa emergency response commission is established. The commission is responsible directly to the governor. The commission is attached to the department of ~~public defense~~ homeland security and emergency management for routine administrative and support services only.

2. *a.* The commission is composed of ~~fifteen~~ sixteen members appointed by the governor. One member shall be appointed to represent the department of homeland security and emergency management, one to represent the department of agriculture and land stewardship, one to represent the department of workforce development, one to represent the department of justice, one to represent the department of natural resources, one to represent the department of public defense, one to represent the Iowa department of public health, one to represent the department of public safety, one to represent the state department of transportation, one to represent the state fire service and emergency response council, one to represent a local emergency planning committee, one to represent the Iowa hazardous materials task force, and one to represent the office of the governor. Three representatives from private industry shall also be appointed by the governor, subject to confirmation by the senate.

b. The commission members representing the departments of homeland security and emergency management, workforce development, natural resources, public defense, public safety, and transportation, a local emergency planning committee, and one private industry representative designated by the commission shall be voting members of the commission. The remaining members of the commission shall serve as nonvoting, advisory members.

Sec. 29. Section 30.5, subsection 2, Code 2013, is amended to read as follows:

2. The commission may enter into agreements pursuant to chapter 28E to accomplish any duty imposed upon the commission by the Emergency Planning and Community Right-to-know Act, but the commission shall not compensate any governmental unit for the performance of duties pursuant to such an agreement. Funding for administering the duties of the commission under sections 30.7, 30.8, and 30.9 shall be included in the budgets of the department of natural resources and the department of ~~public defense~~ homeland security and emergency management.

Sec. 30. Section 30.9, Code 2013, is amended to read as follows:

30.9 Duties to be allocated to department of ~~public defense~~ homeland security and emergency management.

Agreements negotiated by the commission and the department of ~~public defense~~ homeland security and emergency management shall provide for the allocation of duties to the department of ~~public defense~~ homeland security and emergency management as follows:

1. Comprehensive emergency plans required to be developed under section 303 of the Emergency Planning and Community ~~Right-to-Know~~ Right-to-know Act, 42 U.S.C. § 11003, shall be submitted to the department of ~~public defense~~ homeland security and emergency management. Committee submission to that department constitutes compliance with the requirement for reporting to the commission. After initial submission, a plan need not be resubmitted unless revisions are requested by the commission. The department of ~~public defense~~ homeland security and emergency management shall review the plan on behalf of the commission and shall incorporate the provisions of the plan into its responsibilities under chapter 29C.

2. The department of ~~public defense~~ homeland security and emergency management shall advise the commission of the failure of any committee to submit an initial comprehensive ~~emergency~~ response and recovery plan or a revised plan requested by the commission.

3. The department of ~~public defense~~ homeland security and emergency management shall make available to the public upon request during normal working hours the information

in its possession pursuant to section 324 of the Emergency Planning and Community ~~Right-to-Know~~ Right-to-know Act, 42 U.S.C. § 11044.

Sec. 31. Section 34A.2, subsection 2, Code 2013, is amended by striking the subsection.

Sec. 32. Section 34A.2, Code 2013, is amended by adding the following new subsection:
NEW SUBSECTION. 5A. *"Director"* means the director of the department of homeland security and emergency management.

Sec. 33. Section 34A.2A, Code 2013, is amended to read as follows:
34A.2A Program manager — appointment — duties.
1. The ~~administrator~~ director of the department of homeland security and emergency management ~~division of the department of public defense~~ shall appoint an E911 program manager to administer this chapter.
2. The E911 program manager shall act under the supervisory control of the ~~administrator~~ director of the department of homeland security and emergency management ~~division of the department of public defense~~, and in consultation with the E911 communications council, and shall perform the duties specifically set forth in this chapter and as assigned by the ~~administrator~~ director.

Sec. 34. Section 34A.6, subsection 3, Code 2013, is amended to read as follows:
3. The secretary of state, in consultation with the ~~administrator~~ director, shall adopt rules for the conduct of joint E911 service referendums as required by and consistent with subsections 1 and 2.

Sec. 35. Section 34A.7A, subsection 1, paragraph a, Code 2013, is amended to read as follows:
a. Notwithstanding section 34A.6, the ~~administrator~~ director shall adopt by rule a monthly surcharge of up to sixty-five cents to be imposed on each communications service number provided in this state. The surcharge shall be imposed uniformly on a statewide basis and simultaneously on all communications service numbers as provided by rule of the ~~administrator~~ director. The surcharge shall not be imposed on wire-line-based communications or prepaid wireless telecommunications service.

Sec. 36. Section 34A.7A, subsection 2, paragraphs a and f, Code 2013, are amended to read as follows:
a. An amount as appropriated by the general assembly to the ~~administrator~~ director shall be allocated to the ~~administrator~~ director and program manager for implementation, support, and maintenance of the functions of the ~~administrator~~ director and program manager and to employ the auditor of state to perform an annual audit of the E911 emergency communications fund.
f. The ~~administrator~~ director, in consultation with the program manager and the E911 communications council, shall adopt rules pursuant to chapter 17A governing the distribution of the surcharge collected and distributed pursuant to this subsection. The rules shall include provisions that all joint E911 service boards and the department of public safety which answer or service wireless E911 calls are eligible to receive an equitable portion of the receipts.

Sec. 37. Section 34A.15, subsection 3, Code 2013, is amended to read as follows:
3. The council shall advise and make recommendations to the ~~administrator~~ director and program manager regarding the implementation of this chapter. Such advice and recommendations shall be provided on issues at the request of the ~~administrator~~ director or program manager or as deemed necessary by the council.

Sec. 38. Section 34A.20, subsection 2, Code 2013, is amended to read as follows:
2. The authority shall cooperate with the ~~administrator~~ director in the creation, administration, and funding of the E911 program established in subchapter I.

Sec. 39. Section 35A.5, subsection 16, Code 2013, is amended to read as follows:

16. In coordination with the ~~military division of the~~ department of public defense, advise service members prior to, and after returning from, deployment on active duty service outside the United States of issues related to the filing of tax returns and the payment of taxes due and encourage a service member who has not filed a return or who owes taxes to contact the department of revenue prior to deployment.

Sec. 40. Section 68B.2, subsection 23, Code 2013, is amended to read as follows:

23. "*Regulatory agency*" means the department of agriculture and land stewardship, department of workforce development, department of commerce, Iowa department of public health, department of public safety, department of education, state board of regents, department of human services, department of revenue, department of inspections and appeals, department of administrative services, public employment relations board, state department of transportation, civil rights commission, department of public defense, department of homeland security and emergency management, Iowa ethics and campaign disclosure board, and department of natural resources.

Sec. 41. Section 80.28, subsection 2, paragraph a, subparagraph (3), Code 2013, is amended to read as follows:

(3) One member representing the department of homeland security and emergency management ~~division~~.

Sec. 42. Section 80B.11C, Code 2013, is amended to read as follows:

80B.11C Telecommunicator training standards.

The director of the academy, subject to the approval of the council, in consultation with the Iowa state sheriffs' and deputies' association, the Iowa police executive forum, the Iowa peace officers association, the Iowa state police association, the Iowa professional fire fighters, the Iowa emergency medical services association, the joint council of Iowa fire service organizations, the Iowa department of public safety, the Iowa chapter of the association of public-safety communications officials—international, inc., the Iowa chapter of the national emergency number association, the department of homeland security and emergency management ~~division of the Iowa department of public defense~~, and the Iowa department of public health, shall adopt rules pursuant to chapter 17A establishing minimum standards for training of telecommunicators. For purposes of this section, "*telecommunicator*" means a person who receives requests for, or dispatches requests to, emergency response agencies which include, but are not limited to, law enforcement, fire, rescue, and emergency medical services agencies.

Sec. 43. Section 97B.49B, subsection 1, paragraph e, subparagraph (8), Code 2013, is amended to read as follows:

(8) An airport fire fighter employed by the ~~military division of the~~ department of public defense.

Sec. 44. Section 100B.22, subsection 1, paragraph a, Code 2013, is amended to read as follows:

a. Regional emergency response training centers shall be established to provide training to fire fighters and other emergency responders. The lead public agency for the training centers shall be the following community colleges for the following merged areas:

(1) Northeast Iowa community college for merged area I in partnership with the Dubuque county firemen's association and to provide advanced training in agricultural emergency response as such advanced training is funded by the department of homeland security and emergency management ~~division of the department of public defense~~.

(2) North Iowa area community college for merged area II in partnership with the Mason City fire department.

(3) Iowa lakes community college for merged area III and northwest Iowa community college for merged area IV.

(4) Iowa central community college for merged area V and to provide advanced training in homeland security as such advanced training is funded by the department of homeland security and emergency management ~~division of the department of public defense~~.

(5) Hawkeye community college for merged area VII in partnership with the Waterloo regional hazardous materials training center and to provide advanced training in hazardous materials emergency response as such advanced training is funded by the department of homeland security and emergency management ~~division of the department of public defense~~.

(6) Eastern Iowa community college for merged area IX in partnership with the city of Davenport fire department.

(7) Kirkwood community college for merged area X in partnership with the city of Coralville fire department and the Iowa City fire department and to provide advanced training in agricultural terrorism response and mass casualty and fatality response as such advanced training is funded by the department of homeland security and emergency management ~~division of the department of public defense~~.

(8) Des Moines area community college for merged area XI and Iowa valley community college for merged area VI and to provide advanced training in operations integration in compliance with the national incident management system as such advanced training is funded by the department of homeland security and emergency management ~~division of the department of public defense~~.

(9) Western Iowa technical community college for merged area XII in partnership with the Sioux City fire department and to provide advanced training in emergency responder communications as such advanced training is funded by the department of homeland security and emergency management ~~division of the department of public defense~~.

(10) Iowa western community college for merged areas XIII and XIV in partnership with southwestern community college and the Council Bluffs fire department.

(11) Southeastern Iowa community college for merged areas XV and XVI in partnership with Indian hills community college and the city of Fort Madison fire department.

Sec. 45. Section 135.141, subsection 2, paragraphs a and j, Code 2013, are amended to read as follows:

a. Coordinate with the department of homeland security and emergency management ~~division of the department of public defense~~ the administration of emergency planning matters which involve the public health, including development, administration, and execution of the public health components of the comprehensive emergency plan and emergency management program pursuant to section 29C.8.

j. Adopt rules pursuant to chapter 17A for the administration of this division of this chapter including rules adopted in cooperation with the Iowa pharmacy association and the Iowa hospital association for the development of a surveillance system to monitor supplies of drugs, antidotes, and vaccines to assist in detecting a potential public health disaster. Prior to adoption, the rules shall be approved by the state board of health and the ~~administrator~~ director of the department of homeland security and emergency management ~~division of the department of public defense~~.

Sec. 46. Section 135.145, subsections 1 and 2, Code 2013, are amended to read as follows:

1. When the department of public safety or other federal, state, or local law enforcement agency learns of a case of a disease or health condition, unusual cluster, or a suspicious event that may be the cause of a public health disaster, the department or agency shall immediately notify the department, the ~~administrator~~ director of the department of homeland security and emergency management ~~division of the department of public defense~~, the department of agriculture and land stewardship, and the department of natural resources as appropriate.

2. When the department learns of a case of a disease or health condition, an unusual cluster, or a suspicious event that may be the cause of a public health disaster, the department shall immediately notify the department of public safety, the department of homeland security and emergency management ~~division of the department of public defense~~, and other appropriate federal, state, and local agencies and officials.

Sec. 47. Section 163.3A, subsection 2, Code 2013, is amended to read as follows:

2. The services shall be performed under the direction of the department and may be part of measures authorized by the governor under a declaration or proclamation issued pursuant to chapter 29C. In such case, the department shall cooperate with the Iowa department of public health under chapter 135, and the department of ~~public defense,~~ homeland security and emergency management ~~division~~, and local emergency management agencies as provided in chapter 29C.

Sec. 48. Section 163.51, subsection 2, paragraph b, Code 2013, is amended to read as follows:

b. If the department confirms an outbreak of foot and mouth disease in this state, the department shall cooperate with the governor; federal agencies, including the United States department of agriculture; and state agencies, including the department of homeland security and emergency management ~~division of the department of public defense~~, in order to provide the public with timely and accurate information regarding the outbreak. The department shall cooperate with organizations representing agricultural producers in order to provide all necessary information to agricultural producers required to control the outbreak.

Sec. 49. Section 305.8, subsection 1, paragraph b, Code 2013, is amended to read as follows:

b. In consultation with the department of homeland security and emergency management ~~division of the department of public defense~~, establish policies, standards, and guidelines for the identification, protection, and preservation of records essential for the continuity or reestablishment of governmental functions in the event of an emergency arising from a natural or other disaster.

Sec. 50. Section 418.1, subsection 3, Code 2013, is amended to read as follows:

3. ~~"*Division*"~~ "*Department*" means the department of homeland security and emergency management ~~division of the department of public defense~~.

Sec. 51. Section 418.5, subsection 1, Code 2013, is amended to read as follows:

1. The flood mitigation board is established consisting of nine voting members and four ex officio, nonvoting members, and is located for administrative purposes within the division.[2] The ~~administrator~~ director of the ~~division~~ department shall provide office space, staff assistance, and necessary supplies and equipment for the board. The ~~administrator~~ director shall budget funds to pay the necessary expenses of the board. In performing its functions, the board is performing a public function on behalf of the state and is a public instrumentality of the state.

Sec. 52. Section 418.5, subsection 2, paragraph e, Code 2013, is amended to read as follows:

e. The ~~administrator~~ director of the ~~division~~ department or the ~~administrator's~~ director's designee.

Sec. 53. Section 418.7, Code 2013, is amended to read as follows:

418.7 ~~Division~~ Department duties.

The ~~division~~ department, subject to approval by the board, shall adopt administrative rules pursuant to chapter 17A necessary to administer the flood mitigation program. The ~~division~~ department shall provide the board with assistance in implementing administrative functions and providing technical assistance and application assistance to applicants under the program.

Sec. 54. Section 418.8, subsection 1, Code 2013, is amended to read as follows:

1. The board shall establish and the ~~division~~ department, subject to direction and approval by the board, shall administer a flood mitigation program to assist governmental entities in undertaking projects approved under this chapter. The flood mitigation program shall include

[2] See chapter 140, §65 herein

projects approved by the board to utilize either financial assistance from the flood mitigation fund created under section 418.10 or sales tax revenues remitted to the governmental entity under section 418.12. A governmental entity shall not be approved by the board to utilize both financial assistance from the flood mitigation fund and sales tax revenues remitted to the governmental entity.

Sec. 55. Section 418.9, subsections 4 and 7, Code 2013, are amended to read as follows:

4. Upon review of the applications, the board, following consultation with the economic development authority, shall approve, defer, or deny the applications. If a project plan is denied, the board shall state the reasons for the denial and the governmental entity may resubmit the application so long as the application is filed on or before January 1, 2016. If a project plan application is approved, the board shall specify whether the governmental entity is approved for the use of sales tax revenues under section 418.12 or whether the governmental entity is approved to receive financial assistance from the flood mitigation fund under section 418.10. If the board approves a project plan application that includes financial assistance from the flood mitigation fund, the board shall negotiate and execute on behalf of the ~~division~~ department all necessary agreements to provide such financial assistance. If the board approves a project plan application that includes the use of sales tax increment revenues, the board shall establish the annual maximum amount of such revenues that may be remitted to the governmental entity not to exceed the limitations in section 418.12, subsection 4. The board may, however, establish remittance limitations for the project lower than the individual project remittance limitations specified for projects under section 418.12, subsection 4.

7. Upon approval of an application for financial assistance under the program, the board shall notify the treasurer of state regarding the amount of moneys needed to satisfy the award of financial assistance and the terms of the award. The treasurer of state shall notify the ~~division~~ department any time moneys are disbursed to a recipient of financial assistance under the program.

Sec. 56. Section 455B.266, subsection 1, paragraph d, Code 2013, is amended to read as follows:

d. Determination by the department in conjunction with the department of homeland security and emergency management ~~division of the department of public defense~~ of a local crisis which affects availability of water.

Sec. 57. Section 455B.385, Code 2013, is amended to read as follows:

455B.385 State hazardous condition contingency plan.

All public agencies, as defined in chapter 28E, shall cooperate in the development and implementation of a state hazardous condition contingency plan. The plan shall detail the manner in which public agencies shall participate in the response to a hazardous condition. The director may enter into agreements, with approval of the commission, with any state agency or unit of local government or with the federal government, as necessary to develop and implement the plan. The plan shall be coordinated with the department of homeland security and emergency management ~~division of the department of public defense~~ and any joint emergency management agencies established pursuant to chapter 29C.

Sec. 58. Section 466B.3, subsection 4, paragraph d, Code 2013, is amended to read as follows:

d. The ~~administrator~~ director of the department of homeland security and emergency management ~~division of the department of public defense~~ or the ~~administrator's~~ director's designee.

Sec. 59. REPEAL. Sections 29.2, 29.3, and 29C.7, Code 2013, are repealed.

Sec. 60. TRANSITION PROVISIONS.

1. Any rule, regulation, form, order, or directive promulgated by the division of homeland security and emergency management of the department of public defense shall continue in

full force and effect until amended, repealed, or supplemented by affirmative action of the department of homeland security and emergency management as established in this Act.

2. All employees of the division of homeland security and emergency management of the department of public defense shall be considered employees of the department of homeland security and emergency management upon the elimination of the former and creation of the latter as provided in this Act.

Approved April 5, 2013

CHAPTER 30

NONSUBSTANTIVE CODE CORRECTIONS

H.F. 417

AN ACT relating to nonsubstantive Code corrections.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I
MISCELLANEOUS CHANGES

Section 1. Section 8.6, subsection 8, Code 2013, is amended to read as follows:

8. *Rules*. To make such rules, subject to the approval of the governor, as may be necessary for effectively carrying on the work of the department of management. The director may, with the approval of the executive council, require any state official, agency, department, or commission, to require any applicant, registrant, filer, permit holder, or license holder, whether individual, partnership, trust, or corporation, to submit to said official, agency, department, or commission, the social security number or the tax number or both so assigned to said individual, partnership, trust, or corporation.

Sec. 2. Section 8.32, Code 2013, is amended to read as follows:

8.32 Conditional availability of appropriations.

1. All appropriations made to any department or establishment of the government as receive or collect moneys available for expenditure by them under present laws, are declared to be in addition to such repayment receipts, and such appropriations are to be available as and to the extent that such receipts are insufficient to meet the costs of administration, operation, and maintenance, or public improvements of such departments:

a. Provided, that such receipts or collections shall be deposited in the state treasury as part of the general fund or special funds in all cases, except those collections made by the state fair board, the institutions under the state board of regents, and the natural resource commission.

b. Provided further, that no repayment receipts shall be available for expenditures until allotted as provided in section 8.31; and

c. Provided further, that the collection of repayment receipts by the state fair board and the institutions under the state board of regents shall be deposited in a bank or banks duly designated and qualified as state depositories, in the name of the state of Iowa, for the use of such boards and institutions, and such funds shall be available only on the check of such boards or institutions depositing them, which are hereby authorized to withdraw such funds, but only after allotment by the governor as provided in section 8.31; and

d. Provided further, that this chapter shall not apply to endowment or private trust funds or to gifts to institutions owned or controlled by the state or to the income from such endowment or private trust funds, or to private funds belonging to students or inmates of state institutions.

2. The provisions of this chapter shall not be construed to prohibit the state fair board from creating an emergency or sinking fund out of the receipts of the state fair and state appropriation for the purpose of taking care of any emergency that might arise beyond the

control of the board of not to exceed three hundred thousand dollars. Neither shall this chapter be construed to prohibit the state fair board from retaining an additional sum of not to exceed three hundred fifty thousand dollars to be used in carrying out the provisions of chapter 173.

Sec. 3. Section 8D.5, subsection 1, Code 2013, is amended to read as follows:

1. *a.* An education telecommunications council is established. The council consists of eighteen members and shall include the following: ~~two~~

(1) Two persons appointed by the state board of regents~~; two~~.

(2) Two persons appointed by the Iowa association of community college trustees~~; two~~.

(3) Two persons appointed by the area education agency boards~~; two~~.

(4) Two persons appointed by the Iowa association of school boards~~; two~~.

(5) Two persons appointed by the school administrators of Iowa~~; two~~.

(6) Two persons appointed by the Iowa association of independent colleges and universities~~; two~~.

(7) Two persons appointed by the Iowa state education association~~; three~~.

(8) Three persons appointed by the director of the department of education including one person representing libraries and one person representing the Iowa association of nonpublic school administrators~~; and one~~.

(9) One person appointed by the administrator of the public broadcasting division of the department of education.

b. The council shall establish scheduling and site usage policies for educational users of the network, coordinate the activities of the regional telecommunications councils, and develop proposed rules and changes to rules for recommendation to the commission. The council shall also recommend long-range plans for enhancements needed for educational applications.

c. Administrative support and staffing for the council shall be provided by the department of education.

Sec. 4. Section 15.107, subsection 5, paragraph a, Code 2013, is amended to read as follows:

a. That the corporation ~~review~~ reviews and, at the board's direction, ~~implement~~ implements the applicable portions of the strategic plan developed by members of the authority pursuant to section 15.105.

Sec. 5. Section 16.6, subsection 2, Code 2013, is amended to read as follows:

2. The executive director shall advise the authority on matters relating to housing and housing finance, carry out all directives from the authority, and hire and supervise the authority's staff pursuant to its directions. All employees of the authority are exempt from the merit system provisions of chapter 8A, subchapter IV.

Sec. 6. Section 16.27, subsection 4, Code 2013, is amended to read as follows:

4. The authority shall cause to be delivered to the legislative fiscal committee within ninety days of the close of its fiscal year its annual report certified by an independent certified public accountant, ~~(~~who may be the accountant or a member of the firm of accountants who regularly audits the books and accounts of the authority~~)~~, selected by the authority.

Sec. 7. Section 24.2, subsection 3, Code 2013, is amended to read as follows:

3. The words *"fiscal year"* shall mean the period of twelve months beginning on July 1 and ending on the thirtieth day of June. The fiscal year of cities, counties, and other political subdivisions of the state shall begin July 1 and end the following June 30.

~~The fiscal year of cities, counties, and other political subdivisions of the state shall begin July 1 and end the following June 30.~~

Sec. 8. Section 28A.24, Code 2013, is amended to read as follows:

28A.24 Exemption from taxation.

Since an authority is performing essential governmental functions, an authority is not required to pay any taxes or assessments of any kind or nature upon any property required

or used by it for its purposes, or any rates, fees, rentals, receipts, or incomes at any time received by it, and the bonds issued by an authority, their transfer, and the income, including any profits made on the sale of the bonds, is deductible in determining net income for the purposes of the state individual and corporate income tax under chapter 422, divisions II and III ~~of chapter 422~~, and shall not be taxed by any political subdivision of this state.

Sec. 9. Section 28E.2, Code 2013, is amended to read as follows:

28E.2 Definitions.

For the purposes of this chapter~~, the term "*public agency*"~~:

1. "*Private agency*" shall mean an individual and any form of business organization authorized under the laws of this or any other state.

2. "*Public agency*" shall mean any political subdivision of this state; any agency of the state government or of the United States; and any political subdivision of another state. ~~The term "*state*"~~

3. "*State*" shall mean a state of the United States and the District of Columbia. ~~The term "*private agency*" shall mean an individual and any form of business organization authorized under the laws of this or any other state.~~

Sec. 10. Section 29A.15, Code 2013, is amended to read as follows:

29A.15 State awards and decorations.

The adjutant general, from the funds appropriated for the support and maintenance of the national guard, shall procure and issue to the members of the national guard merit or service badges or other appropriate awards for service under regulations and according to the design and pattern determined by the adjutant general. Members of the national guard who, by order of the president, serve in federal forces during a national emergency, may count the period of that federal active duty toward the procurement of a service badge.

Sec. 11. Section 29C.17, subsection 2, unnumbered paragraph 1, Code 2013, is amended to read as follows:

For ~~the~~ purposes consistent with this chapter, the local emergency management agency's approved budget shall be funded by one or any combination of the following options, as determined by the commission:

Sec. 12. Section 34A.6, subsection 1, Code 2013, is amended to read as follows:

1. Before a joint E911 service board may request imposition of the wire-line E911 service surcharge by the program manager, the board shall submit the following question to voters, as provided in subsection 2, in the proposed E911 service area, and the question shall receive a favorable vote from a simple majority of persons submitting valid ballots on the following question within the proposed E911 service area:

Shall the following public measure be adopted?

YES .....

NO .....

Enhanced 911 emergency telephone service shall be funded, in whole or in part, by a monthly surcharge of (an amount determined by the local joint E911 service board of up to one dollar) on each telephone access line collected as part of each telephone subscriber's monthly phone bill if provided within (description of the proposed E911 service area).

Sec. 13. Section 34A.7A, subsection 2, paragraph b, Code 2013, is amended to read as follows:

b. The program manager shall reimburse ~~communication~~ communications service providers on a calendar quarter basis for carriers' eligible expenses for transport costs between the selective router and the public safety answering points related to the delivery of wireless E911 phase 1 services.

Sec. 14. Section 49.80, subsection 2, Code 2013, is amended to read as follows:

2. *a.* In case of any challenges of an elector at the time the person is offering to vote in a precinct, a precinct election official may place such person under oath and question the person as~~, *(a)* where~~ to the following:

(1) Where the person maintains the person's home~~; *(b)* how~~.
(2) How long the person has maintained the person's home at such place~~; *(c)* if~~.
(3) If the person maintains a home at any other location~~; *(d)* the~~.
(4) The person's age.

b. The precinct election official may permit the challenger to participate in such questions. The challenged elector shall be allowed to present to the official such evidence and facts as the elector feels sustains the fact that the person is qualified to vote. Upon completion thereof, if the challenge is withdrawn, the elector may cast the vote in the usual manner. If the challenge is not withdrawn, section 49.81 shall apply.

Sec. 15. Section 50.20, Code 2013, is amended to read as follows:

50.20 Notice of number of provisional ballots.

The commissioner shall compile a list of the number of provisional ballots cast under section 49.81 in each precinct. The list shall be made available to the public as soon as possible, but in no case later than ~~nine o'clock~~ 9:00 a.m. on the second day following the election. Any elector may examine the list during normal office hours, and may also examine the affidavit envelopes bearing the ballots of challenged electors until the reconvening of the special precinct board as required by this chapter. Only those persons so permitted by section 53.23, subsection 4, shall have access to the affidavits while that board is in session. Any elector may present written statements or documents, supporting or opposing the counting of any provisional ballot, at the commissioner's office until the reconvening of the special precinct board.

Sec. 16. Section 53.45, subsection 1, paragraph a, unnumbered paragraph 1, Code 2013, is amended to read as follows:

As provided in this section, the commissioner shall provide special absentee ballots to be used for ~~state~~ general elections. A special absentee ballot shall only be provided to an eligible elector who completes an application stating both of the following to the best of the eligible elector's belief:

Sec. 17. Section 68A.604, Code 2013, is amended to read as follows:

68A.604 Funds.

Any candidate for a partisan public office, except as otherwise provided by section 68A.103, subsection 2, may receive campaign funds from the Iowa election campaign fund through the state central committee of the candidate's political party. However, the state central committee of each political party shall have discretion as to which of the party's candidates for public office shall be allocated campaign funds out of money received by that party from the Iowa election campaign fund.

Sec. 18. Section 88.8, subsection 2, Code 2013, is amended to read as follows:

2. *Noncompliance notice.* If the commissioner has reason to believe that an employer has failed to correct the violation for which a citation has been issued within the period permitted for its correction, ~~(~~which period shall not begin to run until the entry of a final order by the appeal board in the case of any review proceedings under this section initiated by the employer in good faith and not solely for delay or avoidance of penalties~~)~~, the commissioner shall notify the employer by service in the same manner as an original notice or by certified mail of the failure and of the penalty proposed to be assessed under section 88.14 by reason of the failure, and that the employer has fifteen working days within which to notify the commissioner that the employer wishes to contest the commissioner's notification or the proposed assessment of penalty. If, within fifteen working days from the receipt of notification issued by the commissioner, the employer fails to notify the commissioner that the employer intends to contest the notification or proposed assessment of penalty, the notification and assessment, as proposed, shall be deemed the final order of the appeal board and not subject to review by any court or agency.

Sec. 19. Section 88.19, Code 2013, is amended to read as follows:

88.19 Annual report.

Within one hundred twenty days following the convening of each session of each general

assembly, the commissioner shall prepare and submit to the governor for transmittal to the general assembly a report upon the subject matter of this chapter, the progress toward achievement of the purpose of this chapter, the needs and requirements in the field of occupational safety and health, and any other relevant information. ~~Such~~ The reports may include information regarding ~~occupational~~ the following:

1. Occupational safety and health standards, and criteria for such standards, developed during the preceding year~~; evaluation~~.

2. Evaluation of standards and criteria previously developed under this chapter, defining areas of emphasis for new criteria and standards~~; evaluation~~.

3. Evaluation of the degree of observance of applicable occupational safety and health standards, and a summary of inspection and enforcement activity undertaken~~; analysis~~.

4. Analysis and evaluation of research activities for which results have been obtained under governmental and nongovernmental sponsorship~~; an~~.

5. An analysis of major occupational diseases~~; evaluation~~.

6. Evaluation of available control and measurement technology for hazards for which standards or criteria have been developed during the preceding year~~; a~~.

7. A description of cooperative efforts undertaken between government agencies and other interested parties in the implementation of this chapter during the preceding year~~; a~~.

8. A progress report on the development of an adequate supply of trained personnel in the field of occupational safety and health, including estimates of future needs and the efforts being made by government and others to meet those needs~~; a~~.

9. A listing of all toxic substances in industrial usage for which labeling requirements, criteria, or standards have not yet been established~~; and such~~.

10. Such recommendations for additional legislation as are deemed necessary to protect the safety and health of the worker and improve the administration of this chapter.

Sec. 20. Section 96.13, subsection 2, Code 2013, is amended to read as follows:

2. *Replenishment of lost funds.* If any moneys received after June 30, 1941, from the social security ~~board~~ administration under Tit. III of the Social Security Act, or any unencumbered balances in the unemployment compensation administration fund as of that date, or any moneys granted after that date to this state pursuant to the provisions of the Wagner-Peyser Act, or any moneys made available by this state or its political subdivisions and matched by such moneys granted to this state pursuant to the provisions of the Wagner-Peyser Act, are found by the social security ~~board~~ administration, because of any action or contingency, to have been lost or been expended for purposes other than or in amounts in excess of, those found necessary by the social security ~~board~~ administration for the proper administration of this chapter, it is the policy of this state that such moneys shall be replaced by moneys appropriated for such purpose from the general funds of this state to the unemployment compensation administration fund for expenditure as provided in subsection 1 of this section. Upon receipt of notice of such a finding by the social security ~~board~~ administration, the department shall promptly report the amount required for such replacement to the governor and the governor shall at the earliest opportunity, submit to the legislature a request for the appropriation of such amount. This subsection shall not be construed to relieve this state of its obligation with respect to funds received prior to July 1, 1941, pursuant to the provisions of Tit. III of the Social Security Act.

Sec. 21. Section 97C.12, Code 2013, is amended to read as follows:

97C.12 Contribution fund.

1. There is hereby established in the office of the treasurer of state a special fund to be known as the contribution fund. Such fund shall consist of, and there shall be deposited in such fund: ~~(1) all~~

a. All taxes, interest, and penalties collected under sections 97C.5, 97C.10, and 97C.11~~; (2) all~~.

b. All moneys appropriated thereto under this chapter~~; (3) any~~.

c. Any property or securities and earnings thereof acquired through the use of moneys belonging to the fund~~; (4) interest~~.

d. Interest earned upon any moneys in the fund~~; and (5) all~~.

e. All sums recovered upon the bond of the custodian or otherwise for losses sustained by the fund and all other moneys received for the fund from any other source.

2. Subject to the provisions of this chapter, the state agency is vested with full power, authority and jurisdiction over the fund, including all moneys and property or securities belonging thereto, and may perform any and all acts whether or not specifically designated, which are necessary to the administration thereof and are consistent with the provisions of this chapter. All moneys in this fund shall be mingled and undivided.

Sec. 22. Section 123.30, subsection 2, Code 2013, is amended to read as follows:

2. ~~No~~ A liquor control license shall not be issued for premises which do not conform to all applicable laws, ordinances, resolutions, and health and fire regulations. ~~Nor shall any~~ A licensee shall not have or maintain any interior access to residential or sleeping quarters unless permission is granted by the administrator in the form of a living quarters permit.

Sec. 23. Section 123.50, subsection 1, Code 2013, is amended to read as follows:

1. Any person who violates any of the provisions of section 123.49, except section 123.49, subsection 2, paragraph *"h"*, or who fails to affix upon sale, defaces, or fails to record a keg identification sticker or produce a record of keg identification stickers pursuant to section 123.138, shall be guilty of a simple misdemeanor. A person who violates section 123.49, subsection 2, paragraph *"h"*, commits a simple misdemeanor punishable as a scheduled violation under section 805.8C, subsection 2.

Sec. 24. Section 123.145, Code 2013, is amended to read as follows:

123.145 Labels on bottles, barrels, etc. — conclusive evidence.

The label on any bottle, keg, barrel, or other container in which beer is offered for sale in this state, representing the alcoholic content of such beer as being in excess of five ~~per centum~~ percent by weight shall be conclusive evidence as to the alcoholic content of the beer contained therein.

Sec. 25. Section 124.401, subsection 1, paragraph d, Code 2013, is amended to read as follows:

d. Violation of this subsection, with respect to any other controlled substances, counterfeit substances, or simulated controlled substances classified in section 124.204, subsection 4, paragraph *"ai"*, or section 124.204, subsection 6, paragraph *"i"*, or classified in schedule IV or V is an aggravated misdemeanor. However, violation of this subsection involving fifty kilograms or less of marijuana or involving flunitrazepam is a class "D" felony.

Sec. 26. Section 126.11, subsection 3, paragraph b, Code 2013, is amended to read as follows:

b. A drug dispensed by filling or refilling a written, electronic, facsimile, or oral prescription of a practitioner licensed by law to administer the drug is exempt from section 126.10, except section 126.10, subsection 1, paragraph *"a"* ~~and~~, section 126.10,[1] paragraph *"i"*, subparagraphs (2) and (3), and section 126.10, subsection 1, paragraphs *"k"* and *"l"*, and the packaging requirements of section 126.10, subsection 1, paragraphs *"g"*, *"h"*, and *"p"*, if the drug bears a label containing the name and address of the dispenser, the date of the prescription or of its filling, the name of the prescriber, and, if stated in the prescription, the name of the patient, and the directions for use and cautionary statements, if any, contained in the prescription. This exemption does not apply to a drug dispensed in the course of the conduct of the business of dispensing drugs pursuant to diagnosis by mail, or to a drug dispensed in violation of paragraph *"a"* of this subsection.

Sec. 27. Section 135.74, subsection 2, Code 2013, is amended to read as follows:

2. In establishing uniform methods of financial reporting, the department shall consider all of the following:

a. The existing systems of accounting and reporting currently utilized by hospitals and health care facilities~~;~~.

[1] See chapter 140, §58 herein

b. Differences among hospitals and health care facilities, respectively, according to size, financial structure, methods of payment for services, and scope, type and method of providing services~~; and~~.

c. Other pertinent distinguishing factors.

Sec. 28. Section 135.75, subsection 1, Code 2013, is amended to read as follows:

1. Each hospital and each health care facility shall annually, after the close of its fiscal year, file all of the following with the department:

a. A balance sheet detailing the assets, liabilities and net worth of the hospital or health care facility~~;~~.

b. A statement of its income and expenses~~; and~~.

c. Such other reports of the costs incurred in rendering services as the department may prescribe.

Sec. 29. Section 135.83, Code 2013, is amended to read as follows:

135.83 Contracts for assistance with analyses, studies, and data.

In furtherance of the department's responsibilities under sections 135.76 and 135.78, the director may contract with the Iowa hospital association and third-party payers, the Iowa health care facilities association and third-party payers, or ~~the Iowa association of homes for the aging~~ leading age Iowa and third-party payers for the establishment of pilot programs dealing with prospective rate review in hospitals or health care facilities, or both. Such contract shall be subject to the approval of the executive council and shall provide for an equitable representation of health care providers, third-party payers, and health care consumers in the determination of criteria for rate review. No third-party payer shall be excluded from positive financial incentives based upon volume of gross patient revenues. No state or federal funds appropriated or available to the department shall be used for any such pilot program.

Sec. 30. Section 135.156, subsection 2, paragraph b, unnumbered paragraph 1, Code 2013, is amended to read as follows:

An executive committee of the ~~electronic health information~~ advisory council is established. Members of the executive committee of the advisory council shall receive reimbursement for actual expenses incurred while serving in their official capacity only if they are not eligible for reimbursement by the organization that they represent. The executive committee shall consist of the following members:

Sec. 31. Section 135.156B, subsections 5 and 8, Code 2013, are amended to read as follows:

5. Apply for, acquire by gift or purchase, and hold, dispense, or dispose of funds and real or personal property from any person, governmental entity, or organization in the exercise of ~~its~~ the department's powers or performance of ~~its~~ the department's duties in accordance with this division.

8. Execute all instruments necessary or incidental to the performance of ~~its~~ the department's duties and the execution of ~~its~~ the department's powers under this division.

Sec. 32. Section 135C.2, subsection 5, paragraph a, Code 2013, is amended to read as follows:

a. A facility provider under the special classification must comply with rules adopted by the department for the special classification. However, a facility provider which has been accredited by the ~~accreditation~~ council ~~for services to persons with an intellectual disability and other developmental disabilities~~ on quality and leadership shall be deemed to be in compliance with the rules adopted by the department.

Sec. 33. Section 135C.6, subsection 3, Code 2013, is amended to read as follows:

3. No change in a health care facility, its operation, program, or services, of a degree or character affecting continuing ~~licensability~~ licensure shall be made without prior approval thereof by the department. The department may by rule specify the types of changes which shall not be made without its prior approval.

Sec. 34. Section 135C.6, subsection 8, paragraph c, unnumbered paragraph 1, Code 2013, is amended to read as follows:

A residential program approved by the department of human services pursuant to this paragraph *"c"* to receive moneys appropriated to the department of human services under provisions of a federally approved home and community-based services waiver for persons with an intellectual ~~disabilities~~ disability may provide care to not more than five individuals. The department shall approve a residential program under this paragraph that complies with all of the following conditions: [2]

Sec. 35. Section 138.13, subsection 2, paragraph m, Code 2013, is amended to read as follows:

m. When a camp is operated during a season requiring artificial heating, living quarters with a minimum of one hundred square feet per occupant shall be provided and such living quarters or shelters shall, also, be provided with properly installed heating equipment of adequate capacity to maintain a room temperature of at least 70 degrees ~~F~~ Fahrenheit. A stove or other source of heat shall be installed and vented in a manner to avoid both a fire hazard and a concentration of fumes or gas within such living quarters and shelters. In a room with wooden or combustible flooring, there shall be a concrete slab, metal sheet, or other fire-resistant material, on the floor under each stove, extending at least eighteen inches beyond the perimeter of the base of the stove. Any wall or ceiling not having a fire-resistant surface, within twenty-four inches of a stove or stovepipe, shall be protected by a metal sheet or other fire-resistant material. Heating appliances, other than electrical, shall be provided with a stovepipe or vent connected to the appliance and discharging to the outside air or chimney. The vent or chimney shall extend above the peak of the roof. Stovepipes shall be insulated with fire-resistant material where they pass through walls, ceilings, or floors.

Sec. 36. Section 138.13, subsection 6, paragraph d, Code 2013, is amended to read as follows:

d. Every service building used during periods requiring artificial heating shall be provided with equipment capable of maintaining a room temperature of at least 70 degrees ~~F~~ Fahrenheit.

Sec. 37. Section 144A.2, subsection 8, Code 2013, is amended to read as follows:

8. *a.* *"Life-sustaining procedure"* means any medical procedure, treatment, or intervention, including resuscitation, which meets both of the following requirements:

~~*a.*~~ (1) Utilizes mechanical or artificial means to sustain, restore, or supplant a spontaneous vital function.

~~*b.*~~ (2) When applied to a patient in a terminal condition, would serve only to prolong the dying process.

b. *"Life-sustaining procedure"* does not include the provision of nutrition or hydration except when required to be provided parenterally or through intubation or the administration of medication or performance of any medical procedure deemed necessary to provide comfort care or to alleviate pain.

Sec. 38. Section 163.26, Code 2013, is amended to read as follows:

163.26 Definition.

For the purposes of this subchapter, *"garbage"* means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of foods, including animal carcasses or parts. *"Garbage"* includes all waste material, by-products of a kitchen, restaurant, hotel, or slaughterhouse, every refuse accumulation of animal, fruit, or vegetable matter, liquids or otherwise, or grain not consumed, that is collected from hog sales pen floors in public stockyards. Animals or parts of animals, which are processed by slaughterhouses or rendering establishments, and which as part of the processing are heated to not less than 212 degrees ~~F.~~ Fahrenheit for thirty minutes, are not garbage for purposes of this chapter.

[2] See chapter 140, §86 herein

Sec. 39. Section 176A.10, subsection 2, Code 2013, is amended to read as follows:

2. An extension council of an extension district may choose to be subject to the levy and revenue limits specified in subparagraphs (2) of subsection 1, paragraphs *"a"* through *"d"*, and subsection 1, paragraph *"e"*, for the purpose of the annual levy for the fiscal year commencing July 1, 1991, which levy is payable in the fiscal year beginning July 1, 1992. Before an extension district may be subject to the levy and revenue limits specified in subparagraphs (2) of subsection 1, paragraphs *"a"* through *"d"*, and subsection 1, paragraph *"e"*, for fiscal years beginning on or after July 1, 1992, which levy is payable in fiscal years beginning on or after July 1, 1993, the question of whether the district shall be subject to the levy and revenue limits as specified in such paragraphs must be submitted to the registered voters of the district. The question shall be submitted at the time of a ~~state~~ general election. If the question is approved by a majority of those voting on the question the levy and revenue limits specified in subparagraphs (2) of subsection 1, paragraphs *"a"* through *"d"*, and subsection 1, paragraph *"e"*, shall thereafter apply to the extension district. The question need only be approved at one ~~state~~ general election. If a majority of those voting on the question vote against the question, the district may continue to submit the question at subsequent ~~state~~ general elections until approved.

Sec. 40. Section 189A.11, Code 2013, is amended to read as follows:

189A.11 Access by inspectors — acceptance by state agencies.

1. ~~No~~ A person shall not deny access to any authorized inspectors upon the presentation of proper identification at any reasonable time to establishments and to all parts of such premises for the purposes of making inspections under this chapter.

2. When meat has been inspected and approved by the department, such inspection will be equal to federal inspection and therefore may be accepted by state agencies and political subdivisions of the state and no other inspection can be required.

~~1.~~ *a.* ~~No~~ An inspection of products placed in any container at any official establishment shall not be deemed to be complete until the products are sealed or enclosed therein under the supervision of an inspector.

~~2.~~ *b.* For purposes of any inspection of products required by this chapter, inspectors authorized by the secretary shall have access at all times by day or night to every part of every establishment required to have inspection under this chapter, whether the establishment is operated or not.

Sec. 41. Section 190.12, subsection 1, Code 2013, is amended to read as follows:

1. Frozen desserts and the pasteurized dairy ingredients used in the manufacture thereof, shall comply with the following standards:

Milk, cream, and fluid dairy ingredient	Temperature	Storage at 45 degrees ~~F~~ Fahrenheit.
	Bacterial limit	50,000 per milliliter
	Coliform limit	10 per milliliter
Frozen dessert mixes, frozen desserts (plain)	Temperature	Storage at 45 degrees ~~F~~ Fahrenheit.
	Bacterial limit	50,000 per gram
	Coliform limit	10 per gram
Dry dairy ingredient	Extra grade or better as defined by U. S. Standards for grades for the particular product.	
Dry powder mix	Bacterial limit	50,000 per gram
	Coliform limit	10 per gram

Sec. 42. Section 203C.15, subsection 6, paragraph a, unnumbered paragraph 1, Code 2013, is amended to read as follows:

The licensed warehouse operator may comply ~~to~~ with the demand by doing any of the following:

Sec. 43. Section 230.15, Code 2013, is amended to read as follows:

230.15 Personal liability.

1. A person with mental illness and a person legally liable for the person's support remain liable for the support of the person with mental illness as provided in this section. Persons legally liable for the support of a person with mental illness include the spouse of the person, any person bound by contract for support of the person, and, with respect to persons with mental illness under eighteen years of age only, the father and mother of the person. The county auditor, subject to the direction of the board of supervisors, shall enforce the obligation created in this section as to all sums advanced by the county. The liability to the county incurred by a person with mental illness or a person legally liable for the person's support under this section is limited to an amount equal to one hundred percent of the cost of care and treatment of the person with mental illness at a state mental health institute for one hundred twenty days of hospitalization. This limit of liability may be reached by payment of the cost of care and treatment of the person with mental illness subsequent to a single admission or multiple admissions to a state mental health institute or, if the person is not discharged as cured, subsequent to a single transfer or multiple transfers to a county care facility pursuant to section 227.11. After reaching this limit of liability, a person with mental illness or a person legally liable for the person's support is liable to the county for the care and treatment of the person with mental illness at a state mental health institute or, if transferred but not discharged as cured, at a county care facility in an amount not in excess of the average minimum cost of the maintenance of an individual who is physically and mentally healthy residing in the individual's own home, which standard shall be established and may from time to time be revised by the department of human services. A lien imposed by section 230.25 shall not exceed the amount of the liability which may be incurred under this section on account of a person with mental illness.

2. A person with a substance-related disorder is legally liable for the total amount of the cost of providing care, maintenance, and treatment for the person with a substance-related disorder while a voluntary or committed patient. When a portion of the cost is paid by a county, the person with a substance-related disorder is legally liable to the county for the amount paid. The person with a substance-related disorder shall assign any claim for reimbursement under any contract of indemnity, by insurance or otherwise, providing for the person's care, maintenance, and treatment in a state hospital to the state. Any payments received by the state from or on behalf of a person with a substance-related disorder shall be in part credited to the county in proportion to the share of the costs paid by the county.

3. Nothing in this section shall be construed to prevent a relative or other person from voluntarily paying the full actual cost or any portion of the care and treatment of any person with mental illness or a substance-related disorder as established by the department of human services.

Sec. 44. Section 231D.3A, Code 2013, is amended to read as follows:

231D.3A Exception.

An entity certified by the centers for Medicare and Medicaid services of the United States department of health and human services as a federal program of all-inclusive care for the elderly shall not be required to be certified as an adult day services program under this chapter. A program ~~for~~ of all-inclusive care for the elderly, as used in this section, shall not identify itself or hold itself out to be an adult day services program as defined in section 231D.1.

Sec. 45. Section 235.3, subsection 2, Code 2013, is amended to read as follows:

2. Make such reports and obtain and furnish such information from time to time as may be necessary to permit cooperation by the state division with the United States children's

bureau, the social security ~~board~~ administration, or any other federal agency which is now or may hereafter be charged with any duty regarding child care or child welfare services.

Sec. 46. Section 235B.1, subsection 4, paragraph a, subparagraph (1), Code 2013, is amended to read as follows:

(1) Advise the director of human services, the director of ~~elder affairs~~ the department on aging, the director of inspections and appeals, the director of public health, the director of the department of corrections, and the director of human rights regarding dependent adult abuse.

Sec. 47. Section 235B.16A, subsection 4, Code 2013, is amended to read as follows:

4. The department of human services shall cooperate with the department on aging, the departments of ~~elder affairs,~~ inspections and appeals, public health, public safety, and workforce development, the civil rights commission, and other state and local agencies performing inspections or otherwise visiting residential settings where dependent adults live, to regularly provide training to the appropriate staff in the agencies concerning each agency's procedures involving dependent adults, and to build awareness concerning dependent adults and reporting of dependent adult abuse.

Sec. 48. Section 249A.4B, subsection 2, paragraph a, subparagraphs (29) and (41), Code 2013, are amended to read as follows:

(29) ~~The Iowa association of homes and services for the aging~~ Leading age Iowa.

(41) The Iowa ~~dietetic association~~ academy of nutrition and dietetics.

Sec. 49. Section 249A.12, subsection 3, paragraph b, Code 2013, is amended to read as follows:

b. The state shall be responsible for all of the nonfederal share of medical assistance home and community-based services waivers for persons with an intellectual ~~disabilities~~ disability services provided to minors, and a county is not required to reimburse the department and shall not be billed for the nonfederal share of the costs of the services.

Sec. 50. Section 249A.12, subsection 5, paragraph b, Code 2013, is amended to read as follows:

b. The department of human services shall seek federal approval to amend the home and community-based services waiver for persons with an intellectual ~~disabilities~~ disability to include day habilitation services. Inclusion of day habilitation services in the waiver shall take effect upon receipt of federal approval.

Sec. 51. Section 249A.26, subsection 4, Code 2013, is amended to read as follows:

4. The state shall pay for the entire nonfederal share of the costs for case management services provided to persons seventeen years of age or younger who are served in a home and community-based services waiver program under the medical assistance program for persons with an intellectual ~~disabilities~~ disability.

Sec. 52. Section 249A.30, subsection 1, Code 2013, is amended to read as follows:

1. The base reimbursement rate for a provider of services under a medical assistance program home and community-based services waiver for persons with an intellectual ~~disabilities~~ disability shall be recalculated at least every three years to adjust for the changes in costs during the immediately preceding three-year period.

Sec. 53. Section 249L.4, subsection 5, paragraph b, subparagraph (4), Code 2013, is amended to read as follows:

(4) Each nursing facility shall submit to the department, information in a form as specified by the department and developed in cooperation with representatives of the Iowa caregivers association, the Iowa health care association, ~~the~~ leading age Iowa ~~association of homes and services for the aging~~, and the AARP Iowa chapter, that demonstrates compliance by the nursing facility with the requirements for use of the rate adjustment increases and other reimbursements provided to nursing facilities through the quality assurance assessment.

Sec. 54. Section 252.27, unnumbered paragraph 2, Code 2013, is amended to read as follows:

The board shall record its proceedings relating to the provision of assistance to specific persons under this chapter. A person who is aggrieved by a decision of the board may appeal the decision as if it were a contested case before an agency and as if the person had exhausted administrative remedies in accordance with the procedures and standards in section 17A.19, subsections 2 to 12, except section 17A.19, subsection 10, paragraphs *"b"* and *"g"*, and section 17A.20.

Sec. 55. Section 252D.17, Code 2013, is amended to read as follows:

252D.17 Notice to payor of income — duties and liability — criminal penalty.

1. The district court shall provide notice by sending a copy of the order for income withholding or a notice of the order for income withholding to the obligor and the obligor's payor of income by regular mail, with proof of service completed according to rule of civil procedure 1.442. The child support recovery unit shall provide notice of the income withholding order by sending a notice of the order to the obligor's payor of income by regular mail or by electronic means. Proof of service may be completed according to rule of civil procedure 1.442. The child support recovery unit's notice of the order may be sent to the payor of income on the same date that the order is sent to the clerk of court for filing. In all other instances, the income withholding order shall be filed with the clerk of court prior to sending the notice of the order to the payor of income. In addition to the amount to be withheld for payment of support, the order or the notice of the order shall be in a standard format as prescribed by the unit and shall include all of the following information regarding the duties of the payor in implementing the withholding order:

~~1.~~ *a.* The withholding order or notice of the order for income withholding for child support or child support and spousal support has priority over a garnishment or an assignment for any other purpose.

~~2.~~ *b.* As reimbursement for the payor's processing costs, the payor may deduct a fee of no more than two dollars for each payment in addition to the amount withheld for support. The payor of income is not required to vary the payroll cycle to comply with the frequency of payment of a support order.

~~3.~~ *c.* The amount withheld for support, including the processing fee, shall not exceed the amounts specified in 15 U.S.C. § 1673(b).

~~4.~~ *d.* The income withholding order is binding on an existing or future payor of income ten days after receipt of the copy of the order or the notice of the order, and is binding whether or not the copy of the order received is file-stamped.

~~5.~~ *e.* The payor shall send the amounts withheld to the collection services center or the clerk of the district court pursuant to section 252B.14 within seven business days of the date the obligor is paid. *"Business day"* means a day on which state offices are open for regular business.

~~6.~~ *f.* The payor may combine amounts withheld from the obligors' income in a single payment to the clerk of the district court or to the collection services center, as appropriate. Whether combined or separate, payments shall be identified by the name of the obligor, account number, amount, and the date withheld. If payments for multiple obligors are combined, the portion of the payment attributable to each obligor shall be specifically identified.

~~7.~~ *g.* The withholding is binding on the payor until further notice by the court or the child support recovery unit.

~~8.~~ *h.* If the payor, with actual knowledge and intent to avoid legal obligation, fails to withhold income or to pay the amounts withheld to the collection services center or the clerk of court in accordance with the provisions of the order, the notice of the order, or the notification of payors of income provisions established in section 252B.13A, the payor commits a simple misdemeanor for a first offense and is liable for the accumulated amount which should have been withheld, together with costs, interest, and reasonable attorney fees related to the collection of the amounts due from the payor. For each subsequent offense prescribed under this ~~subsection~~ paragraph, the payor commits a serious misdemeanor and is liable for the accumulated amount which should have been withheld, together with costs,

interest, and reasonable attorney fees related to the collection of the amounts due from the payor.

~~9.~~ *i.* The payor shall promptly notify the court or the child support recovery unit when the obligor's employment or other income terminates, and provide the obligor's last known address and the name and address of the obligor's new employer, if known.

~~10.~~ *j.* Any payor who discharges an obligor, refuses to employ an obligor, or takes disciplinary action against an obligor based upon income withholding is guilty of a simple misdemeanor. A withholding order or the notice of the order for income withholding has the same force and effect as any other district court order, including~~,~~ but not limited to~~,~~ contempt of court proceedings for noncompliance.

~~11. *a.*~~ *k.* (1) Beginning July 1, 1997, if a payor of income does business in another state through a registered agent and receives a notice of income withholding issued by another state, the payor shall, and beginning January 1, 1998, any payor of income shall, withhold funds as directed in a notice issued by another state, except that a payor of income shall follow the laws of the obligor's principal place of employment when determining all of the following:

~~(1)~~ (a) The payor's fee for processing an income withholding payment.

~~(2)~~ (b) The maximum amount permitted to be withheld from the obligor's income.

~~(3)~~ (c) The time periods for implementing the income withholding order and forwarding the support payments.

~~(4)~~ (d) The priorities for withholding and allocating income withheld for multiple child support obligees.

~~(5)~~ (e) Any withholding terms or conditions not specified in the order.

~~*b.*~~ (2) A payor of income who complies with an income withholding notice that is regular on its face shall not be subject to any civil liability to any individual or agency for conduct in compliance with the notice.

~~12.~~ *l.* The payor of income shall comply with chapter 252K when receiving a notice of income withholding from another state.

~~13.~~ *m.*[3] The department shall establish criteria and a phased-in schedule to require, no later than June 30, 2015, payors of income to electronically transmit the amounts withheld under an income withholding order. The department shall assist payors of income in complying with the required electronic transmission, and shall adopt rules setting forth procedures for use in electronic transmission of funds, and exemption from use of electronic transmission taking into consideration any undue hardship electronic transmission creates for payors of income.

Sec. 56. Section 256.9, subsection 55, paragraph a, Code 2013, is amended to read as follows:

a. The Iowa ~~dietetic association~~ academy of nutrition and dietetics.

Sec. 57. Section 256.18A, Code 2013, is amended to read as follows:

256.18A Service learning.

The board of directors of a school district or the authorities in charge of a nonpublic school may require a certain number of service learning units as a condition for the inclusion of a service learning endorsement on a student's diploma or as a condition of graduation from the district or school. For purposes of this ~~paragraph~~ section, "*service learning*" means a method of teaching and learning which engages students in solving problems and addressing issues in their school or greater community as part of the academic curriculum.

Sec. 58. Section 256.42, subsection 6, Code 2013, is amended to read as follows:

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

[3] See chapter 140, §60 herein

Sec. 59. Section 258.16, subsection 3, paragraph d, Code 2013, is amended to read as follows:

d. Implement the procedures and contract, at the request of the director of the board of vocational education, for the delivery of vocational education programs and services pursuant to section 256.11, subsection 4, ~~and~~ section 256.11, subsection 5, paragraph *"h"*, and section 260C.14, subsection 1.

Sec. 60. Section 261B.2, subsection 5, paragraph c, Code 2013, is amended to read as follows:

c. Uses in its name the term *"college"*, *"academy"*, *"institute"*, or *"university"* or a similar term to imply that the person is primarily engaged in the education of students at the postsecondary level, and ~~which makes a charge~~ charges for its services.

Sec. 61. Section 261B.9, subsection 7, Code 2013, is amended to read as follows:

7. The disclosures required by the department of education for an out-of-state school that the state board of education approves to offer a practitioner preparation program by distance delivery method.

Sec. 62. Section 261E.5, subsection 3, Code 2013, is amended to read as follows:

3. From the funds allocated pursuant to section 261E.13, subsection 1, paragraph *"d"*, the department shall remit amounts to the college board for advanced placement examinations administered by the college board for students enrolled in school districts and accredited nonpublic schools pursuant to subsection 2 and shall distribute an amount per student to a school district submitting a list of students properly registered for the advanced placement examinations pursuant to subsection 2. The remittance rates to the college board and distribution amounts to the school districts in accordance with this subsection for the fiscal year beginning July 1, 2008, are as follows: ~~thirty-eight~~

a. Thirty-eight dollars for each school district or accredited nonpublic school student who does not qualify for fee reduction~~; twenty-seven~~.

b. Twenty-seven dollars for each school district or accredited nonpublic school student who qualifies for fee reduction~~; and eight~~.

c. Eight dollars to the school district for each school district or accredited nonpublic school student who was listed by the school district and who takes an advanced placement examination in accordance with this section.

Sec. 63. Section 263B.3, Code 2013, is amended to read as follows:

263B.3 Agreements with federal departments.

The state archaeologist is authorized to enter [4] agreements and cooperative efforts with the ~~United States commissioner of public roads~~ federal highway administrator, the United States departments of commerce, interior, agriculture, and defense, and any other federal or state agencies concerned with archaeological salvage or the preservation of antiquities.

Sec. 64. Section 266.48, subsection 1, paragraph a, Code 2013, is amended to read as follows:

a. Iowa state university, in cooperation with the department of agriculture and land stewardship and the department of natural resources, shall establish a cost-share program for the livestock odor mitigation research efforts as established in sections 266.43 through 266.45 that maximizes participation in the livestock odor mitigation research efforts so as to accomplish the purposes in section 266.42, subsection 1.

Sec. 65. Section 272.31, subsection 5, Code 2013, is amended to read as follows:

5. The state board of education shall work with institutions of higher education, private colleges and universities, community colleges, area education agencies, and professional organizations to ensure that the courses and programs required for ~~authorization~~ authorizations under this section are offered throughout the state at convenient times and at a reasonable cost.

[4] See chapter 140, §61 herein

Sec. 66. Section 273.3, subsection 2, Code 2013, is amended to read as follows:

2. Be authorized to receive and expend money for providing programs and services as provided in sections 273.1, 273.2, this section, sections 273.4 to 273.9, and chapters 256B and 257. All costs incurred in providing the programs and services, including administrative costs, shall be paid from funds received pursuant to sections 273.1, 273.2, this section, sections 273.4 to 273.9 and chapters 256B and 257.

Sec. 67. Section 280.10, subsection 4, Code 2013, is amended to read as follows:

4. *"Industrial quality eye-protective devices"*, as used in this section, means devices meeting American national standard~~,~~ practice for occupational and educational eye and face protection promulgated by the American national standards institute, inc.

Sec. 68. Section 321.105A, subsection 5, paragraph b, Code 2013, is amended to read as follows:

b. If an amount of the fee for new registration represented by a dealer to a purchaser is computed upon a purchase price that is not subject to the fee for new registration or the amount represented is in excess of the actual amount subject to the fee and the amount represented is actually paid by the purchaser to the dealer, the excess amount of fee for new registration paid shall be returned to the purchaser upon proper notification to the dealer by the purchaser that an excess payment exists. *"Proper"* notification is written notification which allows a dealer at least sixty days to respond and which contains enough information to allow a dealer to determine the validity of a purchaser's claim that an excess amount of fee for new registration has been paid. No cause of action shall accrue against a dealer for excess fee for new registration paid until sixty days after proper ~~notice~~ notification has been given the dealer by the purchaser.

Sec. 69. Section 322.33, subsection 2, Code 2013, is amended to read as follows:

2. ~~Article~~ Chapter 537, article 2, parts 5 and 6, and chapter 537, article 3, sections 537.3203, 537.3206, 537.3209, 537.3304, 537.3305, and 537.3306 shall apply to any credit transaction as defined in section 537.1301, that is a retail installment transaction. For the purpose of applying provisions of the consumer credit code in those transactions, *"consumer credit sale"* shall include a sale for a business purpose.

Sec. 70. Section 322A.1, subsection 5, paragraph a, subparagraphs (3) and (5), Code 2013, are amended to read as follows:

(3) The franchisee, as an independent business, constitutes a component of the franchiser's distribution system.

(5) The operation of the franchisee's business is substantially reliant on the franchiser for the continued supply of motor vehicles, parts, and accessories.

Sec. 71. Section 326.2, subsection 6, paragraph a, Code 2013, is amended to read as follows:

a. A one-way movement from one point originating outside this state and destined ~~to~~ for another point outside this state.

Sec. 72. Section 331.362, subsection 1, Code 2013, is amended to read as follows:

1. A county has jurisdiction over secondary roads as provided in section 306.4, subsection 2, section 306.4, subsection 5, paragraph *"b"*, and section 306.4, subsection 6, paragraph *"b"*.

Sec. 73. Section 331.382, subsection 8, paragraph a, Code 2013, is amended to read as follows:

a. The board is subject to chapter 161F, chapters 357 through 358, or chapter 468, subchapters I through III, chapter 468, subchapter IV, parts 1 and 2, or chapter 468, subchapter V, as applicable, in acting relative to a special district authorized under any of those chapters.

Sec. 74. Section 331.390, subsection 2, paragraph a, Code 2013, is amended to read as follows:

a. The voting membership of the governing board shall consist of at least one board of supervisors member from each county comprising the ~~regions~~ region or their designees.

Sec. 75. Section 331.390, subsection 3, paragraph b, Code 2013, is amended to read as follows:

b. The regional administrator staff shall include one or more coordinators of disability services. A coordinator shall possess a bachelor's or higher level degree in a human services-related or ~~administrative-related~~ administration-related field, including but not limited to social work, psychology, nursing, or public or business administration, from an accredited college or university. However, in lieu of a degree in public or business administration, a coordinator may provide documentation of relevant management experience. An action of a coordinator involving a clinical decision shall be made in conjunction with a professional who is trained in the delivery of the mental health or disability service addressed by the clinical decision. The regional administrator shall determine whether referral to a coordinator of disability services is required for a person seeking to access a service through a local access point of the regional service system.

Sec. 76. Section 331.552, subsection 25, Code 2013, is amended to read as follows:

25. Carry out duties relating to the funding of drainage districts as provided in chapter 468, subchapter I, parts 1 to 5, chapter 468, subchapter II, parts 1, 5, and 6, chapter 468, subchapter III, and chapter 468, subchapter IV, parts 1 and 2.

Sec. 77. Section 341A.2, Code 2013, is amended to read as follows:

341A.2 Civil service commission.

1. Subject to the alternate plan enumerated in section 341A.3, there is created in each county a civil service commission composed of three members. Two members shall be appointed by the county board of supervisors and one member shall be appointed by the county attorney of each county. Appointees to the commission shall be residents of the county for at least two years immediately preceding appointment, and shall be electors. Terms of office shall be six years; however, the initial members of the commission shall be appointed as follows:

a. One of the members appointed by the board of supervisors shall serve for a period of two years while the other member shall serve for a period of six years and the board shall specify the term of each member so appointed.

b. The member appointed by the county attorney shall serve for a period of four years.

2. Any member of the commission may be removed by the appointing authority for incompetence, dereliction of duty, malfeasance in office, or for other good cause; however, no member of the commission shall be removed until apprised in writing of the nature of the charges against the member and a hearing on such charges has been held before the board of supervisors. In the event a vacancy occurs in the commission for any reason other than expiration of the term, an appointment to fill the vacancy for the unexpired term shall be made in the same manner as the original appointment.

3. A majority vote of the membership of the commission shall be sufficient to transact the business of the commission.

4. Not more than two commissioners shall be members of the same political party. Commissioners shall hold no elective or other appointive public office during their terms of appointment to the commission. Commissioners shall serve without compensation but shall be reimbursed for necessary expense and mileage incurred in the actual performance of their duties.

Sec. 78. Section 350.4, subsection 9, paragraph a, Code 2013, is amended to read as follows:

a. To participate in watershed projects of soil and water conservation districts and the federal government and in projects of drainage districts organized under the provisions of chapter 161F ~~and~~, chapter 468, subchapter I, parts 1 through 5, and chapter 468, subchapter II, parts 1, 5, and 6, for the purpose of increasing the recreational resources of the county.

Sec. 79. Section 354.9, subsection 3, Code 2013, is amended to read as follows:

3. If cities establish overlapping areas of review outside their boundaries, then the cities shall establish by agreement pursuant to chapter 28E reasonable standards and conditions for review of subdivisions within the overlapping area. If no agreement is recorded pursuant to chapter 28E then the city which is closest to the boundary of the subdivision shall have authority to review ~~of~~ the subdivision.

Sec. 80. Section 355.7, subsection 6, Code 2013, is amended to read as follows:

6. *a.* The plat shall show the lengths and bearings of the boundaries of the parcels surveyed. The course of each boundary line shown on the plat may be indicated by a direct bearing reference or by an angle between the boundary line and an intersecting line having a shown bearing, except when the boundary line has an irregular or constantly changing course, as along a body of water, or when a description of the boundary line is better achieved by measurements shown at points or intervals along a meander line or an offset line having a shown course. The bearings shall be referenced to a United States public land survey system land line, or recorded subdivision line. If the boundary lines show bearings, lengths, or locations which vary from those recorded in deeds, abutting plats, or other instruments of record, the following note shall be placed along the lines: ~~"recorded~~

Recorded as (show recorded bearing, length, or ~~location)"~~ location).

b. Bearings and angles shown shall be given to at least the nearest minute of arc.

Sec. 81. Section 355.8, subsection 8, Code 2013, is amended to read as follows:

8. *a.* The plat shall show the lengths and bearings of the boundaries of the tracts surveyed. The course of each boundary line shown on the plat may be indicated by a direct bearing reference or by an angle between the boundary line and an intersecting line having a shown bearing, except when the boundary line has an irregular or constantly changing course, as along a body of water, or when a description of the boundary line is better achieved by measurements shown at points or intervals along a meander line or an offset line having a shown course. The bearing shall be referenced to a United States public land survey system land line, or recorded subdivision line. If the boundary lines show bearings, lengths, or locations which vary from those recorded in deeds, abutting plats, or other instruments of record, the following note shall be placed along the lines: ~~"recorded~~

Recorded as (show recorded bearing, length, or ~~location)"~~ location).

b. Bearings and angles shown shall be given to at least the nearest minute of arc.

Sec. 82. Section 384.6, subsection 1, paragraph b, Code 2013, is amended to read as follows:

b. If a police chief or fire chief has submitted a written request to the board of trustees to be exempt from chapter 411, authorized in section 411.3, subsection 1, a city shall make contributions for the chief, in an amount not to exceed the amount that would have been contributed by the city under section 411.8, subsection 1, paragraph "*a*", to the international city management ~~association/retirement~~ association retirement corporation.

Sec. 83. Section 419.4, subsection 2, paragraph a, subparagraph (5), Code 2013, is amended to read as follows:

(5) The creation, maintenance, custody, investment and reinvestment and use of special funds from the revenues of such project~~, and~~.

Sec. 84. Section 419.4, subsection 2, paragraph b, Code 2013, is amended to read as follows:

b. (1) A municipality shall have the power to provide that proceeds from the sale of bonds and special funds from the revenues of the project shall be invested and reinvested in such securities and other investments as shall be provided in the proceedings under which the bonds are authorized to be issued including:

~~(1)~~ (a) Obligations issued or guaranteed by the United States~~;~~.

~~(2)~~ (b) Obligations issued or guaranteed by any person controlled or supervised by and acting as an instrumentality of the United States pursuant to authority granted by the Congress of the United States~~;~~.

~~(3)~~ (c) Obligations issued or guaranteed by any state of the United States, or the District of Columbia, or any political subdivision of any such state or district~~;~~.

~~(4)~~ (d) Prime commercial paper~~;~~.

~~(5)~~ (e) Prime finance company paper~~;~~.

~~(6)~~ (f) Bankers' acceptances drawn on and accepted by banks organized under the laws of any state or of the United States~~;~~.

~~(7)~~ (g) Repurchase agreements fully secured by obligations issued or guaranteed by the United States or by any person controlled or supervised by and acting as an instrumentality of the United States pursuant to authority granted by the Congress of the United States~~; and~~.

~~(8)~~ (h) Certificates of deposit issued by banks organized under the laws of any state or of the United States; whether or not such investment or reinvestment is authorized under any other law of this state. The municipality shall also have the power to provide that such proceeds or funds or investments and the amounts payable under the lease, sale contract, or loan agreement shall be received, held and disbursed by one or more banks or trust companies located in or out of the state of Iowa.

(2) A municipality shall also have the power to provide that the project and improvements shall be constructed by the municipality, lessee, the lessee's designee, the contracting party, or the contracting party's designee, or any one or more of them on real estate owned by the municipality, the lessee, the lessee's designee, the contracting party, or the contracting party's designee, as the case may be, and that the bond proceeds shall be disbursed by the trustee bank or banks, trust company or trust companies, during construction upon the estimate, order or certificate of the lessee, the lessee's designee, the contracting party, or the contracting party's designee.

Sec. 85. Section 421.24, subsection 3, Code 2013, is amended to read as follows:

3. *a.* For the purposes of this section, the words *"tax"* and *"taxes"* shall include interest and penalties due under any taxing statute, and liability for such interest or penalties, or both, due under a taxing statute of another state or a political subdivision thereof, shall be recognized and enforced by the courts of this state to the same extent that the laws of such other state permit the enforcement in its courts of liability for such interest or penalties, or both, due under a taxing statute of this state or a political subdivision thereof.

b. The courts of this state may not enforce interest rates or penalties on taxes of any other state which exceed the interest rates and penalties imposed by the state of Iowa for the same or a similar tax.

Sec. 86. Section 422.16, subsection 10, paragraph c, Code 2013, is amended to read as follows:

c. If any withholding agent, being a domestic or foreign corporation, required under the provisions of this section to withhold on wages or other taxable Iowa income subject to this chapter, fails to withhold the amounts required to be withheld, make the required returns or remit to the department the amounts withheld, the director may, having exhausted all other means of enforcement of the provisions of this chapter, certify such fact or facts to the secretary of state, who shall thereupon cancel the articles of incorporation or certificate of authority, ~~(as~~ as the case may ~~be)~~ be, of such corporation, and the rights of such corporation to carry on business in the state of Iowa shall thereupon cease. The secretary of state shall immediately notify by registered mail such domestic or foreign corporation of the action taken by the secretary of state. The provisions of section 422.40, subsection 3, shall be applicable.

Sec. 87. Section 422.20, subsection 3, paragraph a, Code 2013, is amended to read as follows:

a. Unless otherwise expressly permitted by section 8A.504, section 8G.4, section 96.11, subsection 6, section 421.17, subsections 22, 23, and 26, section 421.17, subsection 27, paragraph *"k"*, ~~and~~ section 421.17, subsection 31, section 252B.9, section 321.40, subsection 6, sections 321.120, 421.19, 421.28, 422.72, and 452A.63, and this section, a tax return, return information, or investigative or audit information shall not be divulged to any person or entity, other than the taxpayer, the department, or internal revenue service for use in a matter unrelated to tax administration.

Sec. 88. Section 422.32, subsection 2, Code 2013, is amended to read as follows:

2. The words, terms, and phrases defined in ~~division II,~~ section 422.4, subsections 4 to 6, 8, 9, 13, and 15 to 17, when used in this division, shall have the meanings ascribed to them in said section except where the context clearly indicates a different meaning.

Sec. 89. Section 422.33, subsection 5, Code 2013, is amended to read as follows:

5. *a.* The taxes imposed under this division shall be reduced by a state tax credit for increasing research activities in this state equal to the sum of the following:

(1) Six and one-half percent of the excess of qualified research expenses during the tax year over the base amount for the tax year based upon the state's apportioned share of the qualifying expenditures for increasing research activities.

(2) Six and one-half percent of the basic research payments determined under section 41(e)(1)(A) of the Internal Revenue Code during the tax year based upon the state's apportioned share of the qualifying expenditures for increasing research activities.

b. The state's apportioned share of the qualifying expenditures for increasing research activities is a percent equal to the ratio of qualified research expenditures in this state to the total qualified research expenditures.

~~*b.*~~ *c.* In lieu of the credit amount computed in paragraph *"a"*, subparagraph (1), a corporation may elect to compute the credit amount for qualified research expenses incurred in this state in a manner consistent with the alternative simplified credit described in section 41(c)(5) of the Internal Revenue Code. The taxpayer may make this election regardless of the method used for the taxpayer's federal income tax. The election made under this paragraph is for the tax year and the taxpayer may use another or the same method for any subsequent year.

~~*c.*~~ *d.* For purposes of the alternate credit computation method in paragraph ~~*"b"*~~ *"c"*, the credit percentages applicable to qualified research expenses described in section 41(c)(5)(A) and clause (ii) of section 41(c)(5)(B) of the Internal Revenue Code are four and fifty-five hundredths percent and one and ninety-five hundredths percent, respectively.

~~*d.*~~ *e.* (1) For purposes of this subsection, *"base amount"*, *"basic research payment"*, and *"qualified research expense"* mean the same as defined for the federal credit for increasing research activities under section 41 of the Internal Revenue Code, except that for the alternative simplified credit such amounts are for research conducted within this state.

(2) For purposes of this subsection, *"Internal Revenue Code"* means the Internal Revenue Code in effect on January 1, 2012.

~~*e.*~~ *f.* Any credit in excess of the tax liability for the taxable year shall be refunded with interest computed under section 422.25. In lieu of claiming a refund, a taxpayer may elect to have the overpayment shown on its final, completed return credited to the tax liability for the following taxable year.

~~*f.* Reserved.~~

g. A corporation which is an eligible business may claim an additional research activities credit authorized pursuant to section 15.335.

h. The department shall by February 15 of each year issue an annual report to the general assembly containing the total amount of all claims made by employers under this subsection and the portion of the claims issued as refunds, for all claims processed during the previous calendar year. The report shall contain the name of each claimant for whom a tax credit in excess of five hundred thousand dollars was issued and the amount of the credit received.

Sec. 90. Section 422.70, subsection 1, Code 2013, is amended to read as follows:

1. The director, for the purpose of ascertaining the correctness of a return or for the purpose of making an estimate of the taxable income or receipts of a taxpayer, has ~~power~~ the following powers:

a. To examine or cause to be examined by an agent or representative designated by the director, books, papers, records, or memoranda~~; to~~.

b. To require by subpoena the attendance and testimony of witnesses; to issue and sign subpoenas~~; to~~.

c. To administer oaths, to examine witnesses and receive evidence~~; to~~.

d. To compel witnesses to produce for examination books, papers, records, and documents relating to any matter which the director has the authority to investigate or determine.

Sec. 91. Section 422.72, subsection 3, paragraph a, Code 2013, is amended to read as follows:

a. Unless otherwise expressly permitted by section 8A.504, section 8G.4, section 96.11, subsection 6, section 421.17, subsections 22, 23, and 26, section 421.17, subsection 27, paragraph "*k*", ~~and~~ section 421.17, subsection 31, section 252B.9, section 321.40, subsection 6, sections 321.120, 421.19, 421.28, 422.20, and 452A.63, and this section, a tax return, return information, or investigative or audit information shall not be divulged to any person or entity, other than the taxpayer, the department, or internal revenue service for use in a matter unrelated to tax administration.

Sec. 92. Section 422D.1, subsection 2, paragraph a, unnumbered paragraph 1, Code 2013, is amended to read as follows:

The taxes for emergency medical services shall only be imposed after an election at which a majority of those voting on the question of imposing the tax or combination of taxes specified in subsection 1, paragraph "*a*", subparagraph (1) or (2), vote in favor of the question. However, the tax or combination of taxes specified in subsection 1 shall not be imposed on property within or on residents of a benefited emergency medical services district under chapter 357F. The question of imposing the tax or combination of the taxes may be submitted at the regular city election, a special election, or ~~state~~ the general election. Notice of the question shall be provided by publication at least sixty days before the time of the election and shall identify the tax or combination of taxes and the rate or rates, as applicable. If a majority of those voting on the question approve the imposition of the tax or combination of taxes, the tax or combination of taxes shall be imposed as follows:

Sec. 93. Section 423.3, subsection 18, paragraph c, Code 2013, is amended to read as follows:

c. Rehabilitation facilities that provide accredited rehabilitation services to persons with disabilities which are accredited by the commission on accreditation of rehabilitation facilities or the ~~accreditation~~ council ~~for services for persons with an intellectual disability and other persons with developmental disabilities~~ on quality and leadership and adult day care services approved for reimbursement by the state department of human services. [5]

Sec. 94. Section 423.5, Code 2013, is amended to read as follows:

423.5 Imposition of tax.

1. Except as provided in ~~subsection 3~~ paragraph "*c*", an excise tax at the rate of six percent of the purchase price or installed purchase price is imposed on the following:

~~1.~~ *a.* The use in this state of tangible personal property as defined in section 423.1, including aircraft subject to registration under section 328.20, purchased for use in this state. For the purposes of this subchapter, the furnishing or use of the following services is also treated as the use of tangible personal property: optional service or warranty contracts, except residential service contracts regulated under chapter 523C, vulcanizing, recapping, or retreading services, engraving, photography, retouching, printing, or binding services, and communication service when furnished or delivered to consumers or users within this state.

~~2.~~ *b.* The use of manufactured housing in this state, on the purchase price if the manufactured housing is sold in the form of tangible personal property or on the installed purchase price if the manufactured housing is sold in the form of realty.

~~3.~~ *c.* An excise tax at the rate of five percent is imposed on the use of vehicles subject only to the issuance of a certificate of title and the use of manufactured housing, and on the use of leased vehicles, if the lease transaction does not require titling or registration of the vehicle, on the amount subject to tax as calculated pursuant to section 423.26, subsection 2.

~~4.~~ *d.* Purchases of tangible personal property made from the government of the United States or any of its agencies by ultimate consumers shall be subject to the tax imposed by this

[5] See chapter 140, §88 herein

section. Services purchased from the same source or sources shall be subject to the service tax imposed by this subchapter and apply to the user of the services.

~~5.~~ *e.* The use in this state of services enumerated in section 423.2. This tax is applicable where the service is first used in this state.

~~6.~~ 2. The excise tax is imposed upon every person using the property within this state until the tax has been paid directly to the county treasurer, the state department of transportation, a retailer, or the department. This tax is imposed on every person using the services or the product of the services in this state until the user has paid the tax either to an Iowa use tax permit holder or to the department.

~~7.~~ 3. For the purpose of the proper administration of the use tax and to prevent its evasion, evidence that tangible personal property was sold by any person for delivery in this state shall be prima facie evidence that such tangible personal property was sold for use in this state.

~~8.~~ 4. Any person or that person's affiliate, which is a retailer in this state or a retailer maintaining a place of business in this state under this chapter, that enters into a contract with an agency of this state must register, collect, and remit Iowa use tax under this chapter on all sales of tangible personal property and enumerated services. Every bid submitted and each contract executed by a state agency shall contain a certification by the bidder or contractor stating that the bidder or contractor is registered with the department and will collect and remit Iowa use tax due under this chapter. In the certification, the bidder or contractor shall also acknowledge that the state agency may declare the contract or bid void if the certification is false. Fraudulent certification, by act or omission, may result in the state agency or its representative filing for damages for breach of contract.

~~9.~~ 5. The use tax rate of six percent is reduced to five percent on January 1, 2030.

Sec. 95. Section 423.6, subsection 6, Code 2013, is amended to read as follows:

6. Tangible personal property or services the sales price of which is exempt from the sales tax under section 423.3, except section 423.3, subsections 39 and 73, as it relates to the sale, but not the lease or rental, of vehicles subject only to the issuance of a certificate of title and as it relates to aircraft subject to registration under section 328.20.

Sec. 96. Section 426A.8, unnumbered paragraph 1, Code 2013, is amended to read as follows:

If the amount of credit apportioned to any property eligible ~~to~~ for military service tax exemption under this chapter in any year shall exceed the total tax, exclusive of any special assessments levied against such property eligible for military service tax exemption, then the excess shall be remitted by the county treasurer to the department of revenue to be redeposited in the general fund of the state and reallocated the following year by the department.

Sec. 97. Section 426A.11, subsection 1, Code 2013, is amended to read as follows:

1. The property, not to exceed two thousand seven hundred seventy-eight dollars in taxable value of any veteran, as defined in section 35.1, of the [6] ~~First~~ World War I.

Sec. 98. Section 441.16, subsection 2, paragraph b, Code 2013, is amended to read as follows:

b. The combined budgets shall contain an itemized list of the proposed salaries of the assessor and each deputy~~,~~; the amount required for field personnel and other personnel, their number, and their compensation; the estimated amount needed for expenses, printing, mileage, and other expenses necessary to operate the assessor's office~~,~~; the estimated expenses of the examining board~~,~~; and the salaries and expenses of the local board of review.

Sec. 99. Section 452A.2, subsection 25, paragraph a, subparagraph (2), Code 2013, is amended to read as follows:

(2) Any liquid advertised, offered for sale, sold for use as, or commonly or commercially used as a fuel for propelling motor vehicles which, when subjected to distillation of gasoline, naphtha, kerosene and similar petroleum products [ASTM (American society for testing

[6] See chapter 140, §66 herein

and materials) international designation D-86], shows not less than ten ~~per centum~~ percent distilled (recovered) below three hundred forty-seven degrees Fahrenheit (one hundred seventy-five degrees Centigrade) and not less than ninety-five ~~per centum~~ percent distilled (recovered) below four hundred sixty-four degrees Fahrenheit (two hundred forty degrees Centigrade).

Sec. 100. Section 455B.105, subsection 11, paragraph a, subparagraph (2), Code 2013, is amended to read as follows:

(2) The relative benefits to the applicant and to the public of permit and conditional permit review, issuance, and monitoring compliance. It is the intention of the legislature that permit fees shall not cover any costs connected with correcting violation of the terms of any permit and shall not impose unreasonable costs on any municipality.

~~It is the intention of the legislature that permit fees shall not cover any costs connected with correcting violation of the terms of any permit and shall not impose unreasonable costs on any municipality.~~

Sec. 101. Section 455B.474A, Code 2013, is amended to read as follows:

455B.474A Rules consistent with federal regulations.

The rules adopted by the commission under section 455B.474 shall be consistent with and shall not exceed the requirements of federal regulations relating to the regulation of underground storage tanks except as provided in section 455B.474, subsection 1, paragraph *"a"*, subparagraph (6), and section 455B.474, subsection 3, paragraph *"d"*. It is the intent of the general assembly that state rules adopted pursuant to section 455B.474, subsection 1, paragraph *"a"*, subparagraph (6), and section 455B.474, subsection 3, paragraph *"d"*, be consistent with and not more restrictive than federal regulations adopted by the United States environmental protection agency when those rules are adopted.

Sec. 102. Section 455B.516, subsection 9, Code 2013, is amended to read as follows:

9. a. *"Toxics pollution prevention"* means employment of a practice which reduces the industrial use of toxic substances or reduces the environmental and health hazards associated with an environmental waste without diluting or concentrating the waste before the release, handling, storage, transport, treatment, or disposal of the waste. The term includes toxics pollution prevention techniques but does not include a practice which is applied to an environmental waste after the waste is generated or comes into existence on or after the waste exits a production or commercial operation.

b. *"Toxics pollution prevention"* does not include, promote, or require any of the following:

~~a.~~ (1) Waste burning in industrial furnaces, boilers, smelters, or cement kilns for the purpose of energy recovery.

~~b.~~ (2) The transfer of an environmental waste from one environmental medium to another environmental medium, the workplace environment, or a product.

~~c.~~ (3) Off-site waste recycling.

~~d.~~ (4) Any other method of end-of-pipe management of environmental wastes including waste exchange and the incorporation or embedding of regulated environmental wastes into products or by-products.

Sec. 103. Section 456A.19, Code 2013, is amended to read as follows:

456A.19 Expenditures.

1. All funds accruing to the fish and game protection fund, except an equitable portion of the administration fund, shall be expended solely in carrying on fish and wildlife activities. Expenditures incurred by the department in carrying on the activities shall be only on authorization by the general assembly.

a. The department shall by October 1 of each year submit to the department of management for transmission to the general assembly a detailed estimate of the amount required by the department during the succeeding year for carrying on fish and wildlife activities. The estimate shall be in the same general form and detail as required by law in estimates submitted by other state departments.

b. Any unexpended balance at the end of the biennium shall revert to the fish and game protection fund.

c. All administrative expense shall be paid from the administration fund.

d. All other expenditures shall be paid from the state conservation fund.

2. All expenditures under this chapter are subject to approval by the director of management and the director of the department of administrative services.

3. All moneys credited to the county conservation board fund shall be used to provide grants to county conservation boards to provide funding for the purposes of chapter 350. These grants are in addition to moneys appropriated to the conservation boards from the county boards of supervisors. The grants shall be made to the conservation boards based upon the needs of the boards. Applications shall be made by the boards to the commission.

Sec. 104. Section 459.202, subsection 1, unnumbered paragraphs 1 and 2, Code 2013, are amended to read as follows:

a. Except as provided in subsection 3 and sections 459.203, 459.205, and 459.206, this subsection applies to confinement feeding operation structures constructed on or after May 31, 1995, but prior to January 1, 1999; and to the expansion of structures constructed prior to January 1, 1999.

b. The following table represents the minimum separation distance in feet required between a confinement feeding operation structure and a residence not owned by the owner of the confinement feeding operation, or a commercial enterprise, bona fide religious institution, or an educational institution:

Sec. 105. Section 459.202, subsection 2, unnumbered paragraphs 1 and 2, Code 2013, are amended to read as follows:

a. Except as provided in subsection 3 and sections 459.203, 459.205, and 459.206, this subsection applies to confinement feeding operation structures constructed on or after January 1, 1999, but prior to March 1, 2003, and to the expansion of structures constructed on or after January 1, 1999, but prior to March 1, 2003.

b. The following table represents the minimum separation distance in feet required between a confinement feeding operation structure and a residence not owned by the owner of the confinement feeding operation, or a commercial enterprise, bona fide religious institution, or an educational institution:

Sec. 106. Section 459.202, subsection 3, unnumbered paragraphs 1 and 2, Code 2013, are amended to read as follows:

a. Except as provided in sections 459.203, 459.205, and 459.206, this subsection applies to confinement feeding operation structures constructed on or after May 31, 1995, but prior to March 1, 2003; to the expansion of structures constructed on or after May 31, 1995, but prior to March 1, 2003; and to the expansion of structures constructed prior to May 31, 1995.

b. The following table represents the minimum separation distance in feet required between a confinement feeding operation structure and a public use area; or between a confinement feeding operation structure and a residence not owned by the owner of the confinement feeding operation, a commercial enterprise, a bona fide religious institution, or an educational institution, if the residence, commercial enterprise, religious institution, or educational institution is located within the corporate limits of a city:

Sec. 107. Section 459.202, subsection 4, unnumbered paragraphs 1 and 2, Code 2013, are amended to read as follows:

a. Except as provided in subsection 5 and sections 459.203, 459.205, and 459.206, this subsection applies to confinement feeding operation structures constructed on or after March 1, 2003, and to the expansion of confinement feeding operation structures constructed on or after March 1, 2003.

b. The following table represents the minimum separation distance in feet required between a confinement feeding operation structure and a residence not owned by the owner of the confinement feeding operation, a commercial enterprise, a bona fide religious institution, or an educational institution:

Sec. 108. Section 459.202, subsection 5, unnumbered paragraphs 1 and 2, Code 2013, are amended to read as follows:

a. Except as provided in sections 459.203, 459.205, and 459.206, this subsection applies to confinement feeding operation structures constructed on or after March 1, 2003, and to the expansion of confinement feeding operation structures constructed on or after March 1, 2003.

b. The following table represents the minimum separation distance in feet required between a confinement feeding operation structure and a public use area; or between a confinement feeding operation structure and a residence not owned by the owner of the confinement feeding operation, a commercial enterprise, a bona fide religious institution, or an educational institution, if the residence, commercial enterprise, religious institution, or educational institution is located within the corporate limits of a city:

Sec. 109. Section 459.401, subsection 2, unnumbered paragraph 1, Code 2013, is amended to read as follows:

The compliance fund is composed of three accounts~~,~~: the general account, the assessment account, and the educational program account.

Sec. 110. Section 468.202, Code 2013, is amended to read as follows:

468.202 Agreement in advance.

The agreement with the federal government contemplated in section 468.201 may be entered into by the board in advance of the filing of the ~~plan —~~ plan, such agreement to be effective if the plan is finally adopted. If the plan is approved the board shall make a record of any such cooperative agreement.

Sec. 111. Section 468.309, Code 2013, is amended to read as follows:

468.309 Appeal by trustees or boards.

Trustees or boards of supervisors having charge of any previously organized district which is proposed to be included ~~(~~either in whole or in part~~)~~ within the new intercounty district may, in the same manner and under the same procedure, appeal to the district court from the action of the joint boards in establishing the new district or in including therein the previously organized district or any part thereof.

Sec. 112. Section 476.6, subsection 22, Code 2013, is amended to read as follows:

22. *Nuclear generating facilities — legislative intent.*

a. It is the intent of the general assembly to require certain rate-regulated public utilities to undertake analyses of and preparations for the possible construction of nuclear generating facilities in this state that would be beneficial in a carbon-constrained environment.

b. A rate-regulated electric utility that was subject to a revenue sharing settlement agreement with regard to its electric base rates as of January 1, 2010, shall recover, through a rider and pursuant to a tariff filing made on or before December 31, 2013, the reasonable and prudent costs of its analyses of and preparations for the possible construction of facilities of the type referenced in paragraph "*a*". Cost recovery shall be accomplished by instituting a revenue increase applied in the same percentage amount to each customer class and not designed to recover, on an annual basis, more than five-tenths percent of the electric utility's calendar year 2009 revenues attributable to billed base rates in this state. At the conclusion of the cost recovery period, which shall extend no more than thirty-six months in total, the board shall conduct a contested case proceeding pursuant to chapter 17A to evaluate the reasonableness and prudence of the cost recovery. The utility shall file such information with the board as the board deems appropriate, including the filing of an annual report identifying and explaining expenditures identified in the rider as items for cost recovery, and any other information required by the board. If the board determines that the utility has imprudently incurred costs, or has incurred costs that are less than the amount recovered, the board shall order the utility to modify the rider to adjust the amount recoverable.

c. Costs that may be recovered through the rider described in paragraph "*b*" shall be consistent with the "United States Nuclear Regulatory Guide, Section 4.7, General Site Suitability Criteria for Nuclear Power Stations, Revision Two, April 1998," including costs related to the study and use of sites for nuclear generation.

Sec. 113. Section 476.53, subsection 2, paragraph a, Code 2013, is amended to read as follows:

a. The general assembly's intent with regard to the development of electric power generating and transmission facilities, or the significant alteration of an existing generating facility, as provided in subsection 1, shall be implemented in a manner that is cost-effective and compatible with the environmental policies of the state, as expressed in this Title XI.

Sec. 114. Section 489.110, subsection 3, paragraph h, Code 2013, is amended to read as follows:

h. Vary the requirement to wind up a limited liability company's business as specified in section 489.702, subsection 1, and section 489.702, subsection 2, paragraph "*a*".

Sec. 115. Section 489.110, subsection 4, paragraph a, Code 2013, is amended to read as follows:

a. Restrict or eliminate the duty to do any of the following:

(1) As required in section 489.409, subsection 2, paragraph "*a*", and section 489.409, subsection 8, to account to the limited liability company and to hold as trustee for it any property, profit, or benefit derived by the member in the conduct or winding up of the company's business, from a use by the member of the company's property, or from the appropriation of a limited liability company opportunity.

(2) As required in section 489.409, subsection 2, paragraph "*b*", and section 489.409, subsection 8, to refrain from dealing with the company in the conduct or winding up of the company's business as or on behalf of a party having an interest adverse to the company.

(3) As required by section 489.409, subsection 2, paragraph "*c*", and section 489.409 subsection 8, to refrain from competing with the company in the conduct of the company's business before the dissolution of the company.

Sec. 116. Section 490.850, subsection 6, Code 2013, is amended to read as follows:

6. *a.* "*Official capacity*" means:

~~*a.*~~ (1) When used with respect to a director, the office of director in a corporation.

~~*b.*~~ (2) When used with respect to an officer, as contemplated in section 490.856, the office in a corporation held by the officer.

b. "*Official capacity*" does not include service for any other domestic or foreign corporation or any partnership, joint venture, trust, employee benefit plan, or other entity.

Sec. 117. Section 493.9, Code 2013, is amended to read as follows:

493.9 Change in stock.

Any such corporation may, by appropriate amendments to its articles of incorporation, adopted by a two-third affirmative vote of each class of stock then issued and outstanding and affected by such amendment, change its common or preferred stock ~~(common or preferred)~~ having a par value to an equal, greater or less number of shares of stock having no par value, and, in connection therewith, may fix the amount of capital represented by such shares of stock without par value.

Sec. 118. Section 502.610, subsections 1, 2, and 6, Code 2013, are amended to read as follows:

1. *Sales and offers to sell.* Sections 502.301, 502.302, section 502.401, subsection 1, section 502.402, subsection 1, section 502.403, subsection 1, section 502.404, subsection 1, and sections 502.501, 502.506, 502.509, and 502.510 do not apply to a person that sells or offers to sell a security unless the offer to sell or the sale is made in this state or the offer to purchase or the purchase is made and accepted in this state.

2. *Purchases and offers to purchase.* ~~Sections~~ Section 502.401, subsection 1, section 502.402, subsection 1, section 502.403, subsection 1, section 502.404, subsection 1, and sections 502.501, 502.506, 502.509, and 502.510 do not apply to a person that purchases or offers to purchase a security unless the offer to purchase or the purchase is made in this state or the offer to sell or the sale is made and accepted in this state.

6. *Investment advice and misrepresentations.* ~~Sections~~ Section 502.403, subsection 1, section 502.404, subsection 1, section 502.405, subsection 1, and sections 502.502, 502.505,

and 502.506 apply to a person if the person engages in an act, practice, or course of business instrumental in effecting prohibited or actionable conduct in this state, whether or not either party is then present in this state.

Sec. 119. Section 507A.7, subsection 2, Code 2013, is amended to read as follows:

2. The court in any action, suit, or proceeding in which service is made as provided in section 507A.6, subsections 2 and 3 ~~of section 507A.6~~, or the commissioner of insurance in any administrative proceeding before the commissioner in which service is made as provided in section 507A.6, subsections 2 and 3 ~~of section 507A.6~~, may in the court's or commissioner's discretion, order such postponement as may be necessary to afford the defendant reasonable opportunity to comply with the provisions of subsection 1 of this section and to defend such action.

Sec. 120. Section 507C.28, subsection 1, paragraph b, subparagraph (4), Code 2013, is amended to read as follows:

(4) The creditor receiving the transfer was an officer, or an employee, attorney or other person who was in fact in a position of comparable influence in the insurer to an officer whether or not the person held the position of an officer, or a shareholder directly or indirectly holding more than five ~~per centum~~ percent of a class of an equity security issued by the insurer, or other person, firm, corporation, association, or aggregation of persons with whom the insurer did not deal at arm's length.

Sec. 121. Section 508.36, subsection 4, Code 2013, is amended to read as follows:

4. *Computation for minimum standards for annuities.*

a. Except as provided in subsection 5, the minimum standard for the valuation of all individual annuity and pure endowment contracts issued on or after the operative date of this subsection, and for all annuities and pure endowments purchased on or after the operative date of this subsection under group annuity and pure endowment contracts, shall be the commissioner's reserve valuation methods defined in subsections 6 and 7, and the following tables and interest rates:

~~*a.*~~ (1) For individual annuity and pure endowment contracts issued prior to January 1, 1980, excluding any disability and accidental death benefits in such contracts, both of the following:

~~(1)~~ (a) The 1971 individual annuity mortality table, or any modification of this table approved by the commissioner.

~~(2)~~ (b) Six percent interest for single premium immediate annuity contracts, and four percent interest for all other individual annuity and pure endowment contracts.

~~*b.*~~ (2) For individual single premium immediate annuity contracts issued on or after January 1, 1980, excluding any disability and accidental death benefits in such contracts, both of the following:

~~(1)~~ (a) One of the following tables:

~~(a)~~ (i) The 1971 individual annuity mortality table.

~~(b)~~ (ii) An individual annuity mortality table, adopted after 1980 by the national association of insurance commissioners and approved by rule adopted by the commissioner for use in determining the minimum standard of valuation for such contracts.

~~(c)~~ (iii) A modification of the tables identified in subparagraph ~~divisions (a)~~ subdivisions (i) and ~~(b)~~ (ii) approved by the commissioner.

~~(2)~~ (b) Seven and one-half percent interest.

~~*c.*~~ (3) For individual annuity and pure endowment contracts issued on or after January 1, 1980, other than single premium immediate annuity contracts, excluding any disability and accidental death benefits in such contracts, both of the following:

~~(1)~~ (a) One of the following tables:

~~(a)~~ (i) The 1971 individual annuity mortality table.

~~(b)~~ (ii) An individual annuity mortality table adopted after 1980 by the national association of insurance commissioners and approved by rule adopted by the commissioner for use in determining the minimum standard of valuation for such contracts.

~~(c)~~ (iii) A modification of the tables identified in subparagraph ~~divisions (a)~~ subdivisions (i) and ~~(b)~~ (ii) approved by the commissioner.

~~(2)~~ (b) Five and one-half percent interest for single premium deferred annuity and pure endowment contracts and four and one-half percent interest for all other such individual annuity and pure endowment contracts.

~~*d.*~~ (4) For all annuities and pure endowments purchased prior to January 1, 1980, under group annuity and pure endowment contracts, excluding any disability and accidental death benefits purchased under such contracts, both of the following:

~~(1)~~ (a) The 1971 group annuity mortality table or any modification of this table approved by the commissioner.

~~(2)~~ (b) Six percent interest.

~~*e.*~~ (5) For all annuities and pure endowments purchased on or after January 1, 1980, under group annuity and pure endowment contracts, excluding any disability and accidental death benefits purchased under such contracts, both of the following:

~~(1)~~ (a) One of the following tables:

~~(a)~~ (i) The 1971 group annuity mortality table.

~~(b)~~ (ii) A group annuity mortality table adopted after 1980 by the national association of insurance commissioners and approved by rule adopted by the commissioner for use in determining the minimum standard of valuation for such annuities and pure endowments.

~~(c)~~ (iii) A modification of the tables identified in subparagraph ~~divisions (a)~~ subdivisions (i) and ~~(b)~~ (ii) approved by the commissioner.

~~(2)~~ (b) Seven and one-half percent interest.

b. After July 1, 1973, a company may file with the commissioner a written notice of its election to comply with the provisions of this subsection after a specified date before January 1, 1979, which shall be the operative date of this section for such company, provided, if a company makes no election, the effective date of this section for a company is January 1, 1979.

Sec. 122. Section 508.36, subsection 5, paragraph c, subparagraph (1), subparagraph division (a), Code 2013, is amended to read as follows:

(a) (i) Weighting Factors for Life Insurance:

Guarantee Duration (Years)	Weighting Factors
10 or less	.50
More than 10, but not more than 20	.45
More than 20	.35

(ii) For life insurance, the guarantee duration is the maximum number of years the life insurance can remain in force on a basis guaranteed in the policy or under options to convert to plans of life insurance with premium rates or nonforfeiture values or both which are guaranteed in the original policy.

Sec. 123. Section 508.36, subsection 6, paragraph b, Code 2013, is amended to read as follows:

b. (1) However, for a life insurance policy issued on or after January 1, 1998, for which the contract premium in the first policy year exceeds that of the second year and for which no comparable additional benefit is provided in the first year for such additional premium and which provides an endowment benefit or a cash surrender value or a combination of such benefit or value in an amount greater than the additional premium, the reserve according to the commissioner's reserve valuation method as of any policy anniversary occurring on or before the assumed ending date defined as the first policy anniversary on which the sum of any endowment benefit and any cash surrender value then available is greater than such additional premium shall be, except as otherwise provided in subsection 10, the greater of the reserve as of such policy anniversary calculated as described in paragraph "*a*" and the reserve as of such policy anniversary calculated as described in paragraph "*a*", but with the following modifications:

~~(1)~~ (a) The value defined in paragraph "*a*" being reduced by fifteen percent of the amount of such excess first year premium.

~~(2)~~ (b) All present values of benefits and premiums being determined without reference to premiums or benefits provided for by the policy after the assumed ending date.

~~(3)~~ (c) The policy being assumed to mature on such date as an endowment.

~~(4)~~ (d) The cash surrender value provided on such date being considered as an endowment benefit.

(2) In making the above comparison the mortality and interest bases stated in subsections 4 and 5 shall be used.

Sec. 124. Section 510.5, subsection 1, paragraph e, Code 2013, is amended to read as follows:

e. Appropriate underwriting guidelines including but not limited to the following:

(1) The maximum annual premium volume.

(2) The basis of the rates to be charged.

(3) The types of risks which may be written.

(4) Maximum limits of liability.

(5) Applicable exclusions.

(6) Territorial limitations.

(7) Policy cancellation provisions.

(8) The maximum length or duration of the policy period.

f. The insurer may cancel or refuse to renew any policy of insurance produced or underwritten by a managing general agent, subject to the applicable laws and rules concerning the cancellation and nonrenewal of insurance policies.

Sec. 125. Section 511.8, subsection 22, paragraph a, subparagraph (4), Code 2013, is amended to read as follows:

(4) *"United States government-sponsored enterprise"* means the federal national mortgage corporation under 12 U.S.C. § 1716 – ~~23i~~ 1723i of the National Housing Act and the federal home loan marketing association under the Federal Home Loan Mortgage Act, 12 U.S.C. § 1451 – ~~59~~ 1459.

Sec. 126. Section 515.13, Code 2013, is amended to read as follows:

515.13 Reservation.

None of the provisions of ~~subsection 5 of~~ section 515.12, subsection 5, shall apply to any company heretofore organized and approved by the commissioner of insurance, but which had not completed its organization on May 28, 1937, nor shall ~~said~~ section 515.12, subsection 5, apply to any company already licensed to issue policies.

Sec. 127. Section 518C.7, subsection 4, Code 2013, is amended to read as follows:

4. The plan of operation may delegate any or all duties and powers of the association, except those under section 518C.6, subsection 1, paragraph "c", and section 518C.6, subsection 2, paragraph "c", to a person with the approval of both the board of directors and the commissioner. Such delegation shall only be made to a person extending protection which is not substantially less favorable and effective than that provided by this chapter. Such person shall be reimbursed as a servicing facility and shall be paid for the performance of any other functions of the association.

Sec. 128. Section 524.544, subsection 3, Code 2013, is amended to read as follows:

3. The reports required by subsections 1 and 2 of this section shall contain information, ~~(~~to the extent known by the person making the report~~)~~, relative to the number of shares involved, the names of the sellers and purchasers ~~(~~or transferors and transferees~~)~~, the purchase price, the name of the borrower, the amount, source, and terms of the loan, or other transaction, the name of the bank issuing the shares used as security, and the number of shares used as security.

Sec. 129. Section 524.904, subsection 5, paragraph b, subparagraphs (2) through (4), Code 2013, are amended to read as follows:

(2) One or more persons ~~owns~~ own or ~~controls~~ control fifty percent or more of the voting securities or membership interests of the borrowing entity or a member of the group.

(3) One or more persons ~~controls~~ control, in any manner, the election of a majority of the directors, managers, trustees, or other persons exercising similar functions of the borrowing entity or a member of the group.

(4) One or more persons ~~has~~ have the power to vote fifty percent or more of any class of voting securities or membership interests of the borrowing entity or a member of the group.

Sec. 130. Section 524.904, subsection 7, paragraph g, Code 2013, is amended to read as follows:

g. Loans and extensions of credit to a federal reserve bank or to the United States, or of any department, bureau, board, commission, agency, or establishment of the United States, or to any corporation owned directly or indirectly by the United States, or loans and extensions of credit to one borrower to the extent that such loans and extensions of credit are fully secured or guaranteed or covered by unconditional commitments or agreements to purchase by a federal reserve bank or by the United States, or any department, bureau, board, commission, agency, or establishment of the United States, or any corporation owned directly or indirectly by the United States. Loans and extensions of credit to one borrower secured by a lease on property under the terms of which the United States, or any department, bureau, board, commission, agency, or establishment of the United States, or any corporation owned directly or indirectly by the United States, or the state of Iowa, or any political subdivision of the state, is lessee and under the terms of which the aggregate rentals payable to the borrower will be sufficient to satisfy the amount loaned ~~is~~ are considered to be loans and extensions of credit secured or guaranteed as provided for in this paragraph.

Sec. 131. Section 524.1411, subsection 5, Code 2013, is amended to read as follows:

5. The provisions required in the articles of incorporation by section 524.302, subsection 1, paragraphs *"c"* and *"d"*, and section 524.302, subsection 2, paragraph *"b"*.

Sec. 132. Section 535B.1, subsection 11, Code 2013, is amended to read as follows:

11. *"Real estate closing services"* means the administrative and clerical services required to carry out the conveyance or transfer of real estate or an interest in real estate located in this state to a purchaser or lender. *"Real estate closing services"* ~~include~~ includes but ~~are~~ is not limited to preparing settlement statements, determining that all closing documents conform to the parties' contract requirements, ascertaining that the lender's instructions have been satisfied, conducting a closing conference, receiving and disbursing funds, and completing form documents and instruments selected by and in accordance with instructions of the parties to the transaction. *"Real estate closing services"* ~~do~~ does not include performing solely notarial acts as provided in chapter 9B.

Sec. 133. Section 536.13, subsection 7, paragraph c, Code 2013, is amended to read as follows:

c. ~~Article~~ Chapter 537, article 2, parts 3, 5, and 6 ~~of chapter 537~~, ~~and~~ chapter 537, article 3 ~~of chapter 537~~, and sections 537.3203, 537.3206, 537.3209, 537.3304, 537.3305, and 537.3306, apply to any credit transaction, as defined in section 537.1301, in which a licensee participates or engages, and any violation of those parts or sections is a violation of this chapter. For the purpose of applying the Iowa consumer credit code, chapter 537, to those credit transactions, *"consumer loan"* includes a loan for a business purpose.

Sec. 134. Section 536A.31, subsection 2, Code 2013, is amended to read as follows:

2. ~~Article~~ Chapter 537, article 2, parts 3, 5, and 6, ~~and~~ chapter 537, article 3, and sections 537.3203, 537.3206, 537.3209, 537.3210, 537.3304, 537.3305 and 537.3306 shall apply to any credit transaction, as defined in section 537.1301, in which a licensee participates or engages, and any violation of those parts or sections shall be violations of this chapter. For the purpose of applying the provisions of the Iowa consumer credit code, chapter 537, to those credit transactions, *"consumer loan"* shall include a loan for a business purpose.

Sec. 135. Section 542B.35, subsection 2, paragraph c, Code 2013, is amended to read as follows:

~~c.~~ 3. A person who completes the real property inspection report shall not claim to be a licensed professional land surveyor or a licensed professional engineer for purposes of the report.

Sec. 136. Section 543B.5, subsection 15, Code 2013, is amended to read as follows:

15. a. *"Material adverse fact"* means an adverse fact that a party indicates is of such significance, or that is generally recognized by a competent licensee as being of such significance to a reasonable party, that it affects or would affect the party's decision to enter into a contract or agreement concerning a transaction, or affects or would affect the party's decision about the terms of the contract or agreement.

b. For purposes of this subsection, *"adverse fact"* means a condition or occurrence that is generally recognized by a competent licensee as resulting in any of the following:

~~a.~~ (1) Significantly and adversely affecting the value of the property.

~~b.~~ (2) Significantly reducing the structural integrity of improvement to real estate.

~~c.~~ (3) Presenting a significant health risk to occupants of the property.

Sec. 137. Section 543B.29, subsection 3, Code 2013, is amended to read as follows:

3. A real estate broker or salesperson who is an owner or lessor of property or an employee of an owner or lessor may have the broker's or salesperson's license revoked or suspended for violations of this section or section 543B.34, except section 543B.34, subsection 1, paragraphs *"d"*, *"e"*, *"f"*, and *"i"*, with respect to that property.

Sec. 138. Section 543B.46, subsection 1, Code 2013, is amended to read as follows:

1. Each real estate broker shall maintain a common trust account in a bank, ~~a~~ savings association, or credit union for the deposit of all down payments, earnest money deposits, or other trust funds received by the broker or the broker's salespersons on behalf of the broker's principal, except that a broker acting as a salesperson shall deposit these funds in the common trust account of the broker for whom the broker acts as salesperson. The account shall be an interest-bearing account. The interest on the account shall be transferred quarterly to the treasurer of state and transferred to the Iowa finance authority for deposit in the housing trust fund established in section 16.181 unless there is a written agreement between the buyer and seller to the contrary. The broker shall not benefit from interest received on funds of others in the broker's possession.

Sec. 139. Section 551.10, Code 2013, is amended to read as follows:

551.10 Cumulative remedies.

Nothing in this chapter shall be construed as repealing any other Act, or part of an Act, but the remedies herein provided shall be cumulative to all other remedies provided by law.

Sec. 140. Section 554.2311, subsection 2, Code 2013, is amended to read as follows:

2. Unless otherwise agreed specifications relating to assortment of the goods are at the buyer's option and except as otherwise provided in ~~subsections~~ section 554.2319, subsection 1, paragraph *"c"* and section 554.2319, subsection 3 ~~of section 554.2319~~ specifications or arrangements relating to shipment are at the seller's option.

Sec. 141. Section 554.2319, subsection 1, paragraph c, Code 2013, is amended to read as follows:

c. when under either paragraph *"a"* or *"b"* the term is also F.O.B. vessel, car or other vehicle, the seller must in addition at the seller's own expense and risk load the goods on board. If the term is F.O.B. vessel the buyer must name the vessel and in an appropriate case the seller must comply with the provisions of this Article on the form of bill of lading (section 554.2323).

Sec. 142. Section 554.2319, subsection 3, Code 2013, is amended to read as follows:

3. Unless otherwise agreed in any case falling within subsection 1, paragraph *"a"* or *"c"* or subsection 2 the buyer must seasonably give any needed instructions for making delivery, including when the term is F.A.S. or F.O.B. the loading berth of the vessel and in an appropriate

case its name and sailing date. The seller may treat the failure of needed instructions as a failure of cooperation under this Article (section 554.2311). The seller may also at the seller's option move the goods in any reasonable manner preparatory to delivery or shipment.

Sec. 143. Section 554.3202, subsection 1, Code 2013, is amended to read as follows:

1. Negotiation is effective even if obtained ~~(i)~~ from an infant, a corporation exceeding its powers, or a person without capacity~~, (ii)~~; by fraud, duress, or mistake~~,~~; or ~~(iii)~~ in breach of duty or as part of an illegal transaction.

Sec. 144. Section 554.3305, subsection 1, paragraph a, Code 2013, is amended to read as follows:

a. a defense of the obligor based on ~~(i)~~ infancy of the obligor to the extent it is a defense to a simple contract~~, (ii)~~; duress, lack of legal capacity, or illegality of the transaction which, under other law, nullifies the obligation of the obligor~~, (iii)~~; fraud that induced the obligor to sign the instrument with neither knowledge nor reasonable opportunity to learn of its character or its essential terms~~,~~; or ~~(iv)~~ discharge of the obligor in insolvency proceedings;

Sec. 145. Section 554.3311, subsections 1 and 3, Code 2013, are amended to read as follows:

1. If a person against whom a claim is asserted proves that ~~(i)~~ that person in good faith tendered an instrument to the claimant as full satisfaction of the claim, ~~(ii)~~ the amount of the claim was unliquidated or subject to a bona fide dispute, and ~~(iii)~~ the claimant obtained payment of the instrument, the following subsections apply.

3. Subject to subsection 4, a claim is not discharged under subsection 2 if either of the following applies:

a. The claimant, if an organization, proves that ~~(i)~~:

(1) within a reasonable time before the tender, the claimant sent a conspicuous statement to the person against whom the claim is asserted that communications concerning disputed debts, including an instrument tendered as full satisfaction of a debt, are to be sent to a designated person, office, or place~~,~~; and ~~(ii)~~

(2) the instrument or accompanying communication was not received by that designated person, office, or place.

b. The claimant, whether or not an organization, proves that within ninety days after payment of the instrument, the claimant tendered repayment of the amount of the instrument to the person against whom the claim is asserted. This paragraph does not apply if the claimant is an organization that sent a statement complying with paragraph "*a*", ~~part (i)~~ subparagraph (1).

Sec. 146. Section 554.3312, subsection 1, paragraph c, Code 2013, is amended to read as follows:

c. "*Declaration of loss*" means a written statement, made under penalty of perjury, to the effect that ~~(i)~~ the declarer lost possession of a check~~, (ii)~~; the declarer is the drawer or payee of the check, in the case of a certified check, or the remitter or payee of the check, in the case of a cashier's check or teller's check~~, (iii)~~; the loss of possession was not the result of a transfer by the declarer or a lawful seizure~~,~~; and ~~(iv)~~ the declarer cannot reasonably obtain possession of the check because the check was destroyed, its whereabouts cannot be determined, or it is in the wrongful possession of an unknown person or a person that cannot be found or is not amenable to service of process.

Sec. 147. Section 554.3405, subsection 1, paragraphs b and c, Code 2013, are amended to read as follows:

b. "*Fraudulent endorsement*" means ~~(i)~~ one of the following:

(1) in the case of an instrument payable to the employer, a forged endorsement purporting to be that of the employer~~, or (ii)~~;

(2) in the case of an instrument with respect to which the employer is the issuer, a forged endorsement purporting to be that of the person identified as payee.

c. "*Responsibility*" with respect to instruments means authority ~~(i)~~ to sign or endorse instruments on behalf of the employer~~, (ii)~~; to process instruments received by the employer

for bookkeeping purposes, for deposit to an account, or for other disposition~~, (iii)~~; to prepare or process instruments for issue in the name of the employer~~, (iv)~~; to supply information determining the names or addresses of payees of instruments to be issued in the name of the employer~~, (v)~~; to control the disposition of instruments to be issued in the name of the employer~~,~~; or ~~(vi)~~ to act otherwise with respect to instruments in a responsible capacity. "*Responsibility*" does not include authority that merely allows an employee to have access to instruments or blank or incomplete instrument forms that are being stored or transported or are part of incoming or outgoing mail, or similar access.

Sec. 148. Section 554.3501, subsection 1, Code 2013, is amended to read as follows:

1. "*Presentment*" means a demand made by or on behalf of a person entitled to enforce an instrument ~~(i)~~:

a. to pay the instrument made to the drawee or a party obliged to pay the instrument or, in the case of a note or accepted draft payable at a bank, to the bank~~,~~; or ~~(ii)~~

b. to accept a draft made to the drawee.

Sec. 149. Section 554.3501, subsection 2, paragraphs b and c, Code 2013, are amended to read as follows:

b. Upon demand of the person to whom presentment is made, the person making presentment must ~~(i)~~ exhibit the instrument~~, (ii)~~; give reasonable identification and, if presentment is made on behalf of another person, reasonable evidence of authority to do so~~,~~; and ~~(iii)~~ sign a receipt on the instrument for any payment made or surrender the instrument if full payment is made.

c. Without dishonoring the instrument, the party to whom presentment is made may ~~(i)~~ return the instrument for lack of a necessary endorsement, or ~~(ii)~~ refuse payment or acceptance for failure of the presentment to comply with the terms of the instrument, an agreement of the parties, or other applicable law or rule.

Sec. 150. Section 554.3604, subsection 1, Code 2013, is amended to read as follows:

1. A person entitled to enforce an instrument, with or without consideration, may discharge the obligation of a party to pay the instrument ~~(i)~~ by an intentional voluntary act, such as surrender of the instrument to the party, destruction, mutilation, or cancellation of the instrument, cancellation or striking out of the party's signature, or the addition of words to the instrument indicating discharge~~,~~; or ~~(ii)~~ by agreeing not to sue or otherwise renouncing rights against the party by a signed writing.

Sec. 151. Section 554.3605, subsections 5, 7, and 9, Code 2013, are amended to read as follows:

5. If the obligation of a party to pay an instrument is secured by an interest in collateral and a person entitled to enforce the instrument impairs the value of the interest in collateral, the obligation of an endorser or accommodation party having a right of recourse against the obligor is discharged to the extent of the impairment. The value of an interest in collateral is impaired to the extent ~~(i)~~ the value of the interest is reduced to an amount less than the amount of the right of recourse of the party asserting discharge, or ~~(ii)~~ the reduction in value of the interest causes an increase in the amount by which the amount of the right of recourse exceeds the value of the interest. The burden of proving impairment is on the party asserting discharge.

7. Under subsection 5 or 6, impairing value of an interest in collateral includes ~~(i)~~ failure to obtain or maintain perfection or recordation of the interest in collateral~~, (ii)~~; release of collateral without substitution of collateral of equal value~~, (iii)~~; failure to perform a duty to preserve the value of collateral owed, under Article 9 or other law, to a debtor or surety or other person secondarily liable~~,~~; or ~~(iv)~~ failure to comply with applicable law in disposing of collateral.

9. A party is not discharged under this section if ~~(i)~~ the party asserting discharge consents to the event or conduct that is the basis of the discharge, or ~~(ii)~~ the instrument or a separate agreement of the party provides for waiver of discharge under this section either specifically or by general language indicating that parties waive defenses based on suretyship or impairment of collateral.

Sec. 152. Section 554.9102, subsection 1, paragraphs b, k, z, ar, au, be, and bg, Code 2013, are amended to read as follows:

b. "Account", except as used in *"account for"*, means a right to payment of a monetary obligation, whether or not earned by performance, ~~(i)~~ for property that has been or is to be sold, leased, licensed, assigned, or otherwise disposed of~~, (ii)~~; for services rendered or to be rendered~~, (iii)~~; for a policy of insurance issued or to be issued~~, (iv)~~; for a secondary obligation incurred or to be incurred~~, (v)~~; for energy provided or to be provided~~, (vi)~~; for the use or hire of a vessel under a charter or other contract~~, (vii)~~; arising out of the use of a credit or charge card or information contained on or for use with the card~~,~~; or ~~(viii)~~ as winnings in a lottery or other game of chance operated or sponsored by a state, governmental unit of a state, or person licensed or authorized to operate the game by a state or governmental unit of a state. The term includes health care insurance receivables. The term does not include ~~(i)~~ rights to payment evidenced by chattel paper or an instrument, ~~(ii)~~ commercial tort claims, ~~(iii)~~ deposit accounts, ~~(iv)~~ investment property, ~~(v)~~ letter-of-credit rights or letters of credit, or ~~(vi)~~ rights to payment for money or funds advanced or sold, other than rights arising out of the use of a credit or charge card or information contained on or for use with the card.

k. "Chattel paper" means a record or records that evidence both a monetary obligation and a security interest in specific goods, a security interest in specific goods and software used in the goods, a security interest in specific goods and license of software used in the goods, a lease of specific goods, or a lease of specific goods and license of software used in the goods. In this paragraph, *"monetary obligation"* means a monetary obligation secured by the goods or owed under a lease of the goods and includes a monetary obligation with respect to software used in the goods. The term does not include ~~(i)~~ charters or other contracts involving the use or hire of a vessel or ~~(ii)~~ records that evidence a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card. If a transaction is evidenced by records that include an instrument or series of instruments, the group of records taken together constitutes chattel paper.

z. "Consumer transaction" means a transaction in which ~~(i)~~ an individual incurs an obligation primarily for personal, family, or household purposes~~, (ii)~~; a security interest secures the obligation~~,~~; and ~~(iii)~~ the collateral is held or acquired primarily for personal, family, or household purposes. The term includes consumer-goods transactions.

ar. "Goods" means all things that are movable when a security interest attaches. The term includes ~~(i)~~ fixtures~~, (ii)~~; standing timber that is to be cut and removed under a conveyance or contract for sale~~, (iii)~~; the unborn young of animals~~, (iv)~~; crops grown, growing, or to be grown, even if the crops are produced on trees, vines, or bushes~~,~~; and ~~(v)~~ manufactured homes. The term also includes a computer program embedded in goods and any supporting information provided in connection with a transaction relating to the program if ~~(i)~~ the program is associated with the goods in such a manner that it customarily is considered part of the goods, or ~~(ii)~~ by becoming the owner of the goods, a person acquires a right to use the program in connection with the goods. The term does not include a computer program embedded in goods that consist solely of the medium in which the program is embedded. The term also does not include accounts, chattel paper, commercial tort claims, deposit accounts, documents, general intangibles, instruments, investment property, letter-of-credit rights, letters of credit, money, or oil, gas, or other minerals before extraction.

au. "Instrument" means a negotiable instrument or any other writing that evidences a right to the payment of a monetary obligation, is not itself a security agreement or lease, and is of a type that in ordinary course of business is transferred by delivery with any necessary indorsement or assignment. The term does not include ~~(i)~~ investment property, ~~(ii)~~ letters of credit, or ~~(iii)~~ writings that evidence a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card.

be. "New value" means ~~(i)~~ money~~, (ii)~~; money's worth in property, services, or new credit~~,~~; or ~~(iii)~~ release by a transferee of an interest in property previously transferred to the transferee. The term does not include an obligation substituted for another obligation.

bg. "Obligor" means a person that, with respect to an obligation secured by a security interest in or an agricultural lien on the collateral, ~~(i)~~ owes payment or other performance of the obligation, ~~(ii)~~ has provided property other than the collateral to secure payment or other performance of the obligation, or ~~(iii)~~ is otherwise accountable in whole or in part

for payment or other performance of the obligation. The term does not include issuers or nominated persons under a letter of credit.

Sec. 153. Section 554.12507, subsection 3, Code 2013, is amended to read as follows:

3. *a.* A funds-transfer system rule may select the law of a particular jurisdiction to govern ~~(i)~~:

(1) the rights and obligations between participating banks with respect to payment orders transmitted or processed through the system, or ~~(ii)~~

(2) the rights and obligations of some or all parties to a funds transfer any part of which is carried out by means of the system.

b. A choice of law made pursuant to ~~clause (i)~~ paragraph *"a"*, subparagraph (1), is binding on participating banks. A choice of law made pursuant to ~~clause (ii)~~ paragraph *"a"*, subparagraph (2), is binding on the originator, other sender, or a receiving bank having notice that the funds-transfer system might be used in the funds transfer and of the choice of law by the system when the originator, other sender, or receiving bank issued or accepted a payment order. The beneficiary of a funds transfer is bound by the choice of law if, when the funds transfer is initiated, the beneficiary has notice that the funds-transfer system might be used in the funds transfer and of the choice of law by the system. The law of a jurisdiction selected pursuant to this subsection may govern, whether or not that law bears a reasonable relation to the matter in issue.

Sec. 154. Section 554.13103, subsection 1, paragraph g, subparagraph (3), subparagraph division (d), Code 2013, is amended to read as follows:

(d) if the lease is not a consumer lease, the lessor, before the lessee signs the lease contract, informs the lessee in writing ~~(i)~~ of the identity of the person supplying the goods to the lessor, unless the lessee has selected that person and directed the lessor to acquire the goods or the right to possession and use of the goods from that person~~, (ii)~~; that the lessee is entitled under this Article to the promises and warranties, including those of any third party, provided to the lessor by the person supplying the goods in connection with or as part of the contract by which the lessor acquired the goods or the right to possession and use of the goods~~,~~; and ~~(iii)~~ that the lessee may communicate with the person supplying the goods to the lessor and receive an accurate and complete statement of those promises and warranties, including any disclaimers and limitations of them or of remedies.

Sec. 155. Section 554.13209, subsection 2, Code 2013, is amended to read as follows:

2. The extension of the benefit of a supplier's promises and of warranties to the lessee under subsection 1 does not: ~~(i)~~

a. modify the rights and obligations of the parties to the supply contract, whether arising therefrom or otherwise, or ~~(ii)~~

b. impose any duty or liability under the supply contract on the lessee.

Sec. 156. Section 554.13527, subsection 2, Code 2013, is amended to read as follows:

2. Except as otherwise provided with respect to damages liquidated in the lease agreement (section 554.13504) or otherwise determined pursuant to agreement of the parties (sections 554.1302 and 554.13503), if the disposition is by lease agreement substantially similar to the original lease agreement and the new lease agreement is made in good faith and in a commercially reasonable manner, the lessor may recover from the lessee as damages ~~(i)~~ accrued and unpaid rent as of the date of the commencement of the term of the new lease agreement~~, (ii)~~; the present value, as of the same date, of the total rent for the remaining lease term of the original lease agreement minus the present value, as of the same date, of the rent under the new lease agreement applicable to that period of the new lease term which is comparable to the then remaining term of the original lease agreement~~,~~; and ~~(iii)~~ any incidental damages allowed under section 554.13530, less expenses saved in consequence of the lessee's default.

Sec. 157. Section 554.13528, subsection 1, Code 2013, is amended to read as follows:

1. Except as otherwise provided with respect to damages liquidated in the lease agreement (section 554.13504) or otherwise determined pursuant to agreement of the parties (sections

554.1302 and 554.13503), if a lessor elects to retain the goods or a lessor elects to dispose of the goods and the disposition is by lease agreement that for any reason does not qualify for treatment under section 554.13527, subsection 2, or is by sale or otherwise, the lessor may recover from the lessee as damages for a default of the type described in section 554.13523, subsection 1, or section 554.13523, subsection 3, paragraph "*a*", or, if agreed, for other default of the lessee, ~~(i)~~

a. accrued and unpaid rent as of the date of default if the lessee has never taken possession of the goods, or, if the lessee has taken possession of the goods, as of the date the lessor repossesses the goods or an earlier date on which the lessee makes a tender of the goods to the lessor, ~~(ii)~~

b. the present value as of the date determined under ~~clause (i)~~ paragraph "*a*" of the total rent for the then remaining lease term of the original lease agreement minus the present value as of the same date of the market rent at the place where the goods are located computed for the same lease term, and ~~(iii)~~

c. any incidental damages allowed under section 554.13530, less expenses saved in consequence of the lessee's default.

Sec. 158. Section 554D.104, subsection 2, paragraph b, Code 2013, is amended to read as follows:

b. Chapter 554 other than chapter 554, articles 2 and 13, and section 554.1306.

Sec. 159. Section 559.2, Code 2013, is amended to read as follows:

559.2 Definition — scope of power.

The term "*power to appoint*" as used in section 559.1, shall mean and include all powers which are in substance and effect powers of appointment, regardless of the language used in creating them and whether they are ~~(1) general~~:

1. General, special or otherwise~~, (2) vested~~.

2. Vested, contingent or conditional~~, (3) in~~.

3. In gross, appendant, simply collateral, in trust or in the nature of a trust or otherwise~~, (4) exercisable~~.

4. Exercisable by an instrument amending, revoking, altering, or terminating a trust or an estate, or an interest thereunder or otherwise~~, (5) exercisable~~.

5. Exercisable presently or in the future~~, (6) exercisable~~.

6. Exercisable in an individual or a fiduciary capacity whether alone or in conjunction with one or more other persons or corporations~~, (7) powers~~.

7. Powers to invade or consume property~~, or (8) powers~~.

8. Powers remaining after one or more partial releases have heretofore or hereafter been made with respect to a power to appoint.

Sec. 160. Section 559.6, Code 2013, is amended to read as follows:

559.6 Delivery.

A release or disclaimer may be delivered to any of the following: ~~(1)~~

1. Any person who could be adversely affected by the exercise of the power~~; or (2) any~~.

2. Any trustee of the property to which the power relates~~; or (3) any~~.

3. Any person specified for such purpose in the instrument creating the power~~; or (4) the~~.

4. The county recorder as provided in section 559.1.

Sec. 161. Section 600A.4, subsection 2, paragraph f, Code 2013, is amended to read as follows:

f. Shall be accompanied by a report which includes, to the extent available, the complete family medical and social history of the person to be adopted including any known genetic, metabolic, or familial disorders and the complete medical and developmental history of the person to be adopted, and a social history of the minor child and the minor child's family but which does not disclose the identity of the biological parents of the person to be adopted. The social history may include but is not limited to the minor child's racial, ethnic, and religious background and a general description of the minor child's biological parents and an account of the minor child's prior and existing relationship with any relative, foster parent, or other individual with whom the minor child regularly lives or whom the child regularly visits.

(1) A biological parent may also provide ongoing information to the adoptive parents, as additional medical or social history information becomes known, by providing information to the clerk of court, the department of human services, or the agency which made the placement, and may provide the current address of the biological parent. The clerk of court, the department of human services, or the agency which made the placement shall transmit the information to the adoptive parents if the address of the adoptive parents is known.

(2) A person who furnishes a report required under this paragraph *"f"* and the court shall not disclose any information upon which the report is based except as otherwise provided in this section and such a person is subject to the penalties provided in section 600.16, as applicable. A person who is the subject of any report may bring a civil action against a person who discloses the information in violation of this section.

(3) Information provided under this paragraph *"f"* shall not be used as evidence in any civil or criminal proceeding against a person who is the subject of the information.

(4) The department shall prescribe forms designed to obtain the family medical and social history and shall provide the forms at no charge to any agency or person who executes a release of custody of the minor child or who files a petition for termination of parental rights. The existence of this report does not limit a person's ability to petition the court for release of records in accordance with other provisions of law.

Sec. 162. Section 631.8, subsection 2, paragraph b, Code 2013, is amended to read as follows:

b. As to parties who have appeared or are existing parties, either ~~(1)~~ order the small claim to be heard under this chapter and the other claim to be tried by regular procedure or ~~(2)~~ order both claims to be tried by regular procedure.

Sec. 163. Section 633.224, Code 2013, is amended to read as follows:

633.224 Advancements — in general.

When the owner of property transfers it as an advancement to a person who would be an heir of such transferor were the latter to die at that time, and the transferor dies intestate, then the property thus advanced shall be counted toward the share of the transferee in the estate, ~~(~~which for this purpose only shall be increased by the value of the advancement at the time the advancement was made~~)~~. The transferee shall have no liability to the estate for such part, if any, of the advancement as may be in excess of the transferee's share in the estate as thus determined. Every gratuitous inter vivos transfer is presumed to be an absolute gift, and not an advancement. Such presumption is rebuttable.

Sec. 164. Section 633.352, Code 2013, is amended to read as follows:

633.352 Collection of rents and payment of taxes and charges.

Unless otherwise provided by the will, the provisions of chapter 637 that conflict with this division VII, part 3, shall not apply to the allocation and distribution of estate income.

Sec. 165. Section 648.3, subsection 1, Code 2013, is amended to read as follows:

1. Before action can be brought under any ground specified in section 648.1, except section 648.1, subsection 1, three days' notice to quit must be given to the defendant in writing. However, a landlord who has given a tenant three days' notice to pay rent and has terminated the tenancy as provided in section 562A.27, subsection 2, or section 562B.25, subsection 2, if the tenant is renting the manufactured or mobile home or the land from the landlord, may commence the action without giving a three-day notice to quit.

Sec. 166. Section 724.10, subsection 2, Code 2013, is amended to read as follows:

2. The issuing officer, upon receipt of an initial or renewal application under this section, shall immediately conduct a background check concerning each applicant by obtaining criminal history data from the department of public safety which shall include an inquiry of the national instant criminal background check system maintained by the federal bureau of investigation or any successor agency.

Sec. 167. Section 724.17, Code 2013, is amended to read as follows:

724.17 Application for annual permit to acquire — criminal history check required.

The application for an annual permit to acquire pistols or revolvers may be made to the sheriff of the county of the applicant's residence and shall be on a form prescribed and published by the commissioner of public safety. The application shall require only the full name of the applicant, the driver's license or nonoperator's identification card number of the applicant, the residence of the applicant, and the date and place of birth of the applicant. The applicant shall also display an identification card that bears a distinguishing number assigned to the cardholder, the full name, date of birth, sex, residence address, and brief description and colored photograph of the cardholder, or other identification as specified by rule of the department of public safety. The sheriff shall conduct a criminal history check concerning each applicant by obtaining criminal history data from the department of public safety which shall include an inquiry of the national instant criminal background check system maintained by the federal bureau of investigation or any successor agency. A person who makes what the person knows to be a false statement of material fact on an application submitted under this section or who submits what the person knows to be any materially falsified or forged documentation in connection with such an application commits a class "D" felony.

Sec. 168. Section 805.6, subsection 3, paragraph a, Code 2013, is amended to read as follows:

a. (1) The uniform citation and complaint shall contain spaces for the following:

(a) The parties' names~~; the~~.

(b) The address of the alleged offender~~; the~~.

(c) The registration number of the offender's vehicle~~; the~~.

(d) The information required by section 805.2~~, a~~.

(e) A warning which states:

~~"I~~ I hereby swear and affirm that the information provided by me on this citation is true under penalty of providing false ~~information"; and a~~ information.

(f) A statement that providing false identification information is a violation of section 719.1A~~; a~~.

(g) A list of the scheduled fines prescribed by sections 805.8A, 805.8B, and 805.8C, either separately or by group, and a statement of the court costs payable in scheduled violation cases, whether or not a court appearance is required or is demanded~~; a~~.

(h) A brief explanation of sections 805.9 and 805.10~~; and a~~.

(i) A space where the defendant may sign an admission of the violation when permitted by section 805.9~~; and the~~.

(2) The uniform citation and complaint shall require that the defendant appear before a court at a specified time and place.

(3) The uniform citation and complaint also may contain a space for the imprint of a credit card, and may contain any other information which the commissioner of public safety, the director of transportation, and the director of the department of natural resources may determine.

Sec. 169. Section 805.8B, subsection 2, paragraph b, subparagraph (3), Code 2013, is amended to read as follows:

(3) For operating violations under section 321G.13, subsection 1, paragraphs "*a*", "*b*", "*e*", "*f*", "*g*", "*h*", and "*i*", and section 321G.13, subsections 2 and 3, the scheduled fine is one hundred dollars.

Sec. 170. Section 805.8B, subsection 2A, paragraph b, subparagraph (3), Code 2013, is amended to read as follows:

(3) For operating violations under section 321I.14, subsection 1, paragraphs "*a*", "*e*", "*f*", "*g*", and "*h*", and section 321I.14, subsections 2, 3, 4, and 5, the scheduled fine is one hundred dollars.

Sec. 171. Section 809A.3, Code 2013, is amended to read as follows:

809A.3 Conduct giving rise to forfeiture.

1. The following conduct may give rise to forfeiture:

~~1.~~ a. An act or omission which is a public offense and which is a serious or aggravated misdemeanor or felony.

~~2.~~ b. An act or omission occurring outside of this state, that would be punishable by confinement of one year or more in the place of occurrence and would be a serious or aggravated misdemeanor or felony if the act or omission occurred in this state.

~~3.~~ c. An act or omission committed in furtherance of any act or omission described in ~~subsection 1~~ paragraph "a", which is a serious or aggravated misdemeanor or felony, including any inchoate or preparatory offense.

~~4.~~ 2. Notwithstanding ~~subsections~~ subsection 1 ~~through 3~~, violations of chapter 321 or 321J shall not be considered conduct giving rise to forfeiture, except for violations of the following:

a. Section 321.232.

b. A second or subsequent violation of section 321J.4B, subsection 2, paragraph "*a*", subparagraph (2).

c. Section 321J.4B, subsection 9.

Sec. 172. Section 904.312, Code 2013, is amended to read as follows:

904.312 Purchase of supplies.

1. The director shall adopt rules governing the purchase of all articles and supplies needed at the various institutions and the form and verification of vouchers for the purchases. When purchases are made by sample, the sample shall be properly marked and retained until after an award or delivery of the items is made. The director may purchase supplies from any institution under the director's control, for use in any other institution, and reasonable reimbursement shall be made for these purchases.

2. The director shall, whenever technically feasible, purchase and use degradable loose foam packing material manufactured from grain starches or other renewable resources, unless the cost of the packing material is more than ten percent greater than the cost of packing material made from nonrenewable resources. For the purposes of this subsection, "*packing material*" means material, other than an exterior packing shell, that is used to stabilize, protect, cushion, or brace the contents of a package.

Sec. 173. Section 915.82, subsection 1, Code 2013, is amended to read as follows:

1. a. A crime victim assistance board is established, and shall consist of the following members to be appointed pursuant to rules adopted by the department:

~~a.~~ (1) A county attorney or assistant county attorney.

~~b.~~ (2) Two persons engaged full-time in law enforcement.

~~c.~~ (3) A public defender or an attorney practicing primarily in criminal defense.

~~d.~~ (4) A hospital medical staff person involved with emergency services.

~~e.~~ (5) Two public members who have received victim services.

~~f.~~ (6) A victim service provider.

~~g.~~ (7) A person licensed pursuant to chapter 154B or 154C.

~~h.~~ (8) A person representing the elderly.

b. Board members shall be reimbursed for expenses actually and necessarily incurred in the discharge of their duties.

DIVISION II
VOLUME VI RENUMBERING

Sec. 174. Section 556.2, subsection 5, Code 2013, is amended to read as follows:

5. a. A banking organization or financial organization shall send to the owner of each account, to which none of the actions specified in subsection 2,[7] paragraphs "*a*" through "*e*" ~~of subsection 1~~ or subsection 2, paragraphs "*a*" through "*e*" ~~of subsection 2~~ have occurred during the preceding three calendar years, a notice by certified mail stating in substance the following:

[7] See chapter 140, §76 herein

According to our records, we have had no contact with you regarding (describe account) for more than three years. Under Iowa law, if there is a period of three years without contact, we may be required to transfer this account to the custody of the treasurer of state of Iowa as unclaimed property. You may prevent this by taking some action, such as a deposit or withdrawal, which indicates your interest in this account or by signing this form and returning it to us.

I desire to keep the above account open and active.

.....

Your signature

b. The notice required under this section shall be mailed within thirty days of the lapse of the three-year period in which there is no activity. The cost of the certified mail of the notice required in this section may be deducted from the account by the banking or financial organization.

Sec. 175. Section 557B.3, subsection 2, unnumbered paragraphs 2, 3, 4, and 5, Code 2013, are amended to read as follows:

3. The application shall be signed by the membership camping operator or an officer or a general partner of the membership camping operator, or by another person holding a power of attorney for this purpose from the membership camping operator. If the application is signed pursuant to a power of attorney, a copy of the power of attorney must be included with the application.

4. An application for registration shall be amended within twenty-five days of any material change in the information included in the application. A material change includes any change which significantly reduces or terminates either the applicant's or the purchaser's right to use the campground or any of the facilities described in the membership camping contract, but does not include minor changes covering the use of the campground, its facilities, or the reciprocal program.

5. The registration of the membership camping operator must be renewed annually by filing an application for renewal with the required fee not later than thirty days prior to the anniversary of the current registration. The application shall include all changes which have occurred in the information included in the application previously filed.

6. Registration with the attorney general does not constitute approval or endorsement by the attorney general of the membership camping operator, the membership camping contract, or the campground, and any attempt by the membership camping operator to indicate that registration constitutes such approval or endorsement is unlawful.

Sec. 176. Section 557B.8, Code 2013, is amended to read as follows:

557B.8 Disclosures to purchasers.

1. A membership camping operator who is subject to the registration requirements of section 557B.3 shall provide a disclosure statement to a purchaser or prospective purchaser before the person signs a membership camping contract or gives any money or thing of value for the purchase of a membership camping contract.

~~1.~~ 2. The front cover or first page of the disclosure statement shall contain only the following, in the order stated:

a. "MEMBERSHIP CAMPING OPERATOR'S DISCLOSURE STATEMENT" printed at the top in boldface type of a minimum size of ten points.

b. The name and principal business address of the membership camping operator and any material affiliate of the membership camping operator.

c. A statement that the membership camping operator is in the business of offering for sale membership camping contracts.

d. A statement, printed in boldface type of a minimum size of ten points, which reads as follows:

THIS DISCLOSURE STATEMENT CONTAINS IMPORTANT MATTERS TO BE CONSIDERED IN THE EXECUTION OF A MEMBERSHIP CAMPING CONTRACT. THE MEMBERSHIP CAMPING OPERATOR IS REQUIRED BY LAW TO DELIVER TO YOU A COPY OF THIS DISCLOSURE STATEMENT BEFORE YOU EXECUTE A MEMBERSHIP CAMPING CONTRACT. THE STATEMENTS CONTAINED IN THIS DOCUMENT ARE ONLY SUMMARY IN NATURE. YOU AS A PROSPECTIVE PURCHASER SHOULD REVIEW ALL REFERENCES, EXHIBITS, CONTRACT DOCUMENTS, AND SALES MATERIALS. YOU SHOULD NOT RELY UPON ANY ORAL REPRESENTATIONS AS BEING CORRECT. REFER TO THIS DOCUMENT AND TO THE ACCOMPANYING EXHIBITS FOR CORRECT REPRESENTATIONS. THE MEMBERSHIP CAMPING OPERATOR IS PROHIBITED FROM MAKING ANY REPRESENTATIONS WHICH CONFLICT WITH THOSE CONTAINED IN THE CONTRACT AND THIS DISCLOSURE STATEMENT.

e. A statement, printed in boldface type of a minimum size of ten points, which reads as follows:

IF YOU EXECUTE A MEMBERSHIP CAMPING CONTRACT, YOU HAVE THE UNQUALIFIED RIGHT TO CANCEL THE CONTRACT. THIS RIGHT OF CANCELLATION CANNOT BE WAIVED. THE RIGHT TO CANCEL EXPIRES AT MIDNIGHT ON THE THIRD BUSINESS DAY FOLLOWING THE DATE ON WHICH THE CONTRACT WAS EXECUTED OR THE DATE OF RECEIPT OF THIS DISCLOSURE STATEMENT, WHICHEVER EVENT OCCURS LATER. TO CANCEL THE MEMBERSHIP CAMPING CONTRACT, YOU AS THE PURCHASER MUST HAND DELIVER OR MAIL NOTICE OF YOUR INTENT TO CANCEL TO THE MEMBERSHIP CAMPING OPERATOR AT THE ADDRESS SHOWN IN THE MEMBERSHIP CAMPING CONTRACT, POSTAGE PREPAID. THE MEMBERSHIP CAMPING OPERATOR IS REQUIRED BY LAW TO RETURN ALL MONEYS PAID BY YOU IN CONNECTION WITH THE EXECUTION OF THE MEMBERSHIP CAMPING CONTRACT, UPON YOUR PROPER AND TIMELY CANCELLATION OF THE CONTRACT AND RETURN OF ALL MEMBERSHIP AND RECIPROCAL USE PROGRAM MATERIALS FURNISHED AT THE TIME OF PURCHASE.

~~2.~~ 3. The following pages of the disclosure statement shall contain all of the following in the order stated:

a. The name, principal occupation, and address of every director, partner, or controlling person of the membership camping operator.

b. A brief description of the nature of the purchaser's right or license to use the campground and the facilities which are to be available for use by purchasers.

c. A brief description of the membership camping operator's experience in the membership camping business, including the length of time the operator has been in the membership camping business.

d. The location of each of the campgrounds which is to be available for use by purchasers and a brief description of the facilities at each campground which are currently available for use by purchasers. Facilities which are planned, incomplete, or not yet available for use shall be clearly identified as incomplete or unavailable. A brief description of any facilities that are or will be available to nonpurchasers shall also be provided. The description shall include, but need not be limited to, the number of campsites in each park, the number of campsites in each park with full or partial hookups, swimming pools, tennis courts, recreation buildings, restrooms and showers, laundry rooms, trading posts, and grocery stores.

e. The fees and charges that purchasers are or may be required to pay for the use of the campground or any facilities.

f. Any initial or special fee due from the purchaser, together with a description of the purpose and method of calculating the fee.

g. The extent to which financial arrangements, if any, have been provided for the completion of facilities, together with a statement of the membership camping operator's obligation to complete planned facilities. The statement shall include a description of any restrictions or limitations on the membership camping operator's obligation to begin or to complete the facilities.

h. The names of the managing entity, if any, and the significant terms of any management contract, including but not limited to, the circumstances under which the membership camping operator may terminate the management contract.

i. A summary or copy, whether by way of supplement or otherwise, of the rules, restrictions, or covenants regulating the purchaser's use of the campground and the facilities which are to be available for use by the purchaser, including a statement of whether and how the rules, restrictions, or covenants may be changed.

j. A brief description of the policies covering the availability of camping sites, the availability of reservations and the conditions under which they are made.

k. A brief description of any grounds for forfeiture of a purchaser's membership camping contract.

l. A statement of whether the membership camping operator has the right to withdraw permanently from use, all or any portion of any campground devoted to membership camping and, if so, the conditions under which the withdrawal is to be permitted.

m. A statement describing the material terms and conditions of any reciprocal program to be available to the purchaser, including a statement concerning whether the purchaser's participation in any reciprocal program is dependent on the continued affiliation of the membership camping operator with that reciprocal program and whether the membership camping operator reserves the right to terminate such affiliation.

n. As to all memberships offered by the membership camping operator at each campground, all of the following:

(1) The form of membership offered.

(2) The types of duration of membership along with a summary of the major privileges, restrictions, and limitations applicable to each type.

(3) Provisions that have been made for public utilities at each campsite including water, electricity, telephone, and sewage facilities.

o. A statement of the assistance, if any, that the membership camping operator will provide to the purchaser in the resale of membership camping contracts and a detailed description of how any such resale program is operated.

p. The following statement, printed in boldface type of a minimum size of ten points:

REGISTRATION OF THE MEMBERSHIP CAMPING OPERATOR WITH THE IOWA ATTORNEY GENERAL DOES NOT CONSTITUTE AN APPROVAL OR ENDORSEMENT BY THE ATTORNEY GENERAL OF THE MEMBERSHIP CAMPING OPERATOR, THE MEMBERSHIP CAMPING CONTRACT, OR THE CAMPGROUND.

4. The membership camping operator shall promptly amend the disclosure statement to reflect any material change and shall promptly file any such amendments with the attorney general.

Sec. 177. Section 562A.15, subsections 1 and 2, Code 2013, are amended to read as follows:

1. *a.* The landlord shall:

~~*a.*~~ (1) Comply with the requirements of applicable building and housing codes materially affecting health and safety.

~~*b.*~~ (2) Make all repairs and do whatever is necessary to put and keep the premises in a fit and habitable condition.

~~*c.*~~ (3) Keep all common areas of the premises in a clean and safe condition. The landlord shall not be liable for any injury caused by any objects or materials which belong to or which have been placed by a tenant in the common areas of the premises used by the tenant.

~~*d.*~~ (4) Maintain in good and safe working order and condition all electrical, plumbing, sanitary, heating, ventilating, air-conditioning, and other facilities and appliances, including elevators, supplied or required to be supplied by the landlord.

~~*e.*~~ (5) Provide and maintain appropriate receptacles and conveniences, accessible to all tenants, for the central collection and removal of ashes, garbage, rubbish, and other waste incidental to the occupancy of the dwelling unit and arrange for their removal.

~~*f.*~~ (6) Supply running water and reasonable amounts of hot water at all times and reasonable heat, except where the building that includes the dwelling unit is not required by law to be equipped for that purpose, or the dwelling unit is so constructed that heat or hot water is generated by an installation within the exclusive control of the tenant and supplied by a direct public utility connection.

b. If the duty imposed by paragraph "*a*", subparagraph (1), ~~of this subsection~~ is greater than a duty imposed by another subparagraph of paragraph "*a*" ~~of this subsection~~, the landlord's duty shall be determined by reference to paragraph "*a*", subparagraph (1) ~~of this subsection~~.

2. The landlord and tenant of a single family residence may agree in writing that the tenant perform the landlord's duties specified in ~~paragraphs "*e*" and "*f*" of~~ subsection 1, paragraph "*a*", subparagraphs (5) and (6), and also specified repairs, maintenance tasks, alterations, and remodeling, but only if the transaction is entered into in good faith.

Sec. 178. Section 562A.27A, subsection 3, Code 2013, is amended to read as follows:

3. *a.* This section shall not apply to a tenant if the activities causing the clear and present danger, as defined in subsection 2, are conducted by a person on the premises other than the tenant and the tenant takes at least one of the following measures against the person conducting the activities:

~~*a.*~~ (1) The tenant seeks a protective order, restraining order, order to vacate the homestead, or other similar relief pursuant to chapter 236, 598, 664A, or 915, or any other applicable provision which would apply to the person conducting the activities causing the clear and present danger.

~~*b.*~~ (2) The tenant reports the activities causing the clear and present danger to a law enforcement agency or the county attorney in an effort to initiate a criminal action against the person conducting the activities.

~~*c.*~~ (3) The tenant writes a letter to the person conducting the activities causing the clear and present danger, telling the person not to return to the premises and that a return to the premises may result in a trespass or other action against the person, and the tenant sends a copy of the letter to a law enforcement agency whose jurisdiction includes the premises. If the tenant has previously written a letter to the person as provided in this ~~paragraph~~ subparagraph, without taking an action specified in ~~paragraph "*a*"~~ subparagraph (1) or ~~"*b*"~~ (2) or filing a trespass or other action, and the person to whom the letter was sent conducts further activities causing a clear and present danger, the tenant must take one of the actions specified in ~~paragraph "*a*"~~ subparagraph (1) or ~~"*b*"~~ (2) to be exempt from proceedings pursuant to subsection 1.

b. However, in order to fall within the exemptions provided within this subsection, the tenant must provide written proof to the landlord, prior to the commencement of a suit against the tenant, that the tenant has taken one of the measures specified in ~~paragraphs~~ paragraph "*a*", subparagraphs (1) through ~~"*c*"~~ (3).

Sec. 179. Section 562B.11, subsection 2, Code 2013, is amended to read as follows:

2. A provision prohibited by subsection 1 ~~of this section~~ included in a rental agreement is unenforceable. If a landlord or tenant knowingly uses a rental agreement containing provisions known to be prohibited by this chapter, the other party may recover actual damages sustained.

3. Nothing in this chapter shall prohibit a rental agreement from requiring a tenant to maintain liability insurance which names the landlord as an insured as relates to the mobile home space rented by the tenant.

Sec. 180. Section 562B.25A, subsection 3, Code 2013, is amended to read as follows:

3. *a.* This section shall not apply to a tenant if the activities causing the clear and present danger, as defined in subsection 2, are conducted by a person on the premises other than the tenant and the tenant takes at least one of the following measures against the person conducting the activities:

~~*a.*~~ (1) The tenant seeks a protective order, restraining order, order to vacate the homestead, or other similar relief pursuant to chapter 236, 598, 664A, or 915, or any other applicable provision which would apply to the person conducting the activities causing the clear and present danger.

~~*b.*~~ (2) The tenant reports the activities causing the clear and present danger to a law enforcement agency or the county attorney in an effort to initiate a criminal action against the person conducting the activities.

~~c.~~ (3) The tenant writes a letter to the person conducting the activities causing the clear and present danger, telling the person not to return to the premises and that a return to the premises may result in a trespass or other action against the person, and the tenant sends a copy of the letter to a law enforcement agency whose jurisdiction includes the premises. If the tenant has previously written a letter to the person as provided in this ~~paragraph~~ subparagraph, without taking an action specified in ~~paragraph "a"~~ subparagraph (1) or ~~"b"~~ (2) or filing a trespass or other action, and the person to whom the letter was sent conducts further activities causing a clear and present danger, the tenant must take one of the actions specified in ~~paragraph "a"~~ subparagraph (1) or ~~"b"~~ (2) to be exempt from proceedings pursuant to subsection 1.

b. However, in order to fall within the exemptions provided within this subsection, the tenant must provide written proof to the landlord, prior to the commencement of a suit against the tenant, that the tenant has taken one of the measures specified in ~~paragraphs~~ paragraph "a", subparagraphs (1) through ~~"c"~~ (3).

Sec. 181. Section 585.3, Code 2013, is amended to read as follows:

585.3 Caption of publication.

1. The publication required by this chapter shall be made under the following caption or heading, to wit:

Proposed bill for the legalization of the proceedings of (name of official body).

2. If the proposed bill be for the legalization of the bonds or warrants of the public corporation, the caption shall be modified accordingly.

Sec. 182. Section 600.16A, subsection 3, Code 2013, is amended to read as follows:

3. a. In addition to other procedures by which adoption records may be opened under this section, if both of the following conditions are met, the department, the clerk of court, or the agency which made the placement shall open the adoption record for inspection and shall reveal the identity of the biological parents to the adult adopted child or the identity of the adult adopted child to the biological parents:

~~a.~~ (1) A biological parent has placed in the adoption record written consent to revelation of the biological parent's identity to the adopted child at an age specified by the biological parent, upon request of the adopted child.

~~b.~~ (2) An adult adopted child has placed in the adoption record written consent to revelation of the identity of the adult adopted child to a biological parent.

b. A person who has placed in the adoption record written consent pursuant to paragraph "a", subparagraph (1) or ~~"b" of this subsection~~ (2) may withdraw the consent at any time by placing a written withdrawal of consent statement in the adoption record.

c. Notwithstanding the provisions of this subsection, if the adult adopted person has a sibling who is a minor and who has also been adopted by the same parents, the department, the clerk of court, or the agency which made the placement may deny the request of either the adult adopted person or the biological parent to open the adoption records and to reveal the identities of the parties pending determination by the juvenile court or court that there is good cause to open the records pursuant to subsection 2.

Sec. 183. Section 602.1606, Code 2013, is amended to read as follows:

602.1606 Judicial officer disqualified.

1. A judicial officer is disqualified from acting in a proceeding, except upon the consent of all of the parties, if any of the following circumstances exists:

~~1.~~ a. The judicial officer has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding.

~~2.~~ b. The judicial officer served as a lawyer in the matter in controversy, or a lawyer with whom the judicial officer previously practiced law served during that association as a lawyer concerning the matter, or the judicial officer or such lawyer has been a material witness concerning the matter.

~~3.~~ c. The judicial officer knows that the officer, individually or as a fiduciary, or the officer's spouse or a person related to either of them by consanguinity or affinity within the third degree or the spouse of such a person has a financial interest in the subject matter

in controversy or in a party to the proceeding, or has any other interest that could be substantially affected by the outcome of the proceeding.

~~4.~~ *d.* The judicial officer or the officer's spouse, or a person related to either of them by consanguinity or affinity within the third degree or the spouse of such a person, is a party to the proceeding, or an officer, director, or trustee of a party, or is acting as a lawyer in the proceeding, or is known by the judicial officer to have an interest that could be substantially affected by the outcome of the proceeding, or is, to the judicial officer's knowledge, likely to be a material witness in the proceeding.

2. A judicial officer shall disclose to all parties in a proceeding any existing circumstances in ~~subsections~~ subsection 1, paragraphs *"a"* through 4 *"d"*, before the parties consent to the judicial officer's presiding in the proceeding.

Sec. 184. Section 607A.22, Code 2013, is amended to read as follows:

607A.22 Use of source lists — information provided.

1. The appointive jury commission or the jury manager shall use both of the following source lists in preparing grand and petit jury lists:

~~1.~~ *a.* The current voter registration list.

~~2.~~ *b.* The current motor vehicle operators list.

2. The appointive jury commission or the jury manager may use any other current comprehensive list of persons residing in the county, including but not limited to the lists of public utility customers, which the appointive jury commission or jury manager determines are useable for the purpose of a juror source list.

3. The applicable state and local government officials shall furnish, upon request, the appointive jury commission or jury manager with copies of lists necessary for the formulation of source lists at no cost to the commission, manager, or county.

4. The jury manager or jury commission may request a consolidated source list. A consolidated source list contains all the names and addresses found in either the voter registration list or the motor vehicle operators list, but does not duplicate an individual's name within the consolidated list. State officials shall cooperate with one another to prepare consolidated lists. The jury manager or jury commission may further request that only a randomly chosen portion of the consolidated list be prepared which may consist of either a certain number of names or a certain percentage of all the names in the consolidated list, as specified by the jury manager or jury commission.

Sec. 185. Section 607A.27, Code 2013, is amended to read as follows:

607A.27 Preparation for drawing of panels.

1. The names entered upon the appointive jury commission's or jury manager's lists and deposited in the office of the clerk or jury manager constitute the grand and petit master lists, from which grand and petit jurors shall be drawn.

2. Within ten days after the lists are deposited in the office of the clerk or jury manager, the clerk or jury manager shall do either of the following:

~~1.~~ *a.* Prepare from the lists separate ballots, uniform in size, shape, and appearance, and folded to conceal information on the ballot. The ballots for grand and petit jurors shall be kept separate and each ballot shall contain the name and place of residence of each prospective juror.

~~2.~~ *b.* Use electronic data processing equipment for the storage of names of the grand and petit jurors. The numerical division required in section 607A.21 need not be used when a jury wheel is used for the preparation of the lists.

Sec. 186. Section 619.19, Code 2013, is amended to read as follows:

619.19 Verification not required — affidavits.

1. Pleadings need not be verified unless otherwise required by statute. Where a pleading is verified, it is not necessary that subsequent pleadings be verified unless otherwise required by statute.

2. The signature of a party, the party's legal counsel, or any other person representing the party, to a motion, pleading, or other paper is a certificate that:

~~1.~~ *a.* The person has read the motion, pleading, or other paper.

~~2.~~ *b.* To the best of the person's knowledge, information, and belief, formed after reasonable inquiry, it is grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law.

~~3.~~ *c.* It is not interposed for any improper purpose, such as to harass or cause an unnecessary delay or needless increase in the cost of litigation.

3. If a motion, pleading, or other paper is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the pleader or movant.

4. If a motion, pleading, or other paper is signed in violation of this section, the court, upon motion or upon its own initiative, shall impose upon the person signing, the represented party, or both, an appropriate sanction, which may include an order to pay the other party or parties the amount of the reasonable expenses incurred because of the filing of the motion, pleading, or other paper, including a reasonable attorney fee.

Sec. 187. Section 625A.9, subsection 2, paragraph a, Code 2013, is amended to read as follows:

a. (1) Except as provided in paragraph "*b*", if the judgment or order appealed from is for money, such bond shall not exceed one hundred ten percent of the amount of the money judgment.

(2) The court may set a bond in an amount in excess of one hundred ten percent of the amount of the money judgment upon making specific findings justifying such an amount, and in doing so, shall consider, but shall not be limited to consideration of, the following criteria:

~~(1)~~ (a) The availability and cost of the bond or other form of adequate security.

~~(2)~~ (b) The assets of the judgment debtor and of the judgment debtor's insurer or indemnitor, if any.

~~(3)~~ (c) The potential adverse effects of the bond on the judgment debtor, including, but not limited to, the potential adverse effects on the judgment debtor's employees, financial stability, and business operations.

~~(4)~~ (d) The potential adverse effects of the bond on the judgment creditor and third parties, including public entities.

~~(5)~~ (e) In a class action suit, the adequacy of the bond to compensate all members of the class.

Sec. 188. Section 627.6, subsection 6, Code 2013, is amended to read as follows:

6. The interest of an individual in any accrued dividend or interest, loan or cash surrender value of, or any other interest in a life insurance policy owned by the individual if the beneficiary of the policy is the individual's spouse, child, or dependent. However, the amount of the exemption shall not exceed ten thousand dollars in the aggregate of any interest or value in insurance acquired within two years of the date execution is issued or exemptions are claimed, or for additions within the same time period to a prior existing policy which additions are in excess of the amount necessary to fund the amount of face value coverage of the policies for the two-year period. For purposes of this unnumbered paragraph, acquisitions shall not include such interest in new policies used to replace prior policies to the extent of any accrued dividend or interest, loan or cash surrender value of, or any other interest in the prior policies at the time of their cancellation.

a. In the absence of a written agreement or assignment to the contrary, upon the death of the insured any benefit payable to the spouse, child, or dependent of the individual under a life insurance policy shall inure to the separate use of the beneficiary independently of the insured's creditors.

b. A benefit or indemnity paid under an accident, health, or disability insurance policy is exempt to the insured or in case of the insured's death to the spouse, child, or dependent of the insured, from the insured's debts.

c. In case of an insured's death the avails of all matured policies of life, accident, health, or disability insurance payable to the surviving spouse, child, or dependent are exempt from liability for all debts of the beneficiary contracted prior to death of the insured, but the amount thus exempted shall not exceed fifteen thousand dollars in the aggregate.

Sec. 189. Section 627.6, subsection 8, paragraph f, Code 2013, is amended to read as follows:

f. (1) Contributions and assets, including the accumulated earnings and market increases in value, in any of the plans or contracts as follows:

~~(1)~~ (a) All transfers, in any amount, from a trust forming part of a stock, bonus, pension, or profit-sharing plan of an employer defined in section 401(a) of the Internal Revenue Code and of which the trust assets are exempt from taxation under section 501(a) of the Internal Revenue Code and covered by the Employee Retirement Income Security Act of 1974 (ERISA), as codified at 29 U.S.C. § 1001 et seq., to either of the following:

~~(a)~~ (i) A succeeding trust authorized under federal law on or after April 25, 2001.

~~(b)~~ (ii) An individual retirement account or individual retirement annuity established under section 408(d)(3) of the Internal Revenue Code, from which the total value, including accumulated earnings and market increases in value, may be contributed to a succeeding trust authorized under federal law on or after April 25, 2001. For purposes of this subparagraph division, transfers, in any amount, from an individual retirement account or individual retirement annuity established under section 408(d)(3) of the Internal Revenue Code to an individual retirement account or individual retirement annuity established under section 408(d)(3) of the Internal Revenue Code, or an individual retirement account established under section 408(a) of the Internal Revenue Code, or an individual retirement annuity established under section 408(b) of the Internal Revenue Code, or a Roth individual retirement account, or a Roth individual retirement annuity established under section 408A of the Internal Revenue Code are exempt.

~~(2)~~ (b) (i) All transfers, in any amount, from an eligible retirement plan to an individual retirement account, an individual retirement annuity, a Roth individual retirement account, or a Roth individual retirement annuity established under section 408A of the Internal Revenue Code shall be exempt from execution and from the claims of creditors.

(ii) As used in this subparagraph division, "*eligible retirement plan*" means the funds or assets in any retirement plan established under state or federal law that meet all of the following requirements:

~~(a)~~ (A) Can be transferred to an individual retirement account or individual retirement annuity established under sections 408(a) and 408(b) of the Internal Revenue Code or Roth individual retirement accounts and Roth individual retirement annuities established under section 408A of the Internal Revenue Code.

~~(b)~~ (B) Are either exempt from execution under state or federal law or are excluded from a bankruptcy estate under 11 U.S.C. § 541(c)(2) et seq.

~~(3)~~ (c) Retirement plans established pursuant to qualified domestic relations orders, as defined in 26 U.S.C. § 414. However, nothing in this section shall be construed as making any retirement plan exempt from the claims of the beneficiary of a qualified domestic relations order or from claims for child support or alimony.

~~(4)~~ (d) For simplified employee pension plans, self-employed pension plans (also known as Keogh plans or H.R. 10 plans), individual retirement accounts established under section 408(a) of the Internal Revenue Code, individual retirement annuities established under section 408(b) of the Internal Revenue Code, savings incentive matched plans for employees, salary reduction simplified employee pension plans (also known as SARSEPs), and similar plans for retirement investments authorized in the future under federal law, the exemption for contributions shall not exceed, for each tax year of contributions, the actual amount of the contribution deducted on the debtor's tax return or the maximum amount which could be contributed to an individual retirement account established under section 408(a) of the Internal Revenue Code and deducted in the tax year of the contribution, whichever is less. The exemption for accumulated earnings and market increases in value of plans under this subparagraph division shall be limited to an amount determined by multiplying all the accumulated earnings and market increases in value by a fraction, the numerator of which is the total amount of exempt contributions as determined by this subparagraph division, and the denominator of which is the total of exempt and nonexempt contributions to the plan.

~~(5)~~ (e) For Roth individual retirement accounts and Roth individual retirement annuities established under section 408A of the Internal Revenue Code and similar plans for retirement investments authorized in the future under federal law, the exemption for contributions shall

not exceed, for each tax year of contributions, the actual amount of the contribution or the maximum amount which federal law allows to be contributed to such plans. The exemption for accumulated earnings and market increases in value of plans under this subparagraph division shall be limited to an amount determined by multiplying all of the accumulated earnings and market increases in value by a fraction, the numerator of which is the total amount of exempt contributions as determined by this subparagraph division, and the denominator of which is the total of exempt and nonexempt contributions to the plan.

~~(6)~~ (f) For all contributions to plans described in ~~subparagraphs (4)~~ subparagraph divisions (d) and ~~(5)~~ (e), the maximum contribution in each of the two tax years preceding the claim of exemption or filing of a bankruptcy shall be limited to the maximum deductible contribution to an individual retirement account established under section 408(a) of the Internal Revenue Code, regardless of which plan for retirement investment has been chosen by the debtor.

~~(7)~~ (g) Exempt assets transferred from any individual retirement account, individual retirement annuity, Roth individual retirement account, or Roth individual retirement annuity to any other individual retirement account, individual retirement annuity, Roth individual retirement annuity, or Roth individual retirement account established under section 408A of the Internal Revenue Code shall continue to be exempt regardless of the number of times transferred between individual retirement accounts, individual retirement annuities, Roth individual retirement annuities, or Roth individual retirement accounts.

(2) For purposes of this paragraph *"f"*, *"market increases in value"* shall include, but shall not be limited to, dividends, stock splits, interest, and appreciation. *"Contributions"* means contributions by the debtor and by the debtor's employer.

Sec. 190. Section 633.197, Code 2013, is amended to read as follows:

633.197 Compensation.

1. Personal representatives shall be allowed such reasonable fees as may be determined by the court for services rendered, but not in excess of the following commissions upon the gross assets of the estate listed in the probate inventory, which shall be received as full compensation for all ordinary services:

a. For the first one thousand dollars, six percent~~;~~.

b. For the overplus between one and five thousand dollars, four percent~~;~~.

c. For all sums over five thousand dollars, two percent.

2. For purposes of this section, the gross assets of the estate shall not include life insurance proceeds, unless payable to the decedent's estate.

Sec. 191. Section 633.228, Code 2013, is amended to read as follows:

633.228 Time allowed.

1. To file such petition, there shall be allowed, commencing with the death of the decedent:

~~1.~~ *a.* To the surviving spouse, a period of twenty days~~;~~.

~~2.~~ *b.* To each other class in succession, a period of ten days.

2. The period allowed each class shall be advanced to the period allowed the preceding class if there is no member of such preceding class. Any member of any class may file such petition after the expiration of the period allowed to the member if letters have not been issued prior thereto.

Sec. 192. Section 633.290, Code 2013, is amended to read as follows:

633.290 Petition for probate of will.

1. At the time the will of a decedent is filed with the clerk, or thereafter, any interested person may file a verified petition in the district court of the proper county:

~~1.~~ *a.* To have the will admitted to probate~~;~~.

~~2.~~ *b.* For the appointment of the executor.

2. A petition for probate may be combined with a petition for appointment of the executor, and any person interested in either the probate of a will or in the appointment of the executor, may petition for both.

Sec. 193. Section 633A.3107, subsection 2, unnumbered paragraph 2, Code 2013, is amended to read as follows:

3. For the purposes of this section, *"relative of the settlor's spouse"* means a person who is related to the divorced settlor's former spouse by blood, adoption, or affinity, and who, subsequent to the divorce or dissolution of marriage, ceased to be related to the settlor by blood, adoption, or affinity.

Sec. 194. Section 654.12A, Code 2013, is amended to read as follows:

654.12A Priority of advances under mortgages.

1. Subject to section 572.18, if a prior recorded mortgage contains the notice prescribed in this section and identifies the maximum credit available to the borrower, then loans and advances made under the mortgage, up to the maximum amount of credit together with interest thereon, are senior to indebtedness to other creditors under subsequently recorded mortgages and other subsequently recorded or filed liens even though the holder of the prior recorded mortgage has actual notice of indebtedness under a subsequently recorded mortgage or other subsequently recorded or filed lien. So long as credit is available to the borrower, payment of the outstanding mortgage balance to zero shall not extinguish the prior recorded mortgage if it contains the notice prescribed by this section. The notice prescribed by this section for the prior recorded mortgage is as follows:

NOTICE: This mortgage secures credit in the amount of ..... Loans and advances up to this amount, together with interest, are senior to indebtedness to other creditors under subsequently recorded or filed mortgages and liens.

2. However, the priority of a prior recorded mortgage under this section does not apply to loans or advances made after receipt of notice of foreclosure or action to enforce a subsequently recorded mortgage or other subsequently recorded or filed lien.

Sec. 195. Section 654.20, Code 2013, is amended to read as follows:

654.20 Foreclosure without redemption — nonagricultural land.

1. If the mortgaged property is not used for an agricultural purpose as defined in section 535.13, the plaintiff in an action to foreclose a real estate mortgage may include in the petition an election for foreclosure without redemption. The election is effective only if the first page of the petition contains the following notice in capital letters of the same type or print size as the rest of the petition:

NOTICE

THE PLAINTIFF HAS ELECTED FORECLOSURE WITHOUT REDEMPTION. THIS MEANS THAT THE SALE OF THE MORTGAGED PROPERTY WILL OCCUR PROMPTLY AFTER ENTRY OF JUDGMENT UNLESS YOU FILE WITH THE COURT A WRITTEN DEMAND TO DELAY THE SALE. IF YOU FILE A WRITTEN DEMAND, THE SALE WILL BE DELAYED UNTIL TWELVE MONTHS (or SIX MONTHS if the petition includes a waiver of deficiency judgment) FROM ENTRY OF JUDGMENT IF THE MORTGAGED PROPERTY IS YOUR RESIDENCE AND IS A ONE-FAMILY OR TWO-FAMILY DWELLING OR UNTIL TWO MONTHS FROM ENTRY OF JUDGMENT IF THE MORTGAGED PROPERTY IS NOT YOUR RESIDENCE OR IS YOUR RESIDENCE BUT NOT A ONE-FAMILY OR TWO-FAMILY DWELLING. YOU WILL HAVE NO RIGHT OF REDEMPTION AFTER THE SALE. THE PURCHASER AT THE SALE WILL BE ENTITLED TO IMMEDIATE POSSESSION OF THE MORTGAGED PROPERTY. YOU MAY PURCHASE AT THE SALE.

2. If the plaintiff has not included in the petition a waiver of deficiency judgment, then the notice shall include the following:

IF YOU DO NOT FILE A WRITTEN DEMAND TO DELAY THE SALE AND IF THE MORTGAGED PROPERTY IS YOUR RESIDENCE AND IS A ONE-FAMILY OR TWO-FAMILY DWELLING, THEN A DEFICIENCY JUDGMENT WILL NOT BE ENTERED AGAINST YOU. IF YOU DO FILE A WRITTEN DEMAND TO DELAY THE SALE, THEN A DEFICIENCY JUDGMENT MAY BE ENTERED AGAINST YOU IF THE PROCEEDS FROM THE SALE OF THE MORTGAGED PROPERTY ARE INSUFFICIENT TO SATISFY THE AMOUNT OF THE MORTGAGE DEBT AND COSTS.

IF THE MORTGAGED PROPERTY IS NOT YOUR RESIDENCE OR IS NOT A ONE-FAMILY OR TWO-FAMILY DWELLING, THEN A DEFICIENCY JUDGMENT MAY BE ENTERED AGAINST YOU WHETHER OR NOT YOU FILE A WRITTEN DEMAND TO DELAY THE SALE.

3. If the election for foreclosure without redemption is made, then sections 654.21 through 654.26 apply.

Sec. 196. Section 670.4, Code 2013, is amended to read as follows:

670.4 Claims exempted.

1. The liability imposed by section 670.2 shall have no application to any claim enumerated in this section. As to any such claim, a municipality shall be liable only to the extent liability may be imposed by the express statute dealing with such claims and, in the absence of such express statute, the municipality shall be immune from liability.

~~1.~~ *a.* Any claim by an employee of the municipality which is covered by the Iowa workers' compensation law.

~~2.~~ *b.* Any claim in connection with the assessment or collection of taxes.

~~3.~~ *c.* Any claim based upon an act or omission of an officer or employee of the municipality, exercising due care, in the execution of a statute, ordinance, or regulation whether the statute, ordinance or regulation is valid, or based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of the municipality or an officer or employee of the municipality, whether or not the discretion is abused.

~~4.~~ *d.* Any claim against a municipality as to which the municipality is immune from liability by the provisions of any other statute or where the action based upon such claim has been barred or abated by operation of statute or rule of civil procedure.

~~5.~~ *e.* Any claim for punitive damages.

~~6.~~ *f.* Any claim for damages caused by a municipality's failure to discover a latent defect in the course of an inspection.

~~7.~~ *g.* Any claim based upon or arising out of a claim of negligent design or specification, negligent adoption of design or specification, or negligent construction or reconstruction of a highway, secondary road, or street as defined in section 321.1, subsection 78, that was constructed or reconstructed in accordance with a generally recognized engineering or safety standard, criteria, or design theory in existence at the time of the construction or reconstruction. A claim under this chapter shall not be allowed for failure to upgrade, improve, or alter any aspect of an existing highway, secondary road, or street, to new, changed, or altered design standards. In respect to highways and roads, sealcoating, asphalting, patching, resurfacing, ditching, draining, repairing, graveling, rocking, blading, or maintaining an existing highway or road does not constitute reconstruction. This ~~subsection~~ paragraph shall not apply to claims based upon gross negligence.

~~8.~~ *h.* Any claim based upon or arising out of a claim of negligent design or specification, negligent adoption of design or specification, or negligent construction or reconstruction of a public improvement as defined in section 384.37, subsection 19, or other public facility that was constructed or reconstructed in accordance with a generally recognized engineering or safety standard, criteria, or design theory in existence at the time of the construction or reconstruction. A claim under this chapter shall not be allowed for failure to upgrade, improve, or alter any aspect of an existing public improvement or other public facility to new, changed, or altered design standards. This ~~subsection~~ paragraph shall not apply to claims based upon gross negligence. This ~~subsection~~ paragraph takes effect July 1, 1984, and applies to all cases tried or retried on or after July 1, 1984.

~~9.~~ *i.* Any claim based upon an act or omission by an officer or employee of the municipality or the municipality's governing body, in the granting, suspension, or revocation of a license

or permit, where the damage was caused by the person to whom the license or permit was issued, unless the act of the officer or employee constitutes actual malice or a criminal offense.

~~10.~~ *j.* Any claim based upon an act or omission of an officer or employee of the municipality, whether by issuance of permit, inspection, investigation, or otherwise, and whether the statute, ordinance, or regulation is valid, if the damage was caused by a third party, event, or property not under the supervision or control of the municipality, unless the act or omission of the officer or employee constitutes actual malice or a criminal offense.

~~11.~~ *k.* A claim based upon or arising out of an act or omission in connection with an emergency response including but not limited to acts or omissions in connection with emergency response communications services.

~~12.~~ *l.* A claim relating to a swimming pool or spa as defined in section 135I.1 which has been inspected by a municipality or the state in accordance with chapter 135I, or a swimming pool or spa inspection program which has been certified by the state in accordance with that chapter, whether or not owned or operated by a municipality, unless the claim is based upon an act or omission of an officer or employee of the municipality and the act or omission constitutes actual malice or a criminal offense.

~~13.~~ *m.* A claim based on an act or omission by a county or city pursuant to section 717.2A or chapter 717B relating to either of the following:

~~*a.*~~ (1) Rescuing neglected livestock or another animal by a law enforcement officer.

~~*b.*~~ (2) Maintaining or disposing of neglected livestock or another animal by a county or city.

~~14.~~ *n.* Any claim based upon or arising out of a claim of negligent design or specification, negligent adoption of design or specification, or negligent construction or reconstruction of a public facility designed for purposes of skateboarding, in-line skating, bicycling, unicycling, scootering, river rafting, canoeing, or kayaking that was constructed or reconstructed, reasonably and in good faith, in accordance with generally recognized engineering or safety standards or design theories in existence at the time of the construction or reconstruction.

~~15.~~ *o.* Any claim based upon or arising out of an act or omission of an officer or employee of the municipality or the municipality's governing body by a person skateboarding, in-line skating, bicycling, unicycling, scootering, river rafting, canoeing, or kayaking on public property when the person knew or reasonably should have known that the skateboarding, in-line skating, bicycling, unicycling, scootering, river rafting, canoeing, or kayaking created a substantial risk of injury to the person and was voluntarily in the place of risk. The exemption from liability contained in this ~~subsection~~ paragraph shall only apply to claims for injuries or damage resulting from the risks inherent in the activities of skateboarding, in-line skating, bicycling, unicycling, scootering, river rafting, canoeing, or kayaking.

2. The remedy against the municipality provided by section 670.2 shall hereafter be exclusive of any other civil action or proceeding by reason of the same subject matter against the officer, employee or agent whose act or omission gave rise to the claim, or the officer's, employee's, or agent's estate.

3. This section does not expand any existing cause of action or create any new cause of action against a municipality.

Sec. 197. Section 704.2, Code 2013, is amended to read as follows:

704.2 Deadly force.

1. The term *"deadly force"* means any of the following:

~~1.~~ *a.* Force used for the purpose of causing serious injury.

~~2.~~ *b.* Force which the actor knows or reasonably should know will create a strong probability that serious injury will result.

~~3.~~ *c.* The discharge of a firearm, other than a firearm loaded with less lethal munitions and discharged by a peace officer, corrections officer, or corrections official in the line of duty, in the direction of some person with the knowledge of the person's presence there, even though no intent to inflict serious physical injury can be shown.

~~4.~~ *d.* The discharge of a firearm, other than a firearm loaded with less lethal munitions and discharged by a peace officer, corrections officer, or corrections official in the line of duty, at a vehicle in which a person is known to be.

2. As used in this section, *"less lethal munitions"* means projectiles which are designed to stun, temporarily incapacitate, or cause temporary discomfort to a person without penetrating the person's body.

Sec. 198. Section 706.3, Code 2013, is amended to read as follows:

706.3 Penalties.

1. A person who commits a conspiracy to commit a forcible felony is guilty of a class "C" felony.

2. A person who commits a conspiracy to commit a felony, other than a forcible felony, is guilty of a class "D" felony.

3. A person who commits a conspiracy to commit a misdemeanor is guilty of a misdemeanor of the same class.

Sec. 199. Section 707.2, Code 2013, is amended to read as follows:

707.2 Murder in the first degree.

1. A person commits murder in the first degree when the person commits murder under any of the following circumstances:

~~1.~~ *a.* The person willfully, deliberately, and with premeditation kills another person.

~~2.~~ *b.* The person kills another person while participating in a forcible felony.

~~3.~~ *c.* The person kills another person while escaping or attempting to escape from lawful custody.

~~4.~~ *d.* The person intentionally kills a peace officer, correctional officer, public employee, or hostage while the person is imprisoned in a correctional institution under the jurisdiction of the Iowa department of corrections, or in a city or county jail.

~~5.~~ *e.* The person kills a child while committing child endangerment under section 726.6, subsection 1, paragraph *"b"*, or while committing assault under section 708.1 upon the child, and the death occurs under circumstances manifesting an extreme indifference to human life.

~~6.~~ *f.* The person kills another person while participating in an act of terrorism as defined in section 708A.1.

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

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

Sec. 200. Section 707.3, Code 2013, is amended to read as follows:

707.3 Murder in the second degree.

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

2. Murder in the second degree is a class "B" felony. However, notwithstanding section 902.9, subsection ~~2~~ 1, paragraph *"b"*, the maximum sentence for a person convicted under this section shall be a period of confinement of not more than fifty years.

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

Sec. 201. Section 709.4, Code 2013, is amended to read as follows:

709.4 Sexual abuse in the third degree.

1. A person commits sexual abuse in the third degree when the person performs a sex act under any of the following circumstances:

~~1.~~ *a.* The act is done by force or against the will of the other person, whether or not the other person is the person's spouse or is cohabiting with the person.

~~2.~~ *b.* The act is between persons who are not at the time cohabiting as husband and wife and if any of the following are true:

~~*a.*~~ (1) The other person is suffering from a mental defect or incapacity which precludes giving consent.

~~*b.*~~ (2) The other person is twelve or thirteen years of age.

~~*c.*~~ (3) The other person is fourteen or fifteen years of age and any of the following are true:

~~(1)~~ (a) The person is a member of the same household as the other person.

~~(2)~~ (b) The person is related to the other person by blood or affinity to the fourth degree.

~~(3)~~ (c) The person is in a position of authority over the other person and uses that authority to coerce the other person to submit.

~~(4)~~ (d) The person is four or more years older than the other person.

~~3.~~ c. The act is performed while the other person is under the influence of a controlled substance, which may include but is not limited to flunitrazepam, and all of the following are true:

~~a.~~ (1) The controlled substance, which may include but is not limited to flunitrazepam, prevents the other person from consenting to the act.

~~b.~~ (2) The person performing the act knows or reasonably should have known that the other person was under the influence of the controlled substance, which may include but is not limited to flunitrazepam.

~~4.~~ d. The act is performed while the other person is mentally incapacitated, physically incapacitated, or physically helpless.

2. Sexual abuse in the third degree is a class "C" felony.

Sec. 202. Section 709.8, Code 2013, is amended to read as follows:

709.8 Lascivious acts with a child.

1. It is unlawful for any person sixteen years of age or older to perform any of the following acts with a child with or without the child's consent unless married to each other, for the purpose of arousing or satisfying the sexual desires of either of them:

~~1.~~ a. Fondle or touch the pubes or genitals of a child.

~~2.~~ b. Permit or cause a child to fondle or touch the person's genitals or pubes.

~~3.~~ c. Solicit a child to engage in a sex act or solicit a person to arrange a sex act with a child.

~~4.~~ d. Inflict pain or discomfort upon a child or permit a child to inflict pain or discomfort on the person.

2. a. Any person who violates a provision of this section involving an act included in subsection 1, paragraph "a" or ~~2~~ "b", shall, upon conviction, be guilty of a class "C" felony.

b. Any person who violates a provision of this section involving an act included in subsection ~~3~~ 1, paragraph "c" or 4 "d", shall, upon conviction, be guilty of a class "D" felony.

Sec. 203. Section 709.12, Code 2013, is amended to read as follows:

709.12 Indecent contact with a child.

1. A person eighteen years of age or older is upon conviction guilty of an aggravated misdemeanor if the person commits any of the following acts with a child, not the person's spouse, with or without the child's consent, for the purpose of arousing or satisfying the sexual desires of either of them:

~~1.~~ a. Fondle or touch the inner thigh, groin, buttock, anus, or breast of the child.

~~2.~~ b. Touch the clothing covering the immediate area of the inner thigh, groin, buttock, anus, or breast of the child.

~~3.~~ c. Solicit or permit a child to fondle or touch the inner thigh, groin, buttock, anus, or breast of the person.

~~4.~~ d. Solicit a child to engage in any act prohibited under section 709.8, subsection 1, ~~2~~ paragraph "a", "b", or 4 "d".

2. The provisions of this section shall also apply to a person sixteen or seventeen years of age who commits any of the enumerated acts with a child who is at least five years the person's junior, in which case the juvenile court shall have jurisdiction under chapter 232.

Sec. 204. Section 709.16, subsection 2, Code 2013, is amended to read as follows:

2. a. An officer, employee, contractor, vendor, volunteer, or agent of a juvenile placement facility who engages in a sex act with a juvenile placed at such facility commits an aggravated misdemeanor.

b. For purposes of this subsection, a "*juvenile placement facility*" means any of the following:

~~a.~~ (1) A child foster care facility licensed under section 237.4.

~~b.~~ (2) Institutions controlled by the department of human services listed in section 218.1.

~~c.~~ (3) Juvenile detention and juvenile shelter care homes approved under section 232.142.

~~d.~~ (4) Psychiatric medical institutions for children licensed under chapter 135H.
~~e.~~ (5) Substance abuse facilities as defined in section 125.2.

Sec. 205. Section 711.1, Code 2013, is amended to read as follows:
711.1 Robbery defined.
1. A person commits a robbery when, having the intent to commit a theft, the person does any of the following acts to assist or further the commission of the intended theft or the person's escape from the scene thereof with or without the stolen property:
~~1.~~ *a.* Commits an assault upon another.
~~2.~~ *b.* Threatens another with or purposely puts another in fear of immediate serious injury.
~~3.~~ *c.* Threatens to commit immediately any forcible felony.
2. It is immaterial to the question of guilt or innocence of robbery that property was or was not actually stolen.

Sec. 206. Section 714.1, subsection 6, Code 2013, is amended to read as follows:
6. Makes, utters, draws, delivers, or gives any check, share draft, draft, or written order on any bank, credit union, person, or corporation, and obtains property, the use of property, including rental property, or service in exchange for such instrument, if the person knows that such check, share draft, draft, or written order will not be paid when presented.
a. Whenever the drawee of such instrument has refused payment because of insufficient funds, and the maker has not paid the holder of the instrument the amount due thereon within ten days of the maker's receipt of notice from the holder that payment has been refused by the drawee, the court or jury may infer from such facts that the maker knew that the instrument would not be paid on presentation. Notice of refusal of payment shall be by certified mail, or by personal service in the manner prescribed for serving original notices.
b. Whenever the drawee of such instrument has refused payment because the maker has no account with the drawee, the court or jury may infer from such fact that the maker knew that the instrument would not be paid on presentation.

Sec. 207. Section 714.10, Code 2013, is amended to read as follows:
714.10 Fraudulent practice in the second degree.
1. Fraudulent practice in the second degree is the following:
~~1.~~ *a.* A fraudulent practice where the amount of money or value of property or services involved exceeds one thousand dollars but does not exceed ten thousand dollars.
~~2.~~ *b.* A fraudulent practice where the amount of money or value of property or services involved does not exceed one thousand dollars by one who has been convicted of a fraudulent practice twice before.
2. Fraudulent practice in the second degree is a class "D" felony.

Sec. 208. Section 714.11, Code 2013, is amended to read as follows:
714.11 Fraudulent practice in the third degree.
1. Fraudulent practice in the third degree is the following:
~~1.~~ *a.* A fraudulent practice where the amount of money or value of property or service involved exceeds five hundred dollars but does not exceed one thousand dollars.
~~2.~~ *b.* A fraudulent practice as set forth in section 714.8, subsections 2, 8, and 9.
~~3.~~ *c.* A fraudulent practice where it is not possible to determine an amount of money or value of property and service involved.
2. Fraudulent practice in the third degree is an aggravated misdemeanor.

Sec. 209. Section 714.16B, Code 2013, is amended to read as follows:
714.16B Identity theft — civil cause of action.
1. In addition to any other remedies provided by law, a person as defined under section 714.16, subsection 1, suffering a pecuniary loss as a result of an identity theft by another person under section 715A.8, or a financial institution on behalf of an account holder suffering a pecuniary loss as a result of an identity theft by another person under section 715A.8, may bring an action against such other person to recover all of the following:
~~1.~~ *a.* Five thousand dollars or three times the actual damages, whichever is greater.

~~2.~~ *b.* Reasonable costs incurred due to the violation of section 715A.8, including all of the following:

~~*a.*~~ (1) Costs for repairing the victim's credit history or credit rating.

~~*b.*~~ (2) Costs incurred for bringing a civil or administrative proceeding to satisfy a debt, lien, judgment, or other obligation of the victim.

~~*c.*~~ (3) Punitive damages, attorney fees, and court costs.

2. For purposes of this section, "*financial institution*" means the same as defined in section 527.2, and includes an insurer organized under Title XIII, subtitle 1, of this Code, or under the laws of any other state or the United States.

Sec. 210. Section 714.26, subsection 2, paragraphs a and b, Code 2013, are amended to read as follows:

a. (1) A person commits intellectual property counterfeiting in the first degree if any of the following apply:

~~(1)~~ (a) The person is manufacturing or producing an item bearing or identified by a counterfeit mark.

~~(2)~~ (b) The offense involves more than one thousand items bearing or identified by a counterfeit mark or the total retail value of such items is equal to or greater than ten thousand dollars.

~~(3)~~ (c) The offense is a third or subsequent violation of this section.

(2) Intellectual property counterfeiting in the first degree is a class "C" felony.

b. (1) A person commits intellectual property counterfeiting in the second degree if any of the following apply:

~~(1)~~ (a) The offense involves more than one hundred items but does not involve more than one thousand items bearing or identified by a counterfeit mark or the total retail value of such items is equal to or greater than one thousand dollars but less than ten thousand dollars.

~~(2)~~ (b) The offense is a second violation of this section.

(2) Intellectual property counterfeiting in the second degree is a class "D" felony.

Sec. 211. Section 715A.6, subsection 1, Code 2013, is amended to read as follows:

1. *a.* A person commits a public offense by using a credit card for the purpose of obtaining property or services with knowledge of any of the following:

~~*a.*~~ (1) The credit card is stolen or forged.

~~*b.*~~ (2) The credit card has been revoked or canceled.

~~*c.*~~ (3) For any other reason the use of the credit card is unauthorized.

b. It is an affirmative defense to prosecution under paragraph ~~"*c*"~~ "*a*", subparagraph (3), if the person proves by a preponderance of the evidence that the person had the intent and ability to meet all obligations to the issuer arising out of the use of the credit card.

Sec. 212. Section 717A.2, subsection 1, paragraph c, Code 2013, is amended to read as follows:

c. (1) Enter onto or into an animal facility, or remain on or in an animal facility, if the person has notice that the facility is not open to the public, if the person has an intent to do one of the following:

~~(1)~~ (a) Disrupt operations conducted at the animal facility, if the operations directly relate to agricultural production, animal maintenance, educational or scientific purposes, or veterinary care.

~~(2)~~ (b) Kill or injure an animal maintained at the animal facility.

(2) A person has notice that an animal facility is not open to the public if the person is provided notice before entering onto or into the facility, or the person refuses to immediately depart from the facility after being informed to leave. The notice may be in the form of a written or verbal communication by the owner, a fence or other enclosure designed to exclude intruders or contain animals, or a sign posted which is reasonably likely to come to the attention of an intruder and which indicates that entry is forbidden.

Sec. 213. Section 717A.3, subsection 1, paragraph c, Code 2013, is amended to read as follows:

c. (1) Enter onto or remain on crop operation property if the person has notice that the property is not open to the public, and the person has an intent to do one of the following:

~~(1)~~ (a) Disrupt agricultural production conducted on the crop operation property if the agricultural production directly relates to the maintenance of crops. A person is presumed to intend disruption if the person moves, removes, or defaces any sign posted on the crop operation property or label used by the owner and the sign or label identifies a crop maintained on the crop operation property.

~~(2)~~ (b) Destroy or damage a crop or any portion of a crop maintained on the crop operation property.

(2) A person has notice that a crop operation property is not open to the public if the person is provided notice prohibiting entry before the person enters onto the crop operation property, or the person refuses to immediately depart from the crop operation property after being notified to leave. The notice may be in the form of a written or verbal communication by the owner, a fence or other enclosure designed to exclude intruders, or a sign posted which is reasonably likely to come to the attention of an intruder and which indicates that entry is prohibited.

Sec. 214. Section 730.4, subsection 5, Code 2013, is amended to read as follows:

5. *a.* This section may be enforced through a civil action.

~~*a.*~~ (1) A person who violates this section or who aids in the violation of this section is liable to an aggrieved employee or applicant for employment for affirmative relief including reinstatement or hiring, with or without back pay, or any other equitable relief as the court deems appropriate including attorney fees and court costs.

~~*b.*~~ (2) When a person commits, is committing, or proposes to commit, an act in violation of this section, an injunction may be granted through an action in district court to prohibit the person from continuing such acts. The action for injunctive relief may be brought by an aggrieved employee or applicant for employment, the county attorney, or the attorney general.

b. A person who in good faith brings an action under this subsection alleging that an employer has required or requested a polygraph examination in violation of this section shall establish that sufficient evidence exists upon which a reasonable person could find that a violation has occurred. Upon proof that sufficient evidence exists upon which a finding could be made that a violation has occurred as required under this paragraph, the employer has the burden of proving that the requirements of this section were met.

Sec. 215. Section 730.5, subsection 9, paragraph g, Code 2013, is amended to read as follows:

g. (1) Upon receipt of a confirmed positive alcohol test which indicates an alcohol concentration greater than the concentration level established by the employer pursuant to this section, and if the employer has at least fifty employees, and if the employee has been employed by the employer for at least twelve of the preceding eighteen months, and if rehabilitation is agreed upon by the employee, and if the employee has not previously violated the employer's substance abuse prevention policy pursuant to this section, the written policy shall provide for the rehabilitation of the employee pursuant to subsection 10, paragraph "*a*", subparagraph (1), and the apportionment of the costs of rehabilitation as provided by this paragraph "*g*".

~~(1)~~ (a) If the employer has an employee benefit plan, the costs of rehabilitation shall be apportioned as provided under the employee benefit plan.

~~(2)~~ (b) If no employee benefit plan exists and the employee has coverage for any portion of the costs of rehabilitation under any health care plan of the employee, the costs of rehabilitation shall be apportioned as provided by the health care plan with any costs not covered by the plan apportioned equally between the employee and the employer. However, the employer shall not be required to pay more than two thousand dollars toward the costs not covered by the employee's health care plan.

~~(3)~~ (c) If no employee benefit plan exists and the employee does not have coverage for any portion of the costs of rehabilitation under any health care plan of the employee, the costs of rehabilitation shall be apportioned equally between the employee and the employer. However, the employer shall not be required to pay more than two thousand dollars towards the cost of rehabilitation under this subparagraph division.

(2) Rehabilitation required pursuant to this paragraph "g" shall not preclude an employer from taking any adverse employment action against the employee during the rehabilitation based on the employee's failure to comply with any requirements of the rehabilitation, including any action by the employee to invalidate a test sample provided by the employee pursuant to the rehabilitation.

Sec. 216. Section 730.5, subsection 13, paragraph d, Code 2013, is amended to read as follows:

d. (1) An employer may use and disclose information concerning the results of a drug or alcohol test conducted pursuant to this section under any of the following circumstances:

~~(1)~~ (a) In an arbitration proceeding pursuant to a collective bargaining agreement, or an administrative agency proceeding or judicial proceeding under workers' compensation laws or unemployment compensation laws or under common or statutory laws where action taken by the employer based on the test is relevant or is challenged.

~~(2)~~ (b) To any federal agency or other unit of the federal government as required under federal law, regulation or order, or in accordance with compliance requirements of a federal government contract.

~~(3)~~ (c) To any agency of this state authorized to license individuals if the employee tested is licensed by that agency and the rules of that agency require such disclosure.

~~(4)~~ (d) To a union representing the employee if such disclosure would be required by federal labor laws.

~~(5)~~ (e) To a substance abuse evaluation or treatment facility or professional for the purpose of evaluation or treatment of the employee.

(2) However, positive test results from an employer drug or alcohol testing program shall not be used as evidence in any criminal action against the employee or prospective employee tested.

Sec. 217. Section 730.5, subsection 15, Code 2013, is amended to read as follows:

15. *Civil remedies.*

a. This section may be enforced through a civil action.

~~*a.*~~ (1) A person who violates this section or who aids in the violation of this section, is liable to an aggrieved employee or prospective employee for affirmative relief including reinstatement or hiring, with or without back pay, or any other equitable relief as the court deems appropriate including attorney fees and court costs.

~~*b.*~~ (2) When a person commits, is committing, or proposes to commit, an act in violation of this section, an injunction may be granted through an action in district court to prohibit the person from continuing such acts. The action for injunctive relief may be brought by an aggrieved employee or prospective employee, the county attorney, or the attorney general.

b. In an action brought under this subsection alleging that an employer has required or requested a drug or alcohol test in violation of this section, the employer has the burden of proving that the requirements of this section were met.

Sec. 218. Section 804.22, Code 2013, is amended to read as follows:

804.22 Initial appearance before magistrate — arrest without warrant.

1. When an arrest is made without a warrant, the person arrested shall, without unnecessary delay, be taken before the nearest or most accessible magistrate in the judicial district in which such arrest was made or before a magistrate in an approved judicial district, and the grounds on which the arrest was made shall be stated to the magistrate by complaint, subscribed and sworn to by the complainant, or supported by the complainant's affirmation, and such magistrate shall proceed as follows:

~~1.~~ *a.* If the magistrate believes from such complaint that the offense charged is triable in the magistrate's court, the magistrate shall proceed with the case.

~~2.~~ *b.* If the magistrate believes from such complaint that the offense charged is triable in another court, the magistrate shall by written order, commit the person arrested to a peace officer, to be taken before the appropriate magistrate in the district in which the offense is triable, and shall fix the amount of bail or other conditions of release which the person arrested may give for the person's appearance at the other court.

2. This section and the rules of criminal procedure do not affect the provisions of chapter 805 authorizing the release of a person on citation or bail prior to initial appearance, unless the person is charged with manufacture, delivery, possession with intent to manufacture or deliver, or distribution of methamphetamine. The initial appearance of a person so released shall be scheduled for a time not more than thirty days after the date of release.

3. For purposes of this section, an *"approved judicial district"* means, as to any particular arrest of a person made without a warrant, any judicial district in this state in which the chief judge of that judicial district and the chief judge of the judicial district in which the arrest was made have previously entered an order permitting a person arrested without warrant to be taken to a magistrate from any judicial district subject to the order.

Sec. 219. Section 804.30, Code 2013, is amended to read as follows:

804.30 Strip searches.

1. A person arrested for a scheduled violation or a simple misdemeanor shall not be subjected to a strip search unless there is probable cause to believe the person is concealing a weapon or contraband. A strip search pursuant to this section shall not be conducted except under all of the following conditions:

~~1.~~ *a.* Written authorization of the supervisor on duty is obtained.

~~2.~~ *b.* A search warrant is obtained for the probing of any body cavity other than the mouth, ears or nose.

~~3.~~ *c.* A visual search or probing of any body cavity shall be performed under sanitary conditions. A physical probe of a body cavity other than the mouth, ears or nose shall be performed only by a licensed physician unless voluntarily waived in writing by the arrested person.

~~4.~~ *d.* The search is conducted in a place where it cannot be observed by persons not conducting the search.

~~5.~~ *e.* The search is conducted by a person of the same sex as the arrested person, unless conducted by a physician.

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

Sec. 220. Section 805.16, subsection 3, Code 2013, is amended to read as follows:

3. *a.* A person arrested pursuant to subsection 2 shall only be arrested for the limited purpose of holding the person in nonsecure custody in an area not intended for secure detention while awaiting transfer to an appropriate juvenile facility or to court, for booking, for implied consent testing, for contacting and release to the person's parents, or for other administrative purposes.

b. For purposes of this subsection, *"nonsecure custody"* means custody in an unlocked multipurpose area, such as a lobby, office, or interrogation room which is not designed, set aside, or used as a secure detention area, and the person arrested is not physically secured during the period of custody in the area, the person is physically accompanied by a peace officer or a person employed by the facility where the person arrested is being held, and the use of the area is limited to providing nonsecure custody only long enough for the purposes stated in ~~the preceding~~ paragraph *"a"* and not for a period of time in excess of six hours without the oral or written order of a judge or magistrate authorizing the detention. A judge shall not extend the period of time in excess of six hours beyond the initial six-hour period.

Sec. 221. Section 811.2, subsection 1, Code 2013, is amended to read as follows:

1. *Conditions for release of defendant.*

a. All bailable defendants shall be ordered released from custody pending judgment or entry of deferred judgment on their personal recognizance, or upon the execution of an unsecured appearance bond in an amount specified by the magistrate unless the magistrate determines in the exercise of the magistrate's discretion, that such a release will not reasonably assure the appearance of the defendant as required or that release will jeopardize the personal safety of another person or persons. When such determination is made, the magistrate shall, either in lieu of or in addition to the above methods of release, impose the first of the following conditions of release which will reasonably assure the appearance of the person for trial or deferral of judgment and the safety of other persons, or, if no single condition gives that assurance, any combination of the following conditions:

~~*a.*~~ (1) Place the defendant in the custody of a designated person or organization agreeing to supervise the defendant.

~~*b.*~~ (2) Place restrictions on the travel, association or place of abode of the defendant during the period of release.

~~*c.*~~ (3) Require the execution of an appearance bond in a specified amount and the deposit with the clerk of the district court or a public officer designated under section 602.1211, subsection 4, in cash or other qualified security, of a sum not to exceed ten percent of the amount of the bond, the deposit to be returned to the person who deposited the specified amount with the clerk upon the performance of the appearances as required in section 811.6.

~~*d.*~~ (4) Require the execution of a bail bond with sufficient surety, or the deposit of cash in lieu of bond. However, except as provided in section 811.1, bail initially given remains valid until final disposition of the offense or entry of an order deferring judgment. If the amount of bail is deemed insufficient by the court before whom the offense is pending, the court may order an increase of bail and the defendant must provide the additional undertaking, written or in cash, to secure release.

~~*e.*~~ (5) Impose any other condition deemed reasonably necessary to assure appearance as required, or the safety of another person or persons including a condition requiring that the defendant return to custody after specified hours, or a condition that the defendant have no contact with the victim or other persons specified by the court.

b. Any bailable defendant who is charged with unlawful possession, manufacture, delivery, or distribution of a controlled substance or other drug under chapter 124 and is ordered released shall be required, as a condition of that release, to submit to a substance abuse evaluation and follow any recommendations proposed in the evaluation for appropriate substance abuse treatment. However, if a bailable defendant is charged with manufacture, delivery, possession with the intent to manufacture or deliver, or distribution of methamphetamine, its salts, optical isomers, and salts of its optical isomers, the defendant shall, in addition to a substance abuse evaluation, remain under supervision and be required to undergo random drug tests as a condition of release.

Sec. 222. Section 901.3, Code 2013, is amended to read as follows:

901.3 Presentence investigation report.

1. If a presentence investigation is ordered by the court, the investigator shall promptly inquire into all of the following:

~~1.~~ *a.* The defendant's characteristics, family and financial circumstances, needs, and potentialities.

~~2.~~ *b.* The defendant's criminal record and social history.

~~3.~~ *c.* The circumstances of the offense.

~~4.~~ *d.* The time the defendant has been in detention.

~~5.~~ *e.* The harm to the victim, the victim's immediate family, and the community. Additionally, the presentence investigator shall provide a victim impact statement form to each victim, if one has not already been provided, and shall file the completed statement or statements with the presentence investigation report.

~~6.~~ *f.* The defendant's potential as a candidate for the community service sentence program established pursuant to section 907.13.

~~7.~~ *g.* Any mitigating circumstances relating to the offense and the defendant's potential as a candidate for deferred judgment, deferred sentencing, a suspended sentence, or probation, if the defendant is charged with or convicted of assisting suicide pursuant to section 707A.2.

~~8.~~ *h.* Whether the defendant has a history of mental health or substance abuse problems. If so, the investigator shall inquire into the treatment options available in both the community of the defendant and the correctional system.

2. All local and state mental and correctional institutions, courts, and police agencies shall furnish to the investigator on request the defendant's criminal record and other relevant information. The originating source of specific mental health or substance abuse information including the histories, treatment, and use of medications shall not be released to the presentence investigator unless the defendant authorizes the release of such information. If the defendant refuses to release the information, the presentence investigator may note the defendant's refusal to release mental health or substance abuse information in the presentence investigation report and rely upon other mental health or substance abuse information available to the presentence investigator. With the approval of the court, a physical examination or psychiatric evaluation of the defendant may be ordered, or the defendant may be committed to an inpatient or outpatient psychiatric facility for an evaluation of the defendant's personality and mental health. The results of any such examination or evaluation shall be included in the report of the investigator.

Sec. 223. Section 901.5, unnumbered paragraphs 1 and 2, Code 2013, are amended to read as follows:

After receiving and examining all pertinent information, including the presentence investigation report and victim impact statements, if any, the court shall consider the following sentencing options. The court shall determine which of them is authorized by law for the offense, and of the authorized sentences, which of them or which combination of them, in the discretion of the court, will provide maximum opportunity for the rehabilitation of the defendant, and for the protection of the community from further offenses by the defendant and others. At the time fixed by the court for pronouncement of judgment and sentence, the court shall act accordingly:

~~At the time fixed by the court for pronouncement of judgment and sentence, the court shall act accordingly:~~

Sec. 224. Section 902.9, Code 2013, is amended to read as follows:

902.9 Maximum sentence for felons.

1. The maximum sentence for any person convicted of a felony shall be that prescribed by statute or, if not prescribed by statute, if other than a class "A" felony shall be determined as follows:

~~1.~~ *a.* A felon sentenced for a first conviction for a violation of section 124.401D, shall be confined for no more than ninety-nine years.

~~2.~~ *b.* A class "B" felon shall be confined for no more than twenty-five years.

~~3.~~ *c.* An habitual offender shall be confined for no more than fifteen years.

~~4.~~ *d.* A class "C" felon, not an habitual offender, shall be confined for no more than ten years, and in addition shall be sentenced to a fine of at least one thousand dollars but not more than ten thousand dollars.

~~5.~~ *e.* A class "D" felon, not an habitual offender, shall be confined for no more than five years, and in addition shall be sentenced to a fine of at least seven hundred fifty dollars but not more than seven thousand five hundred dollars.

2. The surcharges required by sections 911.1, 911.2, and 911.3 shall be added to a fine imposed on a class "C" or class "D" felon, as provided by those sections, and are not a part of or subject to the maximums set in this section.

Sec. 225. Section 904.403, Code 2013, is amended to read as follows:

904.403 Investigatory powers — witnesses.

1. The director may exercise the following powers in an investigation:

~~1.~~ *a.* Summon and compel the attendance of witnesses.

~~2.~~ *b.* Examine the witnesses under oath, which the director may administer.

~~3.~~ *c.* Have access to all books, papers, and property material to the investigation.

~~4.~~ *d.* Order the production of books or papers material to the investigation.

2. Witnesses other than those in the employ of the state are entitled to the same fees as in civil cases in the district court.

Sec. 226. Section 904.813, subsection 2, Code 2013, is amended to read as follows:

2. *a.* The Iowa state industries revolving fund shall be used only for the following purposes:

~~*a.*~~ (1) Establishment, maintenance, transfer, or closure of industrial operations, or vocational, technical, and related training facilities and services for inmates as authorized by the state director in consultation with the industries board.

~~*b.*~~ (2) Payment of all costs incurred by the industries board, including but not limited to per diem and expenses of its members, and of salaries, allowances, support, and maintenance of Iowa state industries.

~~*c.*~~ (3) Direct purchases from vendors of raw materials and capital items used for the manufacturing processes of Iowa state industries, in accordance with rules which meet state bidding requirements. The rules shall be adopted by the state director in consultation with the industries board.

b. Payments from the revolving fund, other than salary payments, shall be made directly to the vendors.

Sec. 227. Section 904.905, Code 2013, is amended to read as follows:

904.905 Surrender of earnings.

1. An inmate employed in the community under a work release plan shall surrender to the judicial district department of correctional services the inmate's total earnings less payroll deductions required by law. The judicial district department of correctional services shall deduct from the earnings in the following order of priority:

~~1.~~ *a.* An amount the inmate may be legally obligated to pay for the support of the inmate's dependents, the amount of which shall be paid to the dependents through the department of human services located in the county or city in which the dependents reside.

~~2.~~ *b.* Restitution as ordered by the court pursuant to chapter 910.

~~3.~~ *c.* An amount determined to be the cost to the judicial district department of correctional services for providing food, lodging, and clothing for the inmate while under the program.

~~4.~~ *d.* Any other financial obligations which are acknowledged by the inmate or any unsatisfied judgment against the inmate.

2. Any balance remaining after deductions and payments shall be credited to the inmate's personal account at the judicial district department of correctional services and shall be paid to the inmate upon release. An inmate so employed shall be paid a fair and reasonable wage in accordance with the prevailing wage scale for such work and shall work at fair and reasonable hours per day and per week.

Sec. 228. Section 905.12, Code 2013, is amended to read as follows:

905.12 Surrender of earnings.

1. When committing a person to a residential treatment center operated by a judicial district department of correctional services, the court shall order the person to surrender to the district department their total earnings less payroll deductions required by law. The court shall establish the person's legal obligations by order and the district department shall deduct from the earnings to satisfy the court order in the following order of priority:

~~1.~~ *a.* An amount the resident may be legally obligated to pay for the support of dependents, which shall be paid to the dependents directly or through the department of human services in the county in which the dependents reside. For the purpose of this ~~subsection~~ paragraph, "*legally obligated*" means under a court order.

~~2.~~ *b.* Restitution ordered by the court under chapter 910.

~~3.~~ *c.* An amount determined to be the cost to the judicial district department of correctional services for food, lodging, and other expenses incurred by or on behalf of the resident.

~~4.~~ *d.* Any other financial obligations which are admitted to by the resident or any judgment granted by the court to another person to whom the resident owes money, but no earnings of a resident are subject to garnishment while the person is committed to the center.

2. Any balance remaining after deductions and payments shall be credited to the resident's personal account at the district department and shall be paid to the resident upon release. The

director shall establish a plan to comply with the provisions of court orders entered pursuant to this section.

Sec. 229. Section 906.5, subsection 1, Code 2013, is amended to read as follows:

1. *a.* The board shall establish and implement a plan by which the board systematically reviews the status of each person who has been committed to the custody of the director of the Iowa department of corrections and considers the person's prospects for parole or work release. The board at least annually shall review the status of a person other than a class "A" felon, a class "B" felon serving a sentence of more than twenty-five years, or a felon serving an offense punishable under section 902.9, subsection 1, paragraph *"a"*, or a felon serving a mandatory minimum sentence other than a class "A" felon, and provide the person with notice of the board's parole or work release decision.

b. Not less than twenty days prior to conducting a hearing at which the board will interview the person, the board shall notify the department of corrections of the scheduling of the interview, and the department shall make the person available to the board at the person's institutional residence as scheduled in the notice. However, if health, safety, or security conditions require moving the person to another institution or facility prior to the scheduled interview, the department of corrections shall so notify the board.

Sec. 230. Section 906.9, Code 2013, is amended to read as follows:

906.9 Clothing, transportation, and money.

1. When an inmate is discharged, paroled, or placed on work release, the warden or superintendent shall furnish the inmate, at state expense, appropriate clothing and transportation to the place in this state indicated in the inmate's discharge, parole, or work release plan. When an inmate is discharged, paroled, or placed on work release, the warden or superintendent shall provide the inmate, at state expense or through inmate savings as provided in section 904.508, money in accordance with the following schedule:

~~1.~~ *a.* Upon discharge or parole, one hundred dollars.

~~2.~~ *b.* Upon being placed on work release, fifty dollars.

2. Those inmates receiving payment under subsection ~~2~~ 1, paragraph *"b"*, shall not be eligible for payment under subsection 1, paragraph *"a"*, unless they are returned to the institution. An inmate shall only be eligible to receive one payment under this section during any twelve-month period. The warden or superintendent shall maintain an account of all funds expended pursuant to this section.

Sec. 231. Section 910.4, subsection 3, Code 2013, is amended to read as follows:

3. *a.* When there is a transfer of supervision from one office or individual charged with supervision of the offender to another, the sending office or individual shall forward to the receiving office or individual all necessary information regarding the balance owed against the original amount of restitution ordered and the balance of public service required.

b. When the offender's circumstances and income have significantly changed, the receiving office or individual shall submit a new plan of payment to the sentencing court for approval or modification based on the considerations enumerated in this section.

Sec. 232. Section 915.12, subsection 1, Code 2013, is amended to read as follows:

1. A victim may register by filing a written request-for-registration form with the county attorney. The county attorney shall notify the victims in writing and advise them of their registration and rights under this subchapter. The county attorney shall provide a registered victim list to the offices, agencies, and departments required to provide information under this subchapter for notification purposes.

~~The county attorney shall provide a registered victim list to the offices, agencies, and departments required to provide information under this subchapter for notification purposes.~~

Sec. 233. Section 915.29, Code 2013, is amended to read as follows:

915.29 Notification of victim of juvenile by department of human services.

1. The department of human services shall notify a registered victim regarding a juvenile adjudicated delinquent for a violent crime, committed to the custody of the department of human services, and placed at the state training school at Eldora or Toledo, of the following:

~~1.~~ *a.* The date on which the juvenile is expected to be temporarily released from the custody of the department of human services, and whether the juvenile is expected to return to the community where the registered victim resides.

~~2.~~ *b.* The juvenile's escape from custody.

~~3.~~ *c.* The recommendation by the department to consider the juvenile for release or placement.

~~4.~~ *d.* The date on which the juvenile is expected to be released from a facility pursuant to a plan of placement.

2. The notification required pursuant to this section may occur through the automated victim notification system referred to in section 915.10A to the extent such information is available for dissemination through the system.

Sec. 234. Section 915.38, subsection 1, Code 2013, is amended to read as follows:

1. *a.* Upon its own motion or upon motion of any party, a court may protect a minor, as defined in section 599.1, from trauma caused by testifying in the physical presence of the defendant where it would impair the minor's ability to communicate, by ordering that the testimony of the minor be taken in a room other than the courtroom and be televised by closed-circuit equipment for viewing in the courtroom. However, such an order shall be entered only upon a specific finding by the court that such measures are necessary to protect the minor from trauma. Only the judge, prosecuting attorney, defendant's attorney, persons necessary to operate the equipment, and any person whose presence, in the opinion of the court, would contribute to the welfare and well-being of the minor may be present in the room with the minor during the minor's testimony. The judge shall inform the minor that the defendant will not be present in the room in which the minor will be testifying but that the defendant will be viewing the minor's testimony through closed-circuit television.

b. During the minor's testimony the defendant shall remain in the courtroom and shall be allowed to communicate with the defendant's counsel in the room where the minor is testifying by an appropriate electronic method.

c. In addition, upon a finding of necessity, the court may allow the testimony of a victim or witness with a mental illness, an intellectual disability, or other developmental disability to be taken as provided in this subsection, regardless of the age of the victim or witness.

DIVISION III
CONFORMING CHANGES

Sec. 235. Section 48A.11, subsection 2, paragraph b, Code 2013, is amended to read as follows:

b. The penalty provided by law for submission of a false voter registration form, which shall be the penalty for perjury as provided by section 902.9, subsection ~~5~~ 1, paragraph "*e*".

Sec. 236. Section 124.401, subsection 1, paragraph a, unnumbered paragraph 1, Code 2013, is amended to read as follows:

Violation of this subsection, with respect to the following controlled substances, counterfeit substances, or simulated controlled substances is a class "B" felony, and notwithstanding section 902.9, subsection ~~2~~ 1, paragraph "*b*", shall be punished by confinement for no more than fifty years and a fine of not more than one million dollars:

Sec. 237. Section 124.401, subsection 1, paragraph b, unnumbered paragraph 1, Code 2013, is amended to read as follows:

Violation of this subsection with respect to the following controlled substances, counterfeit substances, or simulated controlled substances is a class "B" felony, and in addition to the provisions of section 902.9, subsection ~~2~~ 1, paragraph "*b*", shall be punished by a fine of not less than five thousand dollars nor more than one hundred thousand dollars:

Sec. 238. Section 124.401, subsection 1, paragraph c, unnumbered paragraph 1, Code 2013, is amended to read as follows:

Violation of this subsection with respect to the following controlled substances, counterfeit substances, or simulated controlled substances is a class "C" felony, and in addition to the

provisions of section 902.9, subsection 4 1, paragraph *"d"*, shall be punished by a fine of not less than one thousand dollars nor more than fifty thousand dollars:

Sec. 239. Section 124.401D, subsection 1, paragraph b, Code 2013, is amended to read as follows:

b. A violation of this subsection is a felony punishable under section 902.9, subsection 1, paragraph *"a"*.

Sec. 240. Section 124.401D, subsection 2, paragraph b, Code 2013, is amended to read as follows:

b. A violation of this subsection is a felony punishable under section 902.9, subsection 1, paragraph *"a"*.

Sec. 241. Section 237A.29, subsection 2, paragraph b, Code 2013, is amended to read as follows:

b. A child care provider that has been found by the department of inspections and appeals in an administrative proceeding or in a judicial proceeding to have obtained, or has agreed to entry of a civil judgment or judgment by confession that includes a conclusion of law that the child care provider has obtained, by fraudulent means, public funding for provision of child care in an amount equal to or in excess of the minimum amount for a fraudulent practice in the second degree under section 714.10, subsection 1, paragraph *"a"*, shall be subject to sanction in accordance with this subsection. Such child care provider shall be subject to a period during which receipt of public funding for provision of child care is conditioned upon no further violations and to one or more of the following sanctions as determined by the department of human services:

(1) Ineligibility to receive public funding for provision of child care.

(2) Suspension from receipt of public funding for provision of child care.

(3) Special review of the child care provider's claims for providing publicly funded child care.

Sec. 242. Section 692A.101, subsection 1, paragraph a, subparagraphs (3) and (4), Code 2013, are amended to read as follows:

(3) Sexual abuse in the third degree in violation of section 709.4, subsection 1, paragraph *"a"*.

(4) Lascivious acts with a child in violation of section 709.8, subsection 1, paragraph *"a"* or ~~2~~ *"b"*.

Sec. 243. Section 692A.101, subsection 2, paragraph a, subparagraph (3), Code 2013, is amended to read as follows:

(3) Sexual abuse in the third degree in violation of section 709.4, except for a violation of section 709.4, subsection ~~2~~ 1, paragraph ~~"c"~~ *"b"*, subparagraph ~~(4)~~ (3), subparagraph division (d).

Sec. 244. Section 692A.102, subsection 1, paragraph a, subparagraphs (2), (3), and (4), Code 2013, are amended to read as follows:

(2) Sexual abuse in the third degree in violation of section 709.4, subsection 1, ~~3~~ paragraph *"a"*, *"c"*, or 4 *"d"*, if committed by a person under the age of fourteen.

(3) Sexual abuse in the third degree in violation of section 709.4, subsection ~~2~~ 1, paragraph ~~*"a"* or~~ *"b"*, subparagraph (1) or (2), if committed by a person under the age of fourteen.

(4) Sexual abuse in the third degree in violation of section 709.4, subsection ~~2~~ 1, paragraph ~~"c"~~ *"b"*, subparagraph (3).

Sec. 245. Section 692A.102, subsection 1, paragraph b, subparagraphs (1) and (3), Code 2013, are amended to read as follows:

(1) Lascivious acts with a child in violation of section 709.8, subsection ~~3~~ 1, paragraph *"c"* or 4 *"d"*.

(3) Solicitation of a minor to engage in an illegal act under section 709.8, subsection ~~3~~ 1, paragraph *"c"*, in violation of section 705.1.

Sec. 246. Section 692A.102, subsection 1, paragraph c, subparagraphs (10), (11), and (12), Code 2013, are amended to read as follows:

(10) Sexual abuse in the third degree in violation of section 709.4, subsection 1, ~~3~~ paragraph *"a"*, *"c"*, or 4 *"d"*, if committed by a person fourteen years of age or older.

(11) Sexual abuse in the third degree in violation of section 709.4, subsection ~~2~~ 1, paragraph ~~*"a"* or~~ *"b"*, subparagraph (1) or (2), if committed by a person fourteen years of age or older.

(12) Lascivious acts with a child in violation of section 709.8, subsection 1, paragraph *"a"* or ~~2~~ *"b"*.

Sec. 247. Section 692A.121, subsection 2, paragraph b, subparagraph (2), subparagraph division (a), Code 2013, is amended to read as follows:

(a) The relevant information about a sex offender who was under twenty years of age at the time the offender committed a violation of section 709.4, subsection ~~2~~ 1, paragraph ~~*"c"*~~ *"b"*, subparagraph ~~(4)~~ (3), subparagraph division (d).

Sec. 248. Section 702.11, subsection 2, paragraph c, Code 2013, is amended to read as follows:

c. Sexual abuse in violation of section 709.4, subsection ~~2~~ 1, paragraph ~~*"c"*~~ *"b"*, subparagraph ~~(4)~~ (3), subparagraph division (d).

Sec. 249. Section 708.2A, subsection 7, paragraph b, Code 2013, is amended to read as follows:

b. A person convicted of violating subsection 4 shall be sentenced as provided under section 902.9, subsection ~~5~~ 1, paragraph *"e"*, and shall be denied parole or work release until the person has served a minimum of one year of the person's sentence. Notwithstanding section 901.5, subsections 1, 3, and 5 and section 907.3, the person cannot receive a suspended or deferred sentence or a deferred judgment; however, the person sentenced shall receive credit for any time the person was confined in a jail or detention facility following arrest.

Sec. 250. Section 708A.2, Code 2013, is amended to read as follows:

708A.2 Terrorism.

A person who commits or attempts to commit an act of terrorism commits a class "B" felony. However, notwithstanding section 902.9, subsection ~~2~~ 1, paragraph *"b"*, the maximum sentence for a person convicted under this section shall be a period of confinement of not more than fifty years.

Sec. 251. Section 716.10, subsection 2, paragraph a, Code 2013, is amended to read as follows:

a. A person commits railroad vandalism in the first degree if the person intentionally commits railroad vandalism which results in the death of any person. Railroad vandalism in the first degree is a class "B" felony. However, notwithstanding section 902.9, subsection ~~2~~ 1, paragraph *"b"*, the maximum sentence for a person convicted under this section shall be a period of confinement of not more than fifty years.

Sec. 252. Section 726.6, subsection 4, Code 2013, is amended to read as follows:

4. A person who commits child endangerment resulting in the death of a child or minor is guilty of a class "B" felony. Notwithstanding section 902.9, subsection ~~2~~ 1, paragraph *"b"*, a person convicted of a violation of this subsection shall be confined for no more than fifty years.

Sec. 253. Section 726.6A, Code 2013, is amended to read as follows:

726.6A Multiple acts of child endangerment — penalty.

A person who engages in a course of conduct including three or more acts of child endangerment as defined in section 726.6 within a period of twelve months involving the same child or a minor with a mental or physical disability, where one or more of the acts results in serious injury to the child or minor or results in a skeletal injury to a child under the age of four years, is guilty of a class "B" felony. Notwithstanding section 902.9, subsection ~~2~~ 1, paragraph *"b"*, a person convicted of a violation of this section shall be confined for no

more than fifty years.

Sec. 254. Section 804.25, Code 2013, is amended to read as follows:

804.25 Bail — discharge.

Any magistrate who receives bail as provided for in sections 804.21, subsection 2, and 804.22, subsection ~~2~~ 1, paragraph *"b"*, shall endorse, on the order of commitment or on the warrant, an order for the discharge from custody of the arrested person, who shall forthwith be discharged, and shall transmit by mail, or otherwise, as soon as it can be conveniently done, to the court at which the person is bound to appear, the affidavits, order of commitment or warrant, and discharge, together with the undertaking of bail.

Sec. 255. Section 811.1, subsections 1 and 2, Code 2013, are amended to read as follows:

1. A defendant awaiting judgment of conviction and sentencing following either a plea or verdict of guilty of a class "A" felony; forcible felony as defined in section 702.11; any class "B" felony included in section 462A.14 or 707.6A; any felony included in section 124.401, subsection 1, paragraph *"a"* or *"b"*; a second or subsequent offense under section 124.401, subsection 1, paragraph *"c"*; any felony punishable under section 902.9, subsection 1, paragraph *"a"*; any public offense committed while detained pursuant to section 229A.5; or any public offense committed while subject to an order of commitment pursuant to chapter 229A.

2. A defendant appealing a conviction of a class "A" felony; forcible felony as defined in section 702.11; any class "B" or "C" felony included in section 462A.14 or 707.6A; any felony included in section 124.401, subsection 1, paragraph *"a"* or *"b"*; or a second or subsequent conviction under section 124.401, subsection 1, paragraph *"c"*; any felony punishable under section 902.9, subsection 1, paragraph *"a"*; any public offense committed while detained pursuant to section 229A.5; or any public offense committed while subject to an order of commitment pursuant to chapter 229A.

Sec. 256. Section 811.10, unnumbered paragraph 1, Code 2013, is amended to read as follows:

When a defendant is admitted to bail by means of a surety bail bond pursuant to section 811.2, subsection 1, paragraph ~~*"d"*,~~ *"a"*, subparagraph (4), the obligation of surety shall be discharged, and the surety released, upon any of the following conditions:

Sec. 257. Section 901.2, unnumbered paragraph 2, Code 2013, is amended to read as follows:

The court shall not order a presentence investigation when the offense is a class "A" felony. If, however, the board of parole determines that the Iowa medical and classification center reception report for a class "A" felon is inadequate, the board may request and shall be provided with additional information from the appropriate judicial district department of correctional services. The court shall order a presentence investigation when the offense is any felony punishable under section 902.9, subsection 1, paragraph *"a"*, or a class "B", class "C", or class "D" felony. A presentence investigation for any felony punishable under section 902.9, subsection 1, paragraph *"a"*, or a class "B", class "C", or class "D" felony shall not be waived. The court may order, with the consent of the defendant, that the presentence investigation begin prior to the acceptance of a plea of guilty, or prior to a verdict of guilty. The court may order a presentence investigation when the offense is an aggravated misdemeanor. The court may order a presentence investigation when the offense is a serious misdemeanor only upon a finding of exceptional circumstances warranting an investigation. Notwithstanding section 901.3, a presentence investigation ordered by the court for a serious misdemeanor shall include information concerning only the following:

Sec. 258. Section 901.5A, subsection 1, unnumbered paragraph 1, Code 2013, is amended to read as follows:

A defendant sentenced by the court to the custody of the director of the department of corrections for an offense punishable under section 902.9, subsection 1, paragraph *"a"*, may have the judgment and sentence entered under section 901.5 reopened for resentencing if the following apply:

Sec. 259. Section 901.10, subsection 3, Code 2013, is amended to read as follows:

3. A court sentencing a person for the person's first conviction under section 124.401D may, at its discretion, sentence the person to a term less than the maximum term provided under section 902.9, subsection 1, paragraph "*a*", if mitigating circumstances exist and those circumstances are stated specifically in the record. However, the court shall not grant any reduction of sentence unless the defendant pleads guilty. If the defendant pleads guilty, the court may, at its discretion, reduce the maximum sentence by up to one-third. If the defendant cooperates in the prosecution of other persons involved in the sale or use of controlled substances, and if the prosecutor requests an additional reduction in the defendant's sentence because of such cooperation, the court may grant a further reduction in the defendant's maximum sentence.

Sec. 260. Section 902.14, subsection 1, paragraph c, Code 2013, is amended to read as follows:

c. Lascivious acts with a child in violation of section 709.8, subsection 1, paragraph "*a*" or ~~2~~ "*b*".

DIVISION IV
DIRECTIVES

Sec. 261. CODE EDITOR DIRECTIVES.

1. Sections 554.1201, subsection 2, paragraph "p"; 554.2210, subsection 3; 554.3104, subsection 1, paragraph "c"; 554.3104, subsections 6, 8, and 9; 554.3106, subsections 1 and 2; 554.3108, subsections 1 and 2; 554.3109, subsection 2; 554.3112, subsection 1; 554.3204, subsection 1; 554.3206, subsection 3, unnumbered paragraph 1; 554.3302, subsection 1, paragraph "b"; 554.3302, subsections 3 and 5; 554.3307, subsection 2; 554.3310, subsection 3; 554.3312, subsection 2, unnumbered paragraph 1; 554.3312, subsection 3; 554.3402, subsection 2, paragraph "b"; 554.3404, subsection 2, unnumbered paragraph 1; 554.3404, subsection 3; 554.3405, subsection 3; 554.3407, subsections 1 and 3; 554.3411, subsections 2 and 3; 554.3414, subsections 2 and 6; 554.3415, subsection 1; 554.3417, subsection 1, unnumbered paragraph 1; 554.3417, subsection 4, unnumbered paragraph 1; 554.3418, subsections 1 and 2; 554.3419, subsection 4; 554.3420, subsection 1; 554.3502, subsection 2, paragraph "c"; 554.3503, subsections 1 and 3; 554.3504, subsections 1 and 2; 554.3602, subsection 1; 554.3602, subsection 2, paragraph "a"; 554.4106, subsections 1 and 2; 554.4109, subsection 2; 554.4207, subsection 2; 554.4208, subsection 1, unnumbered paragraph 1; 554.4208, subsections 2 and 4; 554.4215, subsection 5, unnumbered paragraph 1; 554.5102, subsection 1, paragraphs "f" and "k"; 554.5109, subsection 1, paragraph "a"; 554.5116, subsection 3; 554.8301, subsection 1, paragraph "c"; 554.8403, subsection 2, unnumbered paragraph 1; 554.13303, subsections 2 and 3; 554.13303, subsection 4, paragraph "b"; 554.13308, subsection 2; 554.13309, subsection 8; 554.13310, subsection 5; 554.13518, subsection 2; 554.13529, subsection 1, paragraphs "a" and "b"; and 554.13531, subsection 1, unnumbered paragraph 1, Code 2013, are amended by striking nonconforming Code subparagraph subdivision references from within section text.

2. Sections 554.3119, 554.3301, 554.3401, 554.3412, 554.3413, and 554.13105, Code 2013, are amended by striking nonconforming Code subparagraph subdivision references from within section text.

3. The Code editor is directed to number, renumber, designate, or redesignate to eliminate unnumbered paragraphs within sections 556D.2, 557B.5, 557B.6, 558.60, 562A.18, 564A.6, 573.18, 573A.7, 592.3, 596.8, 598.25, 600B.31A, 602.10141, 637.606, 654.12B, 703.5, and 704.11, Code 2013, in accordance with established Code section hierarchy and correct internal references in the Code and in any enacted Iowa Acts, as necessary.

4. The Code editor is directed to number, renumber, designate, or redesignate to eliminate unnumbered paragraphs within sections 558.58, subsection 1; 562A.12, subsections 3 and 5; 562B.13, subsection 6; 573.12, subsection 1; 573.12, subsection 2, paragraph "b"; 598.13, subsection 1; 598.22A, subsection 1; 600.9, subsection 2; 600A.6, subsection 2; 602.1401, subsection 3; 602.6105, subsection 3, paragraph "b"; 602.9105, subsection 1, paragraph "b"; 602.9107, subsections 2 and 3; 614.17A, subsection 2; 614.22, subsection 2; 624.24A,

subsection 3; 627.6, subsection 15; 631.13, subsection 4, paragraph "a"; 631.14, subsection 2; 633.123A, subsection 1; 633.356, subsections 3, 4, 6, and 7; 633D.10, subsection 3; 654.15, subsection 1; 657.11, subsection 3, paragraph "a"; 657A.10A, subsection 1; 669.14, subsection 11; 692.2, subsection 6; 714.16A, subsection 1; 717B.5, subsection 2; 809A.6, subsection 4; 809A.7, subsection 5; 809A.9, subsection 1; 809A.12, subsection 3; 904.116, subsection 2; 904.201, subsection 3; 904.503, subsection 1; and 904.809, subsection 5, paragraph "a", Code 2013, in accordance with established Code section hierarchy and correct internal references in the Code and in any enacted Iowa Acts, as necessary.

5. The Code editor is directed to redesignate within section 327F.39, subsection 1, paragraphs "a" through "c" to place the definitions in alphabetical order and correct any internal references in the Code and in any enacted Iowa Acts, as necessary.

Approved April 5, 2013

CHAPTER 31

BUSINESS CORPORATIONS

H.F. 469

AN ACT relating to business corporations, including by providing for their organization and operation; providing for the relationship between shareholders, directors, and officers; and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I
PRINCIPAL PROVISIONS

Section 1. Section 490.140, subsections 3, 6, 9, and 26, Code 2013, are amended to read as follows:

3. *"Conspicuous"* means so written, displayed, or presented that a reasonable person against whom the writing is to operate should have noticed it. For example, ~~printing~~ text in italics, ~~or~~ boldface, ~~or~~ contrasting color, ~~or typing in~~ capitals, or underlined~~,~~ is conspicuous.

6. *"Deliver"* or *"delivery"* means any method of delivery used in conventional commercial practice, including delivery ~~in person,~~ by hand, mail, commercial delivery, and, if authorized in accordance with section 490.141, by electronic transmission.

9. *"Electronic transmission"* or *"electronically transmitted"* means any form or process of communication not directly involving the physical transfer of paper ~~that~~ or another tangible medium, which is ~~suitable~~ all of the following:

a. Suitable for the retention, retrieval, and reproduction of information by the recipient.

b. Retrievable in paper form by the recipient through an automated process used in conventional commercial practice, unless otherwise authorized in accordance with section 490.141, subsection 10.

26. *"Sign"* or *"signature"* means, with present intent to authenticate or adopt a document, doing any of the following:

a. Executing or adopting a tangible symbol to a document, and includes any manual, facsimile, or conformed~~, or electronic~~ signature.

b. Attaching to or logically associating with an electronic transmission an electronic sound, symbol, or process, and includes an electronic signature in an electronic transmission.

Sec. 2. Section 490.140, Code 2013, is amended by adding the following new subsections:

NEW SUBSECTION. 7A. *"Document"* means any of the following:

a. A tangible medium on which information is inscribed, and includes any writing or written instrument.

b. An electronic record.

NEW SUBSECTION. 7B. *"Domestic unincorporated entity"* means an unincorporated entity whose internal affairs are governed by the laws of this state.

NEW SUBSECTION. 8A. *"Electronic"* means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

NEW SUBSECTION. 8B. *"Electronic record"* means information that is stored in an electronic or other medium and is retrievable in paper form through an automated process used in conventional commercial practice, unless otherwise authorized in accordance with section 490.141, subsection 10.

NEW SUBSECTION. 11A. *"Expenses"* means reasonable expenses of any kind that are incurred in connection with a matter.

NEW SUBSECTION. 21B. *"Qualified director"* means the same as defined in section 490.143.

NEW SUBSECTION. 32. *"Writing"* or *"written"* means any information in the form of a document.

Sec. 3. Section 490.141, Code 2013, is amended to read as follows:

490.141 Notice or other communication.

1. Notice under this chapter must be in writing unless oral notice is reasonable ~~under~~ in the circumstances. ~~Notice by electronic transmission is written notice.~~ Unless otherwise agreed between the sender and the recipient, words in a notice or other communication under this chapter must be in English.

2. ~~Notice~~ A notice or other communication may be ~~communicated in person; by mail or other~~ given or sent by any method of delivery~~; or by telephone, voice mail, or other~~, except that electronic ~~means~~ transmissions must be in accordance with this section. If these ~~forms of personal notice~~ methods of delivery are impracticable, a notice or other communication may be communicated by a newspaper of general circulation in the area where published; or by radio, television, or other form of public broadcast communication.

3. ~~Written notice by a domestic or foreign corporation to its shareholder, if in a comprehensible form, is effective according to one of the following:~~

~~*a.* Upon deposit in the United States mail, if mailed postpaid and correctly addressed to the shareholder's address shown in the corporation's current record of shareholders.~~

~~*b.* When electronically transmitted to the shareholder in a manner authorized by the shareholder.~~

~~4. Written notice~~ Notice or other communication to a domestic or foreign corporation authorized to transact business in this state may be ~~addressed~~ delivered to its registered agent at its registered office or to the secretary of the corporation ~~or its secretary~~ at its principal office shown in its most recent biennial report or, in the case of a foreign corporation that has not yet delivered a biennial report, in its application for a certificate of authority.

4. Notice or other communications may be delivered by electronic transmission if consented to by the recipient or if authorized by subsection 10.

5. Any consent under subsection 4 may be revoked by the person who consented by written or electronic notice to the person to whom the consent was delivered. Any such consent is deemed revoked if all of the following apply:

a. The corporation is unable to deliver two consecutive electronic transmissions given by the corporation in accordance with such consent.

b. Such inability becomes known to the secretary or an assistant secretary of the corporation or to the transfer agent, or other person responsible for the giving of notice or other communications; provided, however, the inadvertent failure to treat such inability as a revocation shall not invalidate any meeting or other action.

6. Unless otherwise agreed between the sender and the recipient, an electronic transmission is received when all of the following apply:

a. The electronic transmission enters an information processing system that the recipient has designated or uses for the purposes of receiving electronic transmissions or information of the type sent, and from which the recipient is able to retrieve the electronic transmission.

b. The electronic transmission is in a form capable of being processed by that system.

7. Receipt of an electronic acknowledgment from an information processing system described in subsection 6, paragraph *"a"*, establishes that an electronic transmission was received but, by itself, does not establish that the content sent corresponds to the content received.

8. An electronic transmission is received under this section even if no individual is aware of its receipt.

~~5.~~ 9. ~~Except as provided in subsection 3, written notice,~~ Notice or other communication if in a comprehensible form or manner, is effective at the earliest of any of the following:

a. ~~When received.~~ If in physical form, the earliest of when it is actually received or when it is left at any of the following:

(1) A shareholder's address shown on the corporation's record of shareholders maintained by the corporation under section 490.1601, subsection 3.

(2) A director's residence or usual place of business.

(3) The corporation's principal place of business.

b. ~~Five days after its deposit in the United States mail, if~~ If mailed ~~postpaid~~ by United States mail postage prepaid and correctly addressed to a shareholder, upon deposit in the United States mail.

c. ~~On the date shown on the~~ If mailed by United States mail postage prepaid and correctly addressed to a recipient other than a shareholder, the earliest of when it is actually received or as follows:

(1) If sent by registered or certified mail, return receipt requested, ~~if sent by registered or certified mail, return receipt requested, and~~ the date shown on the return receipt ~~is~~ signed by or on behalf of the addressee.

~~6. Oral notice is effective when communicated if communicated in a comprehensible manner.~~

(2) Five days after it is deposited in the United States mail.

d. If an electronic transmission, when it is received as provided in subsection 6.

e. If oral, when communicated.

10. A notice or other communication may be in the form of an electronic transmission that cannot be directly reproduced in paper form by the recipient through an automated process used in conventional commercial practice only if all of the following apply:

a. The electronic transmission is otherwise retrievable in perceivable form.

b. The sender and the recipient have consented in writing to the use of such form of electronic transmission.

~~7.~~ 11. If this chapter prescribes ~~notice~~ requirements for notices or other communications in particular circumstances, those requirements govern. If articles of incorporation or bylaws prescribe ~~notice~~ requirements for notices or other communications, not inconsistent with this section or other provisions of this chapter, those requirements govern. The articles of incorporation or bylaws may authorize or require delivery of notices of meetings of directors by electronic transmission.

Sec. 4. NEW SECTION. **490.143 Qualified director.**

1. For purposes of this chapter, a *"qualified director"* is a director who takes action under any of the following provisions, if at the time action is to be taken any of the following applies:

a. Under section 490.744, the director does not have any of the following:

(1) A material interest in the outcome of the proceeding.

(2) A material relationship with a person who has such an interest.

b. Under section 490.853 or 490.855, all of the following apply:

(1) The director is not a party to the proceeding.

(2) The director is not a director as to whom a transaction is a director's conflicting interest transaction or who sought a disclaimer of the corporation's interest in a business opportunity under section 490.870, which transaction or disclaimer is challenged in the proceeding.

(3) The director does not have a material relationship with a director described in either subparagraph (1) or (2).

c. Under section 490.862, the director is not any of the following:

(1) A director as to whom the transaction is a director's conflicting interest transaction.

(2) A director who has a material relationship with another director as to whom the transaction is a director's conflicting interest transaction.

d. Under section 490.870, the director would be a qualified director under paragraph "*c*", if the business opportunity was a director's conflicting interest transaction.

2. For purposes of this section, all of the following apply:

a. "*Material interest*" means an actual or potential benefit or detriment, other than one which would devolve on the corporation or the shareholders generally, that would reasonably be expected to impair the objectivity of the director's judgment when participating in the action to be taken.

b. "*Material relationship*" means a familial, financial, professional, employment, or other relationship that would reasonably be expected to impair the objectivity of the director's judgment when participating in the action to be taken.

3. The presence of one or more of the following circumstances shall not automatically prevent a director from being a qualified director:

a. Nomination or election of the director to the current board by any director who is not a qualified director with respect to the matter, or by any person that has a material relationship with that director, acting alone or participating with others.

b. Service as a director of another corporation of which a director who is not a qualified director with respect to the matter, or any individual who has a material relationship with that director, is or was also a director.

c. With respect to action to be taken under section 490.744, status as a named defendant, as a director against whom action is demanded, or as a director who approved the conduct being challenged.

Sec. 5. NEW SECTION. **490.144 Householding.**

1. A corporation has delivered written notice or any other report or statement under this chapter, the articles of incorporation, or the bylaws to all shareholders who share a common address if all of the following apply:

a. The corporation delivers one copy of the notice, report, or statement to the common address.

b. The corporation addresses the notice, report, or statement to those shareholders either as a group or to each of those shareholders individually or to the shareholders in a form to which each of those shareholders has consented.

c. Each of those shareholders consents to delivery of a single copy of such notice, report, or statement to the shareholders' common address. Any such consent shall be revocable by any of such shareholders who deliver written notice of revocation to the corporation. If such written notice of revocation is delivered, the corporation shall begin providing individual notices, reports, or other statements to the revoking shareholder no later than thirty days after delivery of the written notice of revocation.

2. Any shareholder who fails to object by written notice to the corporation, within sixty days of written notice by the corporation of its intention to send single copies of notices, reports, or statements to shareholders who share a common address as permitted by subsection 1, shall be deemed to have consented to receiving such single copy at the common address.

Sec. 6. Section 490.502, subsection 2, Code 2013, is amended to read as follows:

2. If ~~a registered agent changes~~ the street address of ~~the~~ a registered agent's business office changes, the ~~registered~~ agent may change the street address of the registered office of any corporation for which the person is the registered agent by ~~notifying~~ delivering a signed written notice of the change to the corporation ~~in writing of the change and signing, either manually or in facsimile,~~ and delivering to the secretary of state for filing a signed statement that complies with the requirements of subsection 1 and recites that the corporation has been notified of the change.

Sec. 7. Section 490.620, subsection 4, Code 2013, is amended to read as follows:

4. If a subscriber defaults in payment of money or property under a subscription agreement entered into before incorporation, the corporation may collect the amount owed as any other debt. Alternatively, unless the subscription agreement provides otherwise, the corporation

may rescind the agreement and may sell the shares if the debt remains unpaid more than twenty days after the corporation sends a written demand for payment to the subscriber.

Sec. 8. Section 490.624, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 3. The board of directors may authorize one or more officers to do all of the following:

a. Designate the recipients of rights, options, warrants, or other equity compensation awards that involve the issuance of shares.

b. Determine, within an amount and subject to any other limitations established by the board and, if applicable, the stockholders, the number of such rights, options, warrants, or other equity compensation awards and the terms thereof to be received by the recipients, provided that an officer shall not use such authority to designate the officer or any other persons the board of directors may specify as a recipient of such rights, options, warrants, or other equity compensation awards.

Sec. 9. Section 490.701, subsection 1, Code 2013, is amended to read as follows:

1. ~~A~~ Unless directors are elected by written consent in lieu of an annual meeting as permitted by section 490.704, a corporation shall hold annually, at a time stated in or fixed in accordance with the bylaws, a meeting of shareholders; provided, however, that if a corporation's articles of incorporation authorize shareholders to cumulate their votes when electing directors pursuant to section 490.728, directors shall not be elected by less than unanimous consent.

Sec. 10. Section 490.703, Code 2013, is amended to read as follows:

490.703 Court-ordered meeting.

1. The district court of the county where a corporation's principal office, or, if none in this state, its registered office, is located may summarily order a meeting to be held ~~either:~~ pursuant to any of the following:

a. On application of any shareholder of the corporation entitled to participate in an annual meeting if an annual meeting was not held or action by written consent in lieu thereof did not become effective within the earlier of six months after the end of the corporation's fiscal year or fifteen months after its last annual meeting.

b. On application of a shareholder who signed a demand for a special meeting valid under section 490.702 if ~~either~~ any of the following applies:

(1) Notice of the special meeting was not given within thirty days after the date the demand was delivered to the corporation's secretary.

(2) The special meeting was not held in accordance with the notice.

2. The court may fix the time and place of the meeting, ascertain the shares entitled to participate in the meeting, specify a record date or dates for ascertaining shareholders entitled to notice of and to vote at the meeting, prescribe the form and content of the meeting notice, fix the quorum required for specific matters to be considered at the meeting or direct that the votes represented at the meeting constitute a quorum for action on those matters, and enter other orders necessary to accomplish the purpose or purposes of the meeting.

Sec. 11. Section 490.704, Code 2013, is amended to read as follows:

490.704 Action without meeting.

1. Unless otherwise provided in the articles of incorporation, any action required or permitted by this chapter to be taken at a shareholders' meeting may be taken without a meeting or vote, and, except as provided in subsection 5, without prior notice, if one or more written consents describing the action taken are signed by the holders of outstanding shares having not less than ninety percent of the votes entitled to be cast at a meeting at which all shares entitled to vote on the action were present and voted, and are delivered to the corporation for inclusion in the minutes or filing with the corporate records.

2. ~~A written consent shall bear the date of signature of each shareholder who signs the consent and no written consent is effective to take the corporate action referred to in the consent unless, within sixty days of the earliest dated consent delivered in the manner required by this section to the corporation, written consents signed by a sufficient number of holders to take action are delivered to the corporation. A written consent may be revoked~~

~~by a writing to that effect received by the corporation prior to the receipt by the corporation of unrevoked written consents sufficient in number to take corporate action.~~ Except in the case of a public corporation, the articles of incorporation may provide that any action required or permitted by this chapter to be taken at a shareholders' meeting may be taken without a meeting, and without prior notice, if consents in writing setting forth the action so taken are signed by the holders of outstanding shares having not less than the minimum number of votes that would be required to authorize or take the action at a meeting at which all shares entitled to vote on the action were present and voted. The written consent shall bear the date of signature of the shareholder who signs the consent and be delivered to the corporation for inclusion in the minutes or filing with the corporate records.

3. ~~If not otherwise fixed under section 490.703 or 490.707, the record date for determining shareholders entitled to take action without a meeting is the date the first shareholder signs the consent under subsection 1.~~ If not otherwise fixed under section 490.707 and if prior board action is not required respecting the action to be taken without a meeting, the record date for determining the shareholders entitled to take action without a meeting shall be the first date on which a signed written consent is delivered to the corporation. If not otherwise fixed under section 490.707 and if prior board action is required respecting the action to be taken without a meeting, the record date shall be the close of business on the day the resolution of the board taking such prior action is adopted. No written consent shall be effective to take the corporate action referred to therein unless, within sixty days of the earliest date on which a consent delivered to the corporation as required by this section was signed, written consents signed by sufficient shareholders to take the action have been delivered to the corporation. A written consent may be revoked by a writing to that effect delivered to the corporation before unrevoked written consents sufficient in number to take the corporate action are delivered to the corporation.

4. A consent signed ~~under~~ pursuant to the provisions of this section has the effect of a meeting vote and may be described as such in any document. Unless the articles of incorporation, bylaws, or a resolution of the board of directors provides for a reasonable delay to permit tabulation of written consents, the action taken by written consent shall be effective when written consents signed by sufficient shareholders to take the action are delivered to the corporation.

~~5. If this chapter requires that notice of proposed action be given to shareholders not entitled to vote and the action is to be taken by consent of the voting shareholders, the corporation must give all shareholders written notice of the proposed action at least ten days before the action is taken. The notice must contain or be accompanied by the same material that, under this chapter, would have been required to be sent to shareholders not entitled to vote in a notice of meeting at which the proposed action would have been submitted to the shareholders for action.~~

~~6. Prompt notice of the taking of corporate action without a meeting by less than unanimous written consent shall be given to those shareholders who have not consented in writing. If the taking of that corporate action requires the giving of notice under section 490.1320, subsection 2, the notice of the action shall set forth the matters described in section 490.1322.~~

5. *a.* If this chapter requires that notice of a proposed action be given to nonvoting shareholders and the action is to be taken by written consent of the voting shareholders, the corporation must give its nonvoting shareholders written notice of the action not more than ten days after any of the following:

(1) Written consents sufficient to take the action have been delivered to the corporation.

(2) Such later date that tabulation of consents is completed pursuant to an authorization under subsection 4.

b. The notice must reasonably describe the action taken and contain or be accompanied by the same material that, under any provision of this chapter, would have been required to be sent to nonvoting shareholders in a notice of a meeting at which the proposed action would have been submitted to the shareholders for action.

6. *a.* If action is taken by less than unanimous written consent of the voting shareholders, the corporation must give its nonconsenting voting shareholders written notice of the action not more than ten days after any of the following:

(1) Written consents sufficient to take the action have been delivered to the corporation.

(2) Such later date that tabulation of consents is completed pursuant to an authorization under subsection 4.

b. The notice must reasonably describe the action taken and contain or be accompanied by the same material that, under any provision of this chapter, would have been required to be sent to voting shareholders in a notice of a meeting at which the action would have been submitted to the shareholders for action.

7. The notice requirements in subsections 5 and 6 shall not delay the effectiveness of actions taken by written consent, and a failure to comply with such notice requirements shall not invalidate actions taken by written consent, provided that this subsection shall not be deemed to limit judicial power to fashion any appropriate remedy in favor of a shareholder adversely affected by a failure to give such notice within the required time period.

Sec. 12. Section 490.705, subsections 1 and 5, Code 2013, are amended to read as follows:

1. A corporation shall notify shareholders of the date, time, and place of each annual and special shareholders' meeting no fewer than ten nor more than sixty days before the meeting date. The notice shall include the record date for determining the shareholders entitled to vote at the meeting, if such date is different than the record date for determining shareholders entitled to notice of the meeting. If the board of directors has authorized participation by means of remote communication pursuant to section 490.709 for any class or series of shareholders, the notice to such class or series of shareholders shall describe the means of remote communication to be used. Unless this chapter or the articles of incorporation require otherwise, the corporation is required to give notice only to shareholders entitled to vote at the meeting as of the record date for determining the shareholders entitled to notice of the meeting.

5. Unless the bylaws require otherwise, if an annual or special shareholders' meeting is adjourned to a different date, time, or place, notice need not be given of the new date, time, or place if the new date, time, or place is announced at the meeting before adjournment. If a new record date for the adjourned meeting is or must be fixed under section 490.707, however, notice of the adjourned meeting must be given under this section to ~~persons who are~~ shareholders ~~as of the new record date~~ entitled to vote at such adjourned meeting as of the record date fixed for notice of such adjourned meeting.

Sec. 13. Section 490.707, Code 2013, is amended to read as follows:

490.707 Record date.

1. The bylaws may fix or provide the manner of fixing the record date or dates for one or more voting groups in order to determine the shareholders entitled to notice of a shareholders' meeting, to demand a special meeting, to vote, or to take any other action. If the bylaws do not fix or provide for fixing a record date, the board of directors of the corporation may fix a future date as the record date.

2. A record date fixed under this section shall not be more than seventy days before the meeting or action requiring a determination of shareholders.

3. A determination of shareholders entitled to notice of or to vote at a shareholders' meeting is effective for any adjournment of the meeting unless the board of directors fixes a new record date or dates, which it must do if the meeting is adjourned to a date more than one hundred twenty days after the date fixed for the original meeting.

4. If a court orders a meeting adjourned to a date more than one hundred twenty days after the date fixed for the original meeting, it may provide that the original record date continues in effect or it may fix a new record date or dates.

5. The record date for a shareholders' meeting fixed by or in the manner provided in the bylaws or by the board of directors shall be the record date for determining shareholders entitled both to notice of and to vote at the shareholders' meeting unless, in the case of a record date fixed by the board of directors and to the extent not prohibited by the bylaws, the board, at the time it fixes the record date for shareholders entitled to notice of the meeting, fixes a later record date on or before the date of the meeting to determine the shareholders entitled to vote at the meeting.

Sec. 14. NEW SECTION. **490.709 Remote participation in annual and special meetings.**

1. Shareholders of any class or series may participate in any meeting of shareholders by means of remote communication to the extent the board of directors authorizes such participation for such class or series. Participation by means of remote communication shall be subject to such guidelines and procedures as the board of directors adopts, and shall be in conformity with subsection 2.

2. Shareholders participating in a shareholders' meeting by means of remote communication shall be deemed present and may vote at such a meeting if the corporation has implemented reasonable measures to do all of the following:

a. Verify that each person participating remotely is a shareholder.

b. Provide such shareholders a reasonable opportunity to participate in the meeting and to vote on matters submitted to the shareholders, including an opportunity to communicate, and to read or hear the proceedings of the meeting, substantially concurrently with such proceedings.

Sec. 15. Section 490.720, Code 2013, is amended to read as follows:

490.720 Shareholders' list for meeting.

1. After fixing a record date for a meeting, a corporation shall prepare an alphabetical list of the names of all its shareholders who are entitled to notice of a shareholders' meeting. ~~The~~ If the board of directors fixes a different record date under section 490.707, subsection 5, to determine the shareholders entitled to vote at the meeting, a corporation also shall prepare an alphabetical list of the names of all its shareholders who are entitled to vote at the meeting. A list must be arranged by voting group and within each voting group by class or series of shares, and show the address of and number of shares held by each shareholder.

2. The shareholders' list for notice must be available for inspection by any shareholder beginning two business days after notice of the meeting is given for which the list was prepared and continuing through the meeting, at the corporation's principal office or at a place identified in the meeting notice in the city where the meeting will be held. A shareholders' list for voting must be similarly available for inspection promptly after the record date for voting. A shareholder, or a shareholder's agent or attorney, is entitled on written demand to inspect and, subject to the requirements of section 490.1602, subsection ~~3~~ 4, to copy ~~the~~ a list, during regular business hours and at the person's expense, during the period it is available for inspection.

3. The corporation shall make the ~~shareholders'~~ list of shareholders entitled to vote available at the meeting, and any shareholder, or a shareholder's agent or attorney, is entitled to inspect the list at any time during the meeting or any adjournment.

4. If the corporation refuses to allow a shareholder, or a shareholder's agent or attorney, to inspect ~~the~~ a shareholders' list before or at the meeting, or copy ~~the~~ a list as permitted by subsection 2, the district court of the county where a corporation's principal office or, if none in this state, its registered office, is located, on application of the shareholder, may summarily order the inspection or copying at the corporation's expense and may postpone the meeting for which the list was prepared until the inspection or copying is complete.

5. Refusal or failure to prepare or make available ~~the~~ a shareholders' list does not affect the validity of action taken at the meeting.

Sec. 16. Section 490.722, subsection 2, Code 2013, is amended by striking the subsection.

Sec. 17. Section 490.724, subsection 4, Code 2013, is amended to read as follows:

4. The corporation and its officer or agent who accepts or rejects a vote, consent, waiver, or proxy appointment in good faith and in accordance with the standards of this section ~~or section 490.722, subsection 2,~~ are not liable in damages to the shareholder for the consequences of the acceptance or rejection.

Sec. 18. Section 490.728, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Shares otherwise entitled to vote cumulatively shall not be voted cumulatively at a particular meeting unless any of the following applies:

a. The meeting notice or proxy statement accompanying the notice states conspicuously that cumulative voting is authorized.

b. A shareholder who has the right to cumulate the shareholder's votes gives notice to the corporation not less than forty-eight hours before the time set for the meeting of the shareholder's intent to cumulate votes during the meeting, and if one shareholder gives this notice all other shareholders in the same voting group participating in the election are entitled to cumulate their votes without giving further notice.

Sec. 19. Section 490.732, subsection 4, Code 2013, is amended to read as follows:

4. An agreement authorized by this section shall cease to be effective when ~~shares of the corporation are listed on a national securities exchange or regularly traded in a market maintained by one or more members of a national or affiliated securities association~~ the corporation becomes a public corporation. If the agreement ceases to be effective for any reason, the board of directors may, if the agreement is contained or referred to in the corporation's articles of incorporation or bylaws, adopt an amendment to the articles of incorporation or bylaws, without shareholder action, to delete the agreement and any references to it.

Sec. 20. Section 490.742, subsection 2, Code 2013, is amended to read as follows:

2. Ninety days have expired from the date delivery of the demand was made, unless the shareholder has earlier been notified that the demand has been rejected by the corporation or unless irreparable injury to the corporation would result by waiting for the expiration of the ninety-day period.

Sec. 21. Section 490.744, Code 2013, is amended to read as follows:

490.744 Dismissal.

1. A derivative proceeding shall be dismissed by the court on motion by the corporation if one of the groups specified in subsection 2 or ~~6~~ 5 has determined in good faith after conducting a reasonable inquiry upon which its conclusions are based that the maintenance of the derivative proceeding is not in the best interests of the corporation. A corporation moving to dismiss on this basis shall submit in support of the motion a short and concise statement of the reasons for its determination.

2. Unless a panel is appointed pursuant to subsection ~~6~~ 5, the determination in subsection 1 shall be made by ~~one~~ any of the following:

a. A majority vote of ~~independent~~ qualified directors present at a meeting of the board of directors if the ~~independent~~ qualified directors constitute a quorum.

b. A majority vote of a committee consisting of two or more ~~independent~~ qualified directors appointed by majority vote of ~~independent~~ qualified directors present at a meeting of the board of directors, whether or not such ~~independent~~ qualified directors constitute a quorum.

~~3. None of the following shall by itself cause a director to be considered not independent for purposes of this section:~~

~~*a.* The nomination or election of the director by persons who are defendants in the derivative proceeding or against whom action is demanded.~~

~~*b.* The naming of the director as a defendant in the derivative proceeding or as a person against whom action is demanded.~~

~~*c.* The approval by the director of the act being challenged in the derivative proceeding or demand if the act resulted in no personal benefit to the director.~~

~~4.~~ 3. *a.* If a derivative proceeding is commenced after a determination has been made rejecting a demand by a shareholder, the complaint shall allege with particularity facts establishing ~~one~~ any of the following:

(1) That a majority of the board of directors did not consist of ~~independent~~ qualified directors at the time the determination was made.

(2) That the requirements of subsection 1 have not been met.

b. All discovery and other proceedings shall be stayed during the pendency of any motion to dismiss unless the court finds upon the motion of any party that particularized discovery is necessary to preserve evidence or prevent undue prejudice to that party.

~~5.~~ 4. If a majority of the board of directors ~~does not consist~~ consisted of ~~independent~~ qualified directors at the time the determination ~~is~~ was made, the ~~corporation~~ plaintiff shall have the burden of proving that the requirements of subsection 1 have not been met; if not, the corporation shall have the burden of proving that the requirements of subsection 1 have been met. ~~If a majority of the board of directors consists of independent directors at the time the determination is made, the plaintiff shall have the burden of proving that the requirements of subsection 1 have not been met.~~

~~6.~~ 5. The court may appoint a panel of one or more independent persons upon motion by the corporation to make a determination whether the maintenance of the derivative proceeding is in the best interests of the corporation. In such case, the plaintiff shall have the burden of proving that the requirements of subsection 1 have not been met.

Sec. 22. Section 490.746, Code 2013, is amended to read as follows:

490.746 Payment of expenses.

On termination of the derivative proceeding, the court may do ~~either~~ any of the following:

1. Order the corporation to pay the plaintiff's ~~reasonable~~ expenses~~, including attorney fees~~ incurred in the proceeding, if it finds that the proceeding has resulted in a substantial benefit to the corporation.

2. Order the plaintiff to pay any defendant's ~~reasonable~~ expenses~~, including attorney fees~~ incurred in defending the proceeding, if it finds that the proceeding was commenced or maintained without reasonable cause or for an improper purpose.

Sec. 23. NEW SECTION. **490.748 Shareholder action to appoint custodian or receiver.**

1. The district court may appoint one or more persons to be custodians, or, if the corporation is insolvent, to be receivers, of and for a corporation in a proceeding by a shareholder where it is established that any of the following applies:

a. The directors are deadlocked in the management of the corporate affairs, the shareholders are unable to break the deadlock, and irreparable injury to the corporation is threatened or being suffered.

b. The directors or those in control of the corporation are acting fraudulently and irreparable injury to the corporation is threatened or being suffered.

2. *a.* The district court may issue injunctions, appoint a temporary custodian or temporary receiver with all the powers and duties the court directs, take other action to preserve the corporate assets wherever located, and carry on the business of the corporation until a full hearing is held.

b. The district court shall hold a full hearing, after notifying all parties to the proceeding and any interested persons designated by the court, before appointing a custodian or receiver.

c. The district court has jurisdiction over the corporation and all of its property, wherever located.

3. The district court may appoint an individual or domestic or foreign corporation, authorized to transact business in this state, as a custodian or receiver and may require the custodian or receiver to post bond, with or without sureties, in an amount the court directs.

4. The district court shall describe the powers and duties of the custodian or receiver in its appointing order, which may be amended from time to time. Among other powers, all of the following apply:

a. A custodian may exercise all of the powers of the corporation, through or in place of its board of directors, to the extent necessary to manage the business and affairs of the corporation.

b. A receiver may do any of the following:

(1) Dispose of all or any part of the assets of the corporation wherever located, at a public or private sale, if authorized by the district court.

(2) Sue and defend in the receiver's own name as receiver in all courts of this state.

5. The district court during a custodianship may redesignate the custodian as a receiver, and during a receivership may redesignate the receiver as a custodian, if doing so is in the best interests of the corporation.

6. The district court from time to time during the custodianship or receivership may order compensation paid and expense disbursements or reimbursements made to the custodian or receiver from the assets of the corporation or proceeds from the sale of its assets.

Sec. 24. Section 490.801, Code 2013, is amended to read as follows:

490.801 Requirement for and ~~duties~~ functions of board of directors.

1. Except as provided in section 490.732, each corporation must have a board of directors.

2. All corporate powers shall be exercised by or under the authority of the board of directors of the corporation, and the business and affairs of the corporation shall be managed by or under the direction, and subject to the oversight, of~~,~~ its board of directors, subject to any limitation set forth in the articles of incorporation, or in an agreement authorized under section 490.732.

Sec. 25. Section 490.807, Code 2013, is amended to read as follows:

490.807 Resignation of directors.

1. A director may resign at any time by delivering a written ~~notice~~ resignation to the board of directors~~,~~ or its ~~chairperson~~ chair, or to the secretary of the corporation.

2. A resignation is effective when the ~~notice~~ resignation is delivered unless the ~~notice~~ resignation specifies a later effective date or an effective date determined upon the happening of an event or events. A resignation that is conditioned upon failing to receive a specified vote for election as a director may provide that it is irrevocable.

Sec. 26. Section 490.810, subsection 2, Code 2013, is amended to read as follows:

2. If the vacant office was held by a director elected by a voting group of shareholders, only the holders of shares of that voting group are entitled to vote to fill the vacancy if it is filled by the shareholders, and only the directors elected by that voting group are entitled to fill the vacancy if it is filled by the directors.

Sec. 27. NEW SECTION. **490.826 Submission of matters for shareholder vote.**

A corporation may agree to submit a matter to a vote of its shareholders even if, after approving the matter, the board of directors determines it no longer recommends the matter.

Sec. 28. Section 490.830, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. In discharging board or committee duties a director shall disclose, or cause to be disclosed, to the other board or committee members information which the director knows is not already known by them but is known by the director to be material to the discharge of their decision-making or oversight functions, except that disclosure is not required to the extent that the director reasonably believes that doing so would violate a duty imposed under law, a legally enforceable obligation of confidentiality, or a professional ethics rule.

Sec. 29. Section 490.831, subsection 1, paragraph a, subparagraph (1), Code 2013, is amended to read as follows:

(1) No defense interposed by the director based on any of the following precludes liability:

(a) A provision in the articles of incorporation authorized by section 490.202, subsection 2, paragraph *"d"*~~, or the~~.

(b) The protection afforded by section ~~490.832 if interposed as a bar to the proceeding by the director, does not preclude liability~~ 490.861 for action taken in compliance with section 490.862 or 490.863.

(c) The protection afforded by section 490.870.

Sec. 30. Section 490.831, subsection 3, paragraphs a and b, Code 2013, are amended to read as follows:

a. In any instance where fairness is at issue, such as consideration of the fairness of a transaction to the corporation under section ~~490.832~~ 490.861, subsection 2, paragraph *"c"*, alter the burden of proving the fact or lack of fairness otherwise applicable.

b. Alter the fact or lack of liability of a director under another section of this chapter, such as the provisions governing the consequences of an unlawful distribution under section 490.833 or a transactional interest under section ~~490.832~~ 490.861.

Sec. 31. Section 490.841, Code 2013, is amended to read as follows:

490.841 ~~Duties~~ Functions of officers.

Each officer has the authority and shall perform the ~~duties~~ functions set forth in the bylaws or, to the extent consistent with the bylaws, the ~~duties~~ functions prescribed by the board of directors or by direction of an officer authorized by the board of directors to prescribe the ~~duties~~ functions of other officers.

Sec. 32. Section 490.842, subsection 1, unnumbered paragraph 1, Code 2013, is amended to read as follows:

An officer when performing in such capacity ~~shall~~ has the duty to act in conformity with all of the following:

Sec. 33. Section 490.850, subsection 2, Code 2013, is amended to read as follows:

2. *"Director"* or *"officer"* means an individual who is or was a director or officer, respectively, of a corporation or who, while a director or officer of the corporation, is or was serving at the corporation's request as a director, officer, partner, trustee, employee, or agent of another domestic or foreign corporation, partnership, joint venture, trust, employee benefit plan, or other entity. A director or officer is considered to be serving an employee benefit plan at the corporation's request if the ~~director's~~ individual's duties to the corporation also impose duties on, or otherwise involve services by, ~~that director~~ the individual to the plan or to participants in or beneficiaries of the plan. *"Director"* or *"officer"* includes, unless the context requires otherwise, the estate or personal representative of a director or officer.

Sec. 34. Section 490.850, subsections 3 and 4, Code 2013, are amended by striking the subsections.

Sec. 35. Section 490.850, subsection 5, Code 2013, is amended to read as follows:

5. *"Liability"* means the obligation to pay a judgment, settlement, penalty, fine, including an excise tax assessed with respect to an employee benefit plan, or ~~reasonable~~ expenses incurred with respect to a proceeding.

Sec. 36. Section 490.853, Code 2013, is amended to read as follows:

490.853 Advance for expenses.

1. A corporation may, before final disposition of a proceeding, advance funds to pay for or reimburse the reasonable expenses incurred in connection with the proceeding by ~~a director~~ an individual who is a party to ~~a~~ the proceeding because ~~the person is a director if the person~~ that individual is a member of the board of directors if the director delivers all of the following to the corporation:

a. A signed written affirmation of the director's good faith belief that the ~~director has met the~~ relevant standard of conduct described in section 490.851 has been met by the director or that the proceeding involved conduct for which liability has been eliminated under a provision of the articles of incorporation as authorized by section 490.202, subsection 2, paragraph *"d"*.

b. ~~The director's~~ A signed written undertaking of the director to repay any funds advanced if the director is not entitled to mandatory indemnification under section 490.852 and it is ultimately determined under section 490.854 or ~~section~~ 490.855 that the director has not met the relevant standard of conduct described in section 490.851.

2. The undertaking required by subsection 1, paragraph *"b"*, must be an unlimited general obligation of the director but need not be secured and may be accepted without reference to the financial ability of the director to make repayment.

3. Authorizations under this section shall be made according to ~~one~~ any of the following:

a. By the board of directors as follows:

(1) If there are two or more ~~disinterested~~ qualified directors, by a majority vote of all the ~~disinterested~~ qualified directors, a majority of whom shall for such purpose constitute

a quorum, or by a majority of the members of a committee of two or more ~~disinterested~~ qualified directors appointed by such a vote.

(2) If there are fewer than two ~~disinterested~~ qualified directors, by the vote necessary for action by the board in accordance with section 490.824, subsection 3, in which authorization directors who ~~do~~ are not ~~qualify as disinterested~~ qualified directors may participate.

b. By the shareholders, but shares owned by or voted under the control of a director who at the time ~~does not qualify as~~ is not a ~~disinterested~~ qualified director ~~may~~ shall not be voted on the authorization.

Sec. 37. Section 490.855, Code 2013, is amended to read as follows:

490.855 Determination and authorization of indemnification.

1. A corporation shall not indemnify a director under section 490.851 unless authorized for a specific proceeding after a determination has been made that indemnification ~~of the director~~ is permissible because the director has met the relevant standard of conduct set forth in section 490.851.

2. The determination shall be made by any of the following:

a. If there are two or more ~~disinterested~~ qualified directors, by the board of directors by a majority vote of all the ~~disinterested~~ qualified directors, a majority of whom shall for such purpose constitute a quorum, or by a majority of the members of a committee of two or more ~~disinterested~~ qualified directors appointed by such a vote.

b. By special legal counsel selected in one of the following manners:

(1) Selected in the manner prescribed in paragraph "*a*".

(2) If there are fewer than two ~~disinterested~~ qualified directors, selected by the board of directors, in which selection directors who ~~do not qualify as disinterested~~ are not qualified directors may participate.

c. By the shareholders, but shares owned by or voted under the control of a director who at the time ~~does not qualify as a disinterested~~ is not a qualified director shall not be voted on the determination.

3. Authorization of indemnification shall be made in the same manner as the determination that indemnification is permissible, except that if there are fewer than two ~~disinterested~~ qualified directors or if the determination is made by special legal counsel, authorization of indemnification shall be made by those entitled ~~under subsection 2, paragraph "*b*",~~ to select special legal counsel under subsection 2, paragraph "*b*", subparagraph (2).

Sec. 38. Section 490.858, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. A right of indemnification or to advances for expenses created by this division or under subsection 1 and in effect at the time of an act or omission shall not be eliminated or impaired with respect to such act or omission by an amendment of the articles of incorporation or bylaws or a resolution of the directors or shareholders, adopted after the occurrence of such act or omission, unless, in the case of a right created under subsection 1, the provision creating such right and in effect at the time of such act or omission explicitly authorizes such elimination or impairment after such act or omission has occurred.

Sec. 39. Section 490.858, subsection 3, Code 2013, is amended to read as follows:

3. ~~A~~ Subject to subsection 1A, a corporation may, by a provision in its articles of incorporation, limit any of the rights to indemnification or advance for expenses created by or pursuant to this part.

Sec. 40. NEW SECTION. **490.860 Part definitions.**

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

1. "*Control*", including the term "*controlled by*", means any of the following:

a. Having the power, directly or indirectly, to elect or remove a majority of the members of the board of directors or other governing body of an entity, whether through the ownership of voting shares or interests, by contract, or otherwise.

b. Being subject to a majority of the risk of loss from the entity's activities or entitled to receive a majority of the entity's residual returns.

2. *"Director's conflicting interest transaction"* means a transaction effected or proposed to be effected by the corporation, or by an entity controlled by the corporation to which, or respecting which, any of the following applies:

a. To which, at the relevant time, the director is a party.

b. Respecting which, at the relevant time, the director had knowledge and a material financial interest known to the director.

c. Respecting which, at the relevant time, the director knew that a related person was a party or had a material financial interest.

3. *"Fair to the corporation"* means, for purposes of section 490.861, subsection 2, paragraph "*c*", that the transaction as a whole was beneficial to the corporation, taking into appropriate account whether it was all of the following:

a. Fair in terms of the director's dealings with the corporation.

b. Comparable to what might have been obtainable in an arm's length transaction, given the consideration paid or received by the corporation.

4. *"Material financial interest"* means a financial interest in a transaction that would reasonably be expected to impair the objectivity of the director's judgment when participating in action on the authorization of the transaction.

5. *"Related person"* means any of the following:

a. The director's spouse.

b. A child, stepchild, grandchild, parent, stepparent, grandparent, sibling, step sibling, half sibling, aunt, uncle, niece, or nephew, or spouse of any thereof, of the director or of the director's spouse.

c. An individual living in the same home as the director.

d. An entity, other than the corporation or an entity controlled by the corporation, controlled by the director or any person specified in this subsection.

e. A domestic or foreign person who is any of the following:

(1) A business or nonprofit corporation, other than the corporation or an entity controlled by the corporation, of which the director is a director.

(2) An unincorporated entity of which the director is a general partner or a member of the governing body.

(3) An individual, trust, or estate for whom or of which the director is a trustee, guardian, personal representative, or like fiduciary.

f. A person that is, or an entity that is controlled by, an employer of the director.

6. *"Relevant time"* means any of the following:

a. The time at which directors' action respecting the transaction is taken in compliance with section 490.862.

b. If the transaction is not brought before the board of directors of the corporation, or its committee, for action under section 490.862, at the time the corporation, or an entity controlled by the corporation, becomes legally obligated to consummate the transaction.

7. *"Required disclosure"* means disclosure of all of the following:

a. The existence and nature of the director's conflicting interest.

b. All facts known to the director respecting the subject matter of the transaction that a director free of such conflicting interest would reasonably believe to be material in deciding whether to proceed with the transaction.

Sec. 41. NEW SECTION. **490.861 Judicial action.**

1. A transaction effected or proposed to be effected by the corporation, or by an entity controlled by the corporation, shall not be the subject of equitable relief, or give rise to an award of damages or other sanctions against a director of the corporation, in a proceeding by a shareholder or by or in the right of the corporation, on the ground that the director has an interest respecting the transaction, if it is not a director's conflicting interest transaction.

2. A director's conflicting interest transaction may not be the subject of equitable relief, or give rise to an award of damages or other sanctions against a director of the corporation, in a proceeding by a shareholder or by or in the right of the corporation, on the ground that the director has an interest respecting the transaction, if any of the following apply:

a. Directors' action respecting the transaction was taken in compliance with section 490.862 at any time.

b. Shareholders' action respecting the transaction was taken in compliance with section 490.863 at any time.

c. The transaction, judged according to the circumstances at the relevant time, is established to have been fair to the corporation.

Sec. 42. NEW SECTION. **490.862 Directors' action.**

1. Directors' action respecting a director's conflicting interest transaction is effective for purposes of section 490.861, subsection 2, paragraph "*a*", if the transaction has been authorized by the affirmative vote of a majority, but no fewer than two, of the qualified directors who voted on the transaction, after required disclosure by the conflicted director of information not already known by such qualified directors, or after modified disclosure in compliance with subsection 2, provided that all of the following apply:

a. The qualified directors have deliberated and voted outside the presence of and without the participation by any other director.

b. Where the action has been taken by a committee, all members of the committee were qualified directors, and any of the following apply:

(1) The committee was composed of all the qualified directors on the board of directors.

(2) The members of the committee were appointed by the affirmative vote of a majority of the qualified directors on the board.

2. Notwithstanding subsection 1, when a transaction is a director's conflicting interest transaction only because a related person described in section 490.860, subsection 5, paragraph "*e*" or "*f*", is a party to or has a material financial interest in the transaction, the conflicted director is not obligated to make required disclosure to the extent that the director reasonably believes that doing so would violate a duty imposed under law, a legally enforceable obligation of confidentiality, or a professional ethics rule, provided that the conflicted director discloses to the qualified directors voting on the transaction all of the following:

a. All information required to be disclosed that is not so violative.

b. The existence and nature of the director's conflicting interest.

c. The nature of the conflicted director's duty not to disclose the confidential information.

3. A majority, but no fewer than two, of all the qualified directors on the board of directors, or on the committee, constitutes a quorum for purposes of action that complies with this section.

4. Where directors' action under this section does not satisfy a quorum or voting requirement applicable to the authorization of the transaction by reason of the articles of incorporation, the bylaws, or a provision of law, independent action to satisfy those authorization requirements must be taken by the board of directors or a committee, in which action directors who are not qualified directors may participate.

Sec. 43. NEW SECTION. **490.863 Shareholders' action.**

1. *a.* Shareholders' action respecting a director's conflicting interest transaction is effective for purposes of section 490.861, subsection 2, paragraph "*b*", if a majority of the votes cast by the holders of all qualified shares are in favor of the transaction after all of the following occur:

(1) Notice to shareholders describing the action to be taken respecting the transaction.

(2) Provision to the corporation of the information referred to in subsection 2.

(3) Communication to the shareholders entitled to vote on the transaction of the information that is the subject of required disclosure, to the extent the information is not known by them.

b. In the case of shareholders' action at a meeting, the shareholders entitled to vote shall be determined as of the record date for notice of the meeting.

2. A director who has a conflicting interest respecting the transaction shall, before the shareholders' vote, inform the secretary or other officer or agent of the corporation authorized to tabulate votes, in writing, of the number of shares that the director knows are not qualified shares under subsection 3, and the identity of the holders of those shares.

3. For purposes of this section, all of the following apply:

a. *"Holder"* means and *"held by"* refers to shares held by both a record shareholder, as defined in section 490.1301, subsection 7, and a beneficial shareholder, as defined in[1] 490.1301, subsection 2.

b. *"Qualified shares"* means all shares entitled to be voted with respect to the transaction except for shares that the secretary or other officer or agent of the corporation authorized to tabulate votes either knows, or under subsection 2 is notified, are held by any of the following:

(1) A director who has a conflicting interest respecting the transaction.

(2) A related person of the director, excluding a person described in section 490.860, subsection 5, paragraph *"f"*.

4. A majority of the votes entitled to be cast by the holders of all qualified shares constitutes a quorum for purposes of compliance with this section. Subject to the provisions of subsection 5, shareholders' action that otherwise complies with this section is not affected by the presence of holders, or by the voting, of shares that are not qualified shares.

5. If a shareholders' vote does not comply with subsection 1 solely because of a director's failure to comply with subsection 2, and if the director establishes that the failure was not intended to influence and did not in fact determine the outcome of the vote, the court may take such action respecting the transaction and the director, and may give such effect, if any, to the shareholders' vote, as the court considers appropriate in the circumstances.

6. Where shareholders' action under this section does not satisfy a quorum or voting requirement applicable to the authorization of the transaction by reason of the articles of incorporation, the bylaws, or a provision of law, independent action to satisfy those authorization requirements must be taken by the shareholders, in which action shares that are not qualified shares may participate.

Sec. 44. Section 490.870, subsection 1, paragraphs a and b, Code 2013, are amended to read as follows:

a. Action by qualified directors disclaiming the corporation's interest in the opportunity is taken in compliance with the procedures set forth in section ~~490.832~~ 490.862, as if the decision being made concerned a director's conflicting interest transaction.

b. Shareholders' action disclaiming the corporation's interest in the opportunity is taken in compliance with the procedure set forth in section ~~490.832~~ 490.863, as if the decision being made concerned a director's conflicting interest transaction; except that, rather than making the ~~disclosure~~ *"required disclosure"* as ~~required~~ defined in section ~~490.832~~ 490.860, in each case the director shall have made prior disclosure to those acting on behalf of the corporation of all material facts concerning the business opportunity that are then known to the director.

Sec. 45. Section 490.1003, subsection 2, Code 2013, is amended to read as follows:

2. *a.* Except as provided in sections 490.1005, 490.1007, and 490.1008, after adopting the proposed amendment, the board of directors must submit the amendment to the shareholders for their approval. The board of directors must also transmit to the shareholders a recommendation that the shareholders approve the amendment, unless any of the following apply:

(1) The board of directors makes a determination that because of conflicts of interest or other special circumstances it should not make such a recommendation~~, in which case the~~.

(2) Section 490.826 applies.

b. If paragraph *"a"*, subparagraph (1) or (2), applies, the board ~~of directors~~ must transmit to the shareholders the basis for ~~the determination~~ so proceeding.

Sec. 46. Section 490.1104, subsection 2, Code 2013, is amended to read as follows:

2. *a.* Except as provided in subsection 7 and in section 490.1105, after adopting the plan of merger or share exchange the board of directors must submit the plan to the shareholders for their approval. The board of directors must also transmit to the shareholders a recommendation that the shareholders approve the plan, unless ~~the~~ any of the following apply:

[1] See chapter 140, §71 herein

(1) The board of directors makes a determination that because of conflicts of interest or other special circumstances it should not make such a recommendation~~, in which case~~.

(2) Section 490.826 applies.

b. If paragraph "*a*", subparagraph (1) or (2), applies, the board ~~of directors~~ must transmit to the shareholders the basis for ~~that determination~~ so proceeding.

Sec. 47. Section 490.1106, subsection 1, unnumbered paragraph 1, Code 2013, is amended to read as follows:

After a plan of merger or share exchange has been adopted and approved as required by this chapter, articles of merger or share exchange shall be ~~executed~~ signed on behalf of each party to the merger or share exchange by any officer or other duly authorized representative. The articles shall set forth the following:

Sec. 48. Section 490.1108, subsection 2, Code 2013, is amended to read as follows:

2. If a merger or share exchange is abandoned under subsection 1 after articles of merger or share exchange have been filed with the secretary of state but before the merger or share exchange has become effective, a statement that the merger or share exchange has been abandoned in accordance with this section, ~~executed~~ signed on behalf of a party to the merger or share exchange by an officer or other duly authorized representative, shall be delivered to the secretary of state for filing prior to the effective date of the merger or share exchange. Upon filing, the statement shall take effect and the merger or share exchange shall be deemed abandoned and shall not become effective.

Sec. 49. Section 490.1202, subsection 2, Code 2013, is amended to read as follows:

2. *a.* A disposition that requires approval of the shareholders under subsection 1 shall be initiated by a resolution by the board of directors authorizing the disposition. After adoption of such a resolution, the board of directors shall submit the proposed disposition to the shareholders for their approval. The board of directors shall also transmit to the shareholders a recommendation that the shareholders approve the proposed disposition, unless ~~the~~ any of the following apply:

(1) The board of directors makes a determination that because of conflicts of interest or other special circumstances it should not make such a recommendation~~, in which case~~.

(2) Section 490.826 applies.

b. If paragraph "*a*", subparagraph (1) or (2), applies, the board ~~of directors~~ shall transmit to the shareholders the basis for ~~that determination~~ so proceeding.

Sec. 50. Section 490.1301, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 5A. *"Interested transaction"* means a corporate action described in section 490.1302, subsection 1, other than a merger pursuant to section 490.1105, involving an interested person in which any of the shares or assets of the corporation are being acquired or converted. As used in this definition, all of the following apply:

a. "Beneficial owner" means any person who, directly or indirectly, through any contract, arrangement, or understanding, other than a revocable proxy, has or shares the power to vote, or to direct the voting of, shares; except that a member of a national securities exchange is not deemed to be a beneficial owner of securities held directly or indirectly by it on behalf of another person solely because the member is the record holder of the securities if the member is precluded by the rules of the exchange from voting without instruction on contested matters or matters that may affect substantially the rights or privileges of the holders of the securities to be voted. When two or more persons agree to act together for the purpose of voting their shares of the corporation, each member of the group formed thereby is deemed to have acquired beneficial ownership, as of the date of the agreement, of all voting shares of the corporation beneficially owned by any member of the group.

b. "Excluded shares" means shares acquired pursuant to an offer for all shares having voting power if the offer was made within one year prior to the corporate action for consideration of the same kind and of a value equal to or less than that paid in connection with the corporate action.

c. "Interested person" means a person, or an affiliate of a person, who at any time during the one-year period immediately preceding approval by the board of directors of the corporate action was or had any of the following:

(1) Was the beneficial owner of twenty percent or more of the voting power of the corporation, other than as owner of excluded shares.

(2) Had the power, contractually or otherwise, other than as owner of excluded shares, to cause the appointment or election of twenty-five percent or more of the directors to the board of directors of the corporation.

(3) Was a senior executive or director of the corporation or a senior executive of any affiliate thereof, and that senior executive or director will receive, as a result of the corporate action, a financial benefit not generally available to other shareholders as such, other than any of the following:

(a) Employment, consulting, retirement, or similar benefits established separately and not as part of or in contemplation of the corporate action.

(b) Employment, consulting, retirement, or similar benefits established in contemplation of, or as part of, the corporate action that are not more favorable than those existing before the corporate action or, if more favorable, that have been approved on behalf of the corporation in the same manner as is provided in section 490.862.

(c) In the case of a director of the corporation who will, in the corporate action, become a director of the acquiring entity in the corporate action or one of its affiliates, rights and benefits as a director that are provided on the same basis as those afforded by the acquiring entity generally to other directors of such entity or such affiliate.

Sec. 51. Section 490.1302, subsection 2, paragraph a, Code 2013, is amended by striking the paragraph and inserting in lieu thereof the following:

a. Appraisal rights shall not be available for the holders of shares of any class or series of shares which is any of the following:

(1) A covered security under section 18(b)(1)(A) or (B) of the federal Securities Act of 1933, as amended.

(2) Traded in an organized market and has at least two thousand shareholders and a market value of at least twenty million dollars, exclusive of the value of such shares held by the corporation's subsidiaries, senior executives, directors, and beneficial shareholders owning more than ten percent of such shares.

(3) Issued by an open-end management investment company registered with the United States securities and exchange commission under the federal Investment Company Act of 1940 and may be redeemed at the option of the holder at net asset value.

Sec. 52. Section 490.1302, subsection 2, paragraph b, subparagraph (1), Code 2013, is amended to read as follows:

(1) The record date fixed to determine the shareholders entitled to receive notice of~~, and to vote at,~~ the meeting of shareholders to act upon the corporate action requiring appraisal rights.

Sec. 53. Section 490.1302, subsection 2, paragraph d, Code 2013, is amended by striking the paragraph and inserting in lieu thereof the following:

d. Paragraph "*a*",[2] shall not be applicable and appraisal rights shall be available pursuant to subsection 1 for the holders of any class or series of shares where the corporate action is an interested transaction.

Sec. 54. Section 490.1302, subsection 2, paragraph e, Code 2013, is amended by striking the paragraph.

Sec. 55. Section 490.1302, subsection 4, Code 2013, is amended by striking the subsection.

[2] See chapter 140, §72 herein

Sec. 56. Section 490.1320, Code 2013, is amended to read as follows:

490.1320 Notice of appraisal rights.

1. ~~If~~ Where any proposed corporate action ~~described~~ specified in section 490.1302, subsection 1, is to be submitted to a vote at a shareholders' meeting, the meeting notice must state that the corporation has concluded that the shareholders are, are not, or may be entitled to assert appraisal rights under this part. If the corporation concludes that appraisal rights are or may be available, a copy of this part must accompany the meeting notice sent to those record shareholders entitled to exercise appraisal rights.

2. In a merger pursuant to section 490.1105, the parent corporation must notify in writing all record shareholders of the subsidiary who are entitled to assert appraisal rights that the corporate action became effective. Such notice must be sent within ten days after the corporate action became effective and include the materials described in section 490.1322.

3. Where any corporate action specified in section 490.1302, subsection 1, is to be approved by written consent of the shareholders pursuant to section 490.704, all of the following apply:

a. Written notice that appraisal rights are, are not, or may be available must be sent to each record shareholder from whom a consent is solicited at the time consent of such shareholder is first solicited and, if the corporation has concluded that appraisal rights are or may be available, must be accompanied by a copy of this chapter.

b. Written notice that appraisal rights are, are not, or may be available must be delivered together with the notice to nonconsenting and nonvoting shareholders required by section 490.704, subsections 5 and 6, may include the materials described in section 490.1322 and, if the corporation has concluded that appraisal rights are or may be available, must be accompanied by a copy of this chapter.

4. Where corporate action described in section 490.1302, subsection 1, is proposed, or a merger pursuant to section 490.1105 is effected, the notice referred to in subsection 1 or 3, if the corporation concludes that appraisal rights are or may be available, and in subsection 2 shall be accompanied by all of the following:

a. The annual financial statements specified in section 490.1620, subsection 1, of the corporation that issued the shares that may be subject to appraisal, which shall be as of a date ending not more than sixteen months before the date of the notice and shall comply with section 490.1620, subsection 2; provided that, if such annual financial statements are not reasonably available, the corporation shall provide reasonably equivalent financial information.

b. The latest available quarterly financial statements of such corporation, if any.

5. The right to receive the information described in subsection 4 may be waived in writing by a shareholder before or after the corporate action.

Sec. 57. Section 490.1321, Code 2013, is amended to read as follows:

490.1321 Notice of intent to demand payment.

1. If ~~proposed~~ a corporate action ~~requiring appraisal rights under~~ specified in section 490.1302, subsection 1, is submitted to a vote at a shareholders' meeting, a shareholder who wishes to assert appraisal rights with respect to any class or series of shares must do all of the following:

a. Deliver to the corporation before the vote is taken written notice of the shareholder's intent to demand payment if the proposed action is effectuated.

b. Not vote, or cause or permit to be voted, any shares of such class or series in favor of the proposed action.

2. If a corporate action specified in section 490.1302, subsection 1, is to be approved by less than unanimous written consent, a shareholder who wishes to assert appraisal rights with respect to any class or series of shares must not sign a consent in favor of the proposed action with respect to that class or series of shares.

3. A shareholder who ~~does not~~ fails to satisfy the requirements of subsection 1 or 2, is not entitled to payment under this part.

Sec. 58. Section 490.1322, subsection 1, Code 2013, is amended to read as follows:

1. If proposed corporate action requiring appraisal rights under section 490.1302, subsection 1, becomes effective, the corporation must ~~deliver~~ send a written appraisal notice

and the form required by subsection 2, paragraph *"a"*, to all shareholders who satisfied the requirements of section 490.1321, subsection 1, or section 490.1321, subsection 2. In the case of a merger under section 490.1105, the parent must deliver ~~a written~~ an appraisal notice and form to all record shareholders who may be entitled to assert appraisal rights.

Sec. 59. Section 490.1322, subsection 2, unnumbered paragraph 1, Code 2013, is amended to read as follows:

The appraisal notice must be ~~sent~~ delivered no earlier than the date the corporate action specified in section 490.1302, subsection 1, became effective and no later than ten days after such date and must do all of the following:

Sec. 60. Section 490.1322, subsection 2, paragraph a, Code 2013, is amended to read as follows:

a. ~~Be accompanied by~~ Supply a form that ~~specifies~~ does all of the following:

(1) Specifies the first date of any announcement to shareholders made prior to the date the corporate action became effective of the ~~first announcement to shareholders of the~~ principal terms of the proposed corporate action ~~and requires~~, if any.

(2) If such announcement was made, requires the shareholder asserting appraisal rights to certify whether beneficial ownership of those shares for which appraisal rights are asserted was acquired before that date.

(3) Requires the shareholder asserting appraisal rights to certify ~~whether or not beneficial ownership of those shares for which appraisal rights are asserted was acquired before that date, and~~ that ~~the~~ such shareholder did not vote for or consent to the transaction.

Sec. 61. Section 490.1322, subsection 2, paragraph b, subparagraph (2), Code 2013, is amended to read as follows:

(2) A date by which the corporation must receive the form, which date shall not be fewer than forty nor more than sixty days after the date the appraisal notice ~~and form are~~ is sent under subsection 1, and state that the shareholder shall have waived the right to demand appraisal with respect to the shares unless the form is received by the corporation by such specified date.

Sec. 62. Section 490.1323, subsections 1 and 3, Code 2013, are amended to read as follows:

1. A shareholder who receives notice pursuant to section 490.1322 and who wishes to exercise appraisal rights must ~~certify on~~ sign and return the form sent by the corporation and, in the case of certificated shares, deposit the shareholder's certificates in accordance with the terms of the notice by the date referred to in the notice pursuant to section 490.1322, subsection 2, paragraph *"b"*, subparagraph (2). In addition, if applicable, the shareholder must certify on the form whether the beneficial owner of such shares acquired beneficial ownership of the shares before the date required to be set forth in the notice pursuant to section 490.1322, subsection 2, paragraph *"a"*. If a shareholder fails to make this certification, the corporation may elect to treat the shareholder's shares as after-acquired shares under section 490.1325. In addition, a shareholder who wishes to exercise appraisal rights must execute and return the form and, in a case of certificated shares, deposit the shareholder's certificates in accordance with the terms of the notice by the date referred to in the notice pursuant to section 490.1322, subsection 2, paragraph *"b"*, subparagraph (2). Once a shareholder deposits that shareholder's certificates or, in the case of uncertificated shares, returns the ~~executed~~ signed forms, that shareholder loses all rights as a shareholder, unless the shareholder withdraws pursuant to subsection 2.

3. A shareholder who does not ~~execute~~ sign and return the form and, in the case of certificated shares, deposit the shareholder's share certificates where required, each by the date set forth in the notice described in section 490.1322, subsection 2, shall not be entitled to payment under this division.

Sec. 63. Section 490.1324, subsection 2, paragraph a, Code 2013, is amended to read as follows:

a. (1) ~~Financial~~ The annual financial statements specified in section 490.1620, subsection 1, of the corporation that issued the shares to be appraised, ~~consisting of a balance sheet as of the end of a fiscal year~~ which shall be of a date ending not more than sixteen months before the date of payment~~, an income statement for that year, a statement of changes in shareholders' equity for that year,~~ and ~~the~~ shall comply with section 490.1620, subsection 2; provided that, if such annual financial statements are not reasonably available, the corporation shall provide reasonably equivalent financial information.

(2) The latest available ~~interim~~ quarterly financial statements of such corporation, if any.

Sec. 64. Section 490.1325, subsection 1, Code 2013, is amended to read as follows:

1. A corporation may elect to withhold payment required by section 490.1324 from any shareholder who was required to, but did not certify that beneficial ownership of all of the shareholder's shares for which appraisal rights are asserted was acquired before the date set forth in the appraisal notice sent pursuant to section 490.1322, subsection 2, paragraph "*a*".

Sec. 65. Section 490.1331, Code 2013, is amended to read as follows:

490.1331 Court costs and ~~counsel fees~~ expenses.

1. The court in an appraisal proceeding commenced under section 490.1330 shall determine all court costs of the proceeding, including the reasonable compensation and expenses of appraisers appointed by the court. The court shall assess the court costs against the corporation, except that the court may assess court costs against all or some of the shareholders demanding appraisal, in amounts the court finds equitable, to the extent the court finds such shareholders acted arbitrarily, vexatiously, or not in good faith with respect to the rights provided by this division.

2. The court in an appraisal proceeding may also assess the ~~fees and~~ expenses ~~of counsel and experts~~ for the respective parties, in amounts the court finds equitable, for ~~either~~ any of the following:

a. Against the corporation and in favor of any or all shareholders demanding appraisal if the court finds the corporation did not substantially comply with the requirements of section 490.1320, 490.1322, 490.1324, or 490.1325.

b. Against either the corporation or a shareholder demanding appraisal, in favor of any other party, if the court finds that the party against whom the ~~fees and~~ expenses are assessed acted arbitrarily, vexatiously, or not in good faith with respect to the rights provided by this chapter.

3. If the court in an appraisal proceeding finds that the ~~services of counsel for~~ expenses incurred by any shareholder were of substantial benefit to other shareholders similarly situated, and that ~~the fees for those services~~ such expenses should not be assessed against the corporation, the court may ~~award to such counsel reasonable fees to~~ direct that such expenses be paid out of the amounts awarded the shareholders who were benefited.

4. To the extent the corporation fails to make a required payment pursuant to section 490.1324, 490.1325, or 490.1326, the shareholder may sue directly for the amount owed and, to the extent successful, shall be entitled to recover from the corporation ~~all costs and~~ expenses of the suit~~, including counsel fees~~.

Sec. 66. NEW SECTION. **490.1340 Other remedies limited.**

1. The legality of a proposed or completed corporate action described in section 490.1302, subsection 1, shall not be contested, nor may the corporate action be enjoined, set aside, or rescinded, in a legal or equitable proceeding by a shareholder after the shareholders have approved the corporate action.

2. Subsection 1 does not apply to a corporate action that meets any of the following conditions:

a. Was not authorized and approved in accordance with the applicable provisions of any of the following:

(1) Division X, XI, or XII of this chapter.

(2) The articles of incorporation or bylaws.

(3) The resolution of the board of directors authorizing the corporate action.

b. Was procured as a result of fraud, a material misrepresentation, or an omission of a material fact necessary to make statements made, in light of the circumstances in which they were made, not misleading.

c. Is an interested transaction, unless it has been recommended by the board of directors in the same manner as is provided in section 490.862 and has been approved by the shareholders in the same manner as is provided in section 490.863 as if the interested transaction were a director's conflicting interest transaction.

d. Is approved by less than unanimous consent of the voting shareholders pursuant to section 490.704, if all of the following apply:

(1) The challenge to the corporate action is brought by a shareholder who did not consent and as to whom notice of the approval of the corporate action was not effective at least ten days before the corporate action was effected.

(2) The proceeding challenging the corporate action is commenced within ten days after notice of the approval of the corporate action is effective as to the shareholder bringing the proceeding.

Sec. 67. Section 490.1402, subsection 2, paragraph a, Code 2013, is amended to read as follows:

a. (1) The board of directors must recommend dissolution to the shareholders unless ~~the~~ any of the following apply:

(a) The board of directors determines that because of conflict of interest or other special circumstances it should make no recommendation ~~and communicates~~.

(b) Section 490.826 applies.

(2) If paragraph "*a*", subparagraph (1) or (2), applies, it must communicate the basis for ~~its determination to the shareholders~~ so proceeding.

Sec. 68. Section 490.1430, Code 2013, is amended to read as follows:

490.1430 Grounds for judicial dissolution.

1. The district court may dissolve a corporation in any of the following ways:

~~1.~~ *a.* A proceeding by the attorney general, if it is established that ~~either~~ any of the following apply:

~~*a.*~~ (1) The corporation obtained its articles of incorporation through fraud.

~~*b.*~~ (2) The corporation has continued to exceed or abuse the authority conferred upon it by law.

~~2.~~ *b.* A proceeding by a shareholder if it is established that any of the following conditions exist:

~~*a.*~~ (1) The directors are deadlocked in the management of the corporate affairs, the shareholders are unable to break the deadlock, and either irreparable injury to the corporation is threatened or being suffered, or the business and affairs of the corporation can no longer be conducted to the advantage of the shareholders generally, because of the deadlock.

~~*b.*~~ (2) The directors or those in control of the corporation have acted, are acting, or will act in a manner that is illegal, oppressive, or fraudulent.

~~*c.*~~ (3) The shareholders are deadlocked in voting power and have failed, for a period that includes at least two consecutive annual meeting dates, to elect successors to directors whose terms have expired.

~~*d.*~~ (4) The corporate assets are being misapplied or wasted.

~~3.~~ *c.* A proceeding by a creditor if it is established that ~~either~~ any of the following apply:

~~*a.*~~ (1) The creditor's claim has been reduced to judgment, the execution on the judgment returned unsatisfied, and the corporation is insolvent.

~~*b.*~~ (2) The corporation has admitted in writing that the creditor's claim is due and owing and the corporation is insolvent.

~~4.~~ *d.* A proceeding by the corporation to have its voluntary dissolution continued under court supervision.

e. A proceeding by a shareholder if the corporation has abandoned its business and has failed within a reasonable time to liquidate and distribute its assets and dissolve.

2. Subsection 1, paragraph "*b*", shall not apply in the case of a corporation that, on the date of the filing of the proceeding, has shares which are any of the following:

a. Listed on the New York stock exchange, the American stock exchange, or on any exchange owned or operated by the NASDAQ stock market, l.l.c., or listed or quoted on a system owned or operated by the national association of securities dealers, inc.

b. Not so listed or quoted, but are held by at least three hundred shareholders and the shares outstanding have a market value of at least twenty million dollars, exclusive of the value of such shares held by the corporation's subsidiaries, senior executives, directors, and beneficial shareholders owning more than ten percent of such shares.

3. As used in this section, "*beneficial shareholder*" has the meaning specified in section 490.1301, subsection 2.

Sec. 69. Section 490.1431, subsection 4, Code 2013, is amended to read as follows:

4. Within ten days of the commencement of a proceeding ~~under section 490.1430, subsection 2,~~ to dissolve a corporation ~~that has no shares listed on a national securities exchange or regularly traded in a market maintained by one or more members of a national securities exchange~~ under section 490.1430, subsection 1, paragraph "*b*", the corporation must send to all shareholders, other than the petitioner, a notice stating that the shareholders are entitled to avoid the dissolution of the corporation by electing to purchase the petitioner's shares under section 490.1434, and a copy of section 490.1434.

Sec. 70. Section 490.1432, subsections 1 and 5, Code 2013, are amended to read as follows:

1. ~~A~~ Unless an election to purchase has been filed under section 490.1434, a court in a judicial proceeding brought to dissolve a corporation may appoint one or more receivers to wind up and liquidate, or one or more custodians to manage, the business and affairs of the corporation. The court shall hold a hearing, after notifying all parties to the proceeding and any interested persons designated by the court, before appointing a receiver or custodian. The court appointing a receiver or custodian has ~~exclusive~~ jurisdiction over the corporation and all its property wherever located.

5. The court from time to time during the receivership or custodianship may order compensation paid and ~~expense disbursements or reimbursements made~~ expenses paid or reimbursed to the receiver or custodian ~~and the receiver's or custodian's counsel~~ from the assets of the corporation or proceeds from the sale of the assets.

Sec. 71. Section 490.1434, subsections 1, 2, 4, and 5, Code 2013, are amended to read as follows:

1. In a proceeding under section 490.1430, subsection ~~2~~ 1, paragraph "*b*", to dissolve a corporation ~~that has no shares listed on a national securities exchange or regularly traded in a market maintained by one or more members of a national or affiliated securities association~~, the corporation may elect or, if it fails to elect, one or more shareholders may elect to purchase all shares owned by the petitioning shareholder at the fair value of the shares. An election pursuant to this section shall be irrevocable unless the court determines that it is equitable to set aside or modify the election.

2. An election to purchase pursuant to this section may be filed with the court at any time within ninety days after the filing of the petition under section 490.1430, subsection ~~2~~ 1, paragraph "*b*", or at such later time as the court in its discretion may allow. If the election to purchase is filed by one or more shareholders, the corporation shall, within ten days thereafter, give written notice to all shareholders, other than the petitioner. The notice must state the name and number of shares owned by the petitioner and the name and number of shares owned by each electing shareholder and must advise the recipients of their right to join the election to purchase shares in accordance with this section. Shareholders who wish to participate must file notice of their intention to join in the purchase no later than thirty days after the effective date of the notice to them. All shareholders who have filed an election or notice of their intention to participate in the election to purchase thereby become parties to the proceeding and shall participate in the purchase in proportion to their ownership of shares as of the date the first election was filed, unless they otherwise agree or the

court otherwise directs. After an election has been filed by the corporation or one or more shareholders, the proceeding under section 490.1430, subsection ~~2~~ 1, paragraph *"b"*, shall not be discontinued or settled, nor shall the petitioning shareholder sell or otherwise dispose of the shareholder's shares, unless the court determines that it would be equitable to the corporation and the shareholders, other than the petitioner, to permit such discontinuance, settlement, sale, or other disposition.

4. If the parties are unable to reach an agreement as provided for in subsection 3, the court, upon application of any party, shall stay the section 490.1430, subsection ~~2~~ 1, paragraph *"b"*, proceedings and determine the fair value of the petitioner's shares as of the day before the date on which the petition under section 490.1430, subsection ~~2~~ 1, paragraph *"b"*, was filed or as of such other date as the court deems appropriate under the circumstances.

5. Upon determining the fair value of the shares, the court shall enter an order directing the purchase upon such terms and conditions as the court deems appropriate, which may include payment of the purchase price in installments, where necessary in the interests of equity, provision for security to assure payment of the purchase price and any additional costs, fees, and expenses as may have been awarded, and, if the shares are to be purchased by shareholders, the allocation of shares among them. In allocating petitioner's shares among holders of different classes of shares, the court shall attempt to preserve the existing distribution of voting rights among holders of different classes insofar as practicable and may direct that holders of a specific class or classes shall not participate in the purchase. Interest may be allowed at the rate and from the date determined by the court to be equitable, but if the court finds that the refusal of the petitioning shareholder to accept an offer of payment was arbitrary or otherwise not in good faith, no interest shall be allowed. If the court finds that the petitioning shareholder has probable grounds for relief under section 490.1430, subsection ~~2~~ 1, paragraph *"b"* ~~or "d"~~, subparagraph (2) or (4), it may award to the petitioning shareholder reasonable fees and expenses of counsel and of any experts employed by the shareholder.

Sec. 72. Section 490.1508, subsection 2, Code 2013, is amended to read as follows:

2. If ~~a registered agent changes~~ the street address of ~~the~~ a registered agent's business office changes, the ~~registered~~ agent may change the street address of the registered office of any foreign corporation for which the ~~agent~~ person is the registered agent by notifying the corporation in writing of the change, and signing~~, either manually or in facsimile,~~ and delivering to the secretary of state for filing a statement of change that complies with the requirements of subsection 1 and recites that the corporation has been notified of the change.

Sec. 73. NEW SECTION. **490.1523 Transfer of authority.**

1. A foreign business corporation authorized to transact business in this state that converts to a foreign nonprofit corporation or to any form of foreign unincorporated entity that is required to obtain a certificate of authority or make a similar type of filing with the secretary of state if it transacts business in this state shall file with the secretary of state an application for transfer of authority signed by any officer or other duly authorized representative. The application shall set forth all of the following:

a. The name of the corporation.

b. The type of unincorporated entity to which it has been converted and the jurisdiction whose laws govern its internal affairs.

c. Any other information that would be required in a filing under the laws of this state by an unincorporated entity of the type the corporation has become seeking authority to transact business in this state.

2. The application for transfer of authority shall be delivered to the secretary of state for filing and shall take effect at the effective time provided in section 490.123.

3. Upon the effectiveness of the application for transfer of authority, the authority of the corporation under this chapter to transact business in this state shall be transferred without interruption to the converted entity which shall thereafter hold such authority subject to the provisions of the laws of this state applicable to that type of unincorporated entity.

Sec. 74. Section 490.1601, subsection 4, Code 2013, is amended to read as follows:

4. A corporation shall maintain its records in ~~written~~ the form of a document, including an electronic record, or in another form capable of conversion into ~~written~~ paper form within a reasonable time.

Sec. 75. Section 490.1602, Code 2013, is amended to read as follows:

490.1602 Inspection of records by shareholders.

1. A shareholder of a corporation is entitled to inspect and copy, during regular business hours at the corporation's principal office, any of the records of the corporation described in section 490.1601, subsection 5, if the shareholder gives the corporation signed written notice of the shareholder's demand at least five business days before the date on which the shareholder wishes to inspect and copy.

2. For any meeting of shareholders for which the record date for determining shareholders entitled to vote at the meeting is different than the record date for notice of the meeting, any person who becomes a shareholder subsequent to the record date for notice of the meeting and is entitled to vote at the meeting is entitled to obtain from the corporation upon request the notice and any other information provided by the corporation to shareholders in connection with the meeting, unless the corporation has made such information generally available to shareholders by posting it on its internet site or by other generally recognized means. Failure of a corporation to provide such information does not affect the validity of action taken at the meeting.

3. A shareholder of a corporation is entitled to inspect and copy, during regular business hours at a reasonable location specified by the corporation, any of the following records of the corporation if the shareholder meets the requirements of subsection ~~3~~ 4 and gives the corporation a signed written notice of the shareholder's demand at least five business days before the date on which the shareholder wishes to inspect and copy any of the following:

a. Excerpts from minutes of any meeting of the board of directors~~, records of any action of~~ or a committee of the board of directors while acting in place of the board of directors on behalf of the corporation, minutes of any meeting of the shareholders, and records of action taken by the shareholders, ~~or~~ board of directors, or a committee of the board without a meeting, to the extent not subject to inspection under subsection 1 ~~of this section~~.

b. Accounting records of the corporation.

c. The record of shareholders.

~~3.~~ 4. A shareholder may inspect and copy the records described in subsection ~~2~~ 3 only if all of the following apply:

a. The shareholder's demand is made in good faith and for a proper purpose.

b. The shareholder describes with reasonable particularity the shareholder's purpose and the records the shareholder desires to inspect.

c. The records are directly connected with the shareholder's purpose.

~~4.~~ 5. The right of inspection granted by this section shall not be abolished or limited by a corporation's articles of incorporation or bylaws.

~~5.~~ 6. This section does not affect ~~either~~ any of the following:

a. The right of a shareholder to inspect records under section 490.720 or, if the shareholder is in litigation with the corporation, to the same extent as any other litigant.

b. The power of a court, independently of this chapter, to compel the production of corporate records for examination.

7. For purposes of this section, "*shareholder*" includes a beneficial owner whose shares are held in a voting trust or by a nominee on the shareholder's behalf.

Sec. 76. Section 490.1603, subsection 3, Code 2013, is amended to read as follows:

3. The corporation may comply at its expense with a shareholder's demand to inspect the record of shareholders under section 490.1602~~, subsection 2, paragraph "c",~~ by providing the shareholder with a list of shareholders that was compiled no earlier than the date of the shareholder's demand.

Sec. 77. Section 490.1604, subsection 2, Code 2013, is amended to read as follows:

2. If a corporation does not within a reasonable time allow a shareholder to inspect and copy any other records, the shareholder who complies with section 490.1602~~, subsections 2 and 3~~ may apply to the district court in the county where the corporation's principal office or, if none in this state, its registered office is located for an order to permit inspection and copying of the records demanded. The court shall dispose of an application under this subsection on an expedited basis.

Sec. 78. Section 490.1606, subsection 1, Code 2013, is amended to read as follows:

1. Whenever notice ~~is~~ would otherwise be required to be given under any provision of this chapter to ~~any~~ a shareholder, such notice ~~shall~~ need not be ~~required to be~~ given if ~~either~~ any of the following ~~applies~~ apply:

a. ~~Notice~~ Notices to the shareholders of two consecutive annual meetings, and all notices of meetings during the period between such two consecutive annual meetings, have been sent to such shareholder at such shareholder's address as shown on the records of the corporation and have been returned undeliverable or could not be delivered.

b. All, but not less than two, payments of dividends on securities during a twelve-month period, or two consecutive payments of dividends on securities during a period of more than twelve months, have been sent to such shareholder at such shareholder's address as shown on the records of the corporation and have been returned undeliverable or could not be delivered.

Sec. 79. Section 490.1620, Code 2013, is amended by striking the section and inserting in lieu thereof the following:

490.1620 Financial statements for shareholders.

1. A corporation shall deliver to its shareholders annual financial statements, which may be consolidated or combined statements of the corporation and one or more of its subsidiaries, as appropriate, that include a balance sheet as of the end of the fiscal year, an income statement for that year, and a statement of changes in shareholders' equity for the year unless that information appears elsewhere in the financial statements. If financial statements are prepared for the corporation on the basis of generally accepted accounting principles, the annual financial statements must also be prepared on that basis.

2. If the annual financial statements are reported upon by a public accountant, the report must accompany them. If not, the statements must be accompanied by a statement of the president or the person responsible for the corporation's accounting records which does all of the following:

a. States such person's reasonable belief whether the statements were prepared on the basis of generally accepted accounting principles and, if not, describing the basis of preparation.

b. Describes any respects in which the statements were not prepared on a basis of accounting consistent with the statements prepared for the preceding year.

3. Within one hundred twenty days after the close of each fiscal year, the corporation shall send the annual financial statements to each shareholder. Thereafter, on written request from a shareholder to whom the statements were not sent, the corporation shall send the shareholder the latest financial statements. A public corporation may fulfill its responsibilities under this section by delivering the specified financial statements, or otherwise making them available, in any manner permitted by the applicable rules and regulations of the United States securities and exchange commission.

Sec. 80. Section 490.1703, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 3. In the event that any provision of this chapter is deemed to modify, limit, or supersede the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. § 7001 et seq., the provisions of this chapter shall control to the maximum extent permitted by section 102(a)(2) of that federal Act.

Sec. 81. REPEAL. Section 490.832, Code 2013, is repealed.

Sec. 82. EFFECTIVE DATE. This division of this Act takes effect January 1, 2014.

DIVISION II
FUTURE PROVISIONS

Sec. 83. Section 490.140, subsection 21A, Code 2013, is amended by striking the subsection and inserting in lieu thereof the following:

21A. *"Public corporation"* means a corporation that has a class of voting stock that is listed on a national securities exchange or held of record by more than two thousand shareholders. [3]

Sec. 84. EFFECTIVE DATE. This division of this Act takes effect upon the repeal of 2011 Iowa Acts, chapter 2, as provided in section 9, subsection 1, of that Act. [4]

Approved April 5, 2013

CHAPTER 32

ORTHOTIC, PROSTHETIC, AND PEDORTHIC SERVICES

H.F. 486

AN ACT relating to persons offering orthotic, prosthetic, and pedorthic services to the public, and relating to the scope of orthotic, prosthetic, and pedorthic services which may be ordered by certain health care providers, and including transition provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 148F.2, subsections 2 and 4, Code 2013, are amended to read as follows:

2. *"Orthosis"* means a custom-fabricated or custom-fitted brace or support designed to provide for alignment, correction, or prevention of neuromuscular or musculoskeletal dysfunction, disease, injury, or deformity. *"Orthosis"* does not include fabric or elastic supports, corsets, arch supports, low temperature plastic splints, trusses, elastic ~~hoses~~ hose, canes, crutches, soft cervical collars, dental appliances, or other similar devices carried in stock and sold as "over-the-counter" items by a drug store, department store, corset shop, or surgical supply facility.

4. *"Orthotic and prosthetic scope of practice"* means a list of tasks, with relative weight given to such factors as importance, criticality, and frequency, based on nationally accepted standards of orthotic and prosthetic care as outlined by the American board for certification in orthotics, prosthetics, and pedorthics, incorporated.

Sec. 2. Section 148F.2, subsection 3, unnumbered paragraph 1, Code 2013, is amended to read as follows:

"Orthotic and prosthetic education program" means a course of instruction accredited by the ~~national~~ commission on accreditation of allied health education programs, consisting of both of the following:

Sec. 3. Section 148F.2, subsection 8, unnumbered paragraph 1, Code 2013, is amended to read as follows:

"Pedorthic education program" means an educational program ~~accredited by the American board for certification in orthotics, prosthetics, and pedorthics~~ approved by the national commission on orthotic and prosthetic education consisting of all of the following:

Sec. 4. Section 148F.2, subsections 9 and 16, Code 2013, are amended to read as follows:

9. *"Pedorthic scope of practice"* means a list of tasks with relative weight given to such factors as importance, criticality, and frequency based on nationally accepted standards of

[3] See chapter 140, §87 herein
[4] See chapter 140, §87 herein

pedorthic care as outlined by the American board for certification in orthotics, prosthetics, and pedorthics, incorporated.

16. *"Resident"* means a person who has completed an education program in either orthotics or prosthetics and is continuing the person's clinical education in a residency accredited by the ~~American board for certification in orthotics, prosthetics and pedorthics~~ national commission on orthotic and prosthetic education.

Sec. 5. Section 148F.5, subsection 2, paragraph c, Code 2013, is amended to read as follows:

c. Complete a qualified ~~work~~ clinical experience program ~~or internship~~ in pedorthics that has a minimum of one thousand hours of pedorthic patient care experience in accordance with any standards, guidelines, or procedures established and approved by the board. The majority of training must be devoted to services performed under the supervision of a licensed orthotist or licensed practitioner of pedorthics or a person certified as a certified pedorthist whose practice is located outside the state.

Sec. 6. Section 148F.7, Code 2013, is amended to read as follows:

148F.7 Limitation on provision of care and services.

A licensed orthotist, prosthetist, or pedorthist may provide care or services only if the care or services are provided pursuant to an order from a licensed physician, a licensed podiatric physician, an advanced registered nurse practitioner ~~who has a written collaborative agreement with a collaborating physician or podiatric physician that specifically authorizes ordering the services of an orthotist, prosthetist, or pedorthist, an advanced registered nurse practitioner who practices in a hospital or ambulatory surgical treatment center and possesses clinical privileges to order services of an orthotist, prosthetist, or pedorthist~~ licensed pursuant to chapter 152 or 152E, or a physician assistant who has been delegated the authority to order the services of an orthotist, prosthetist, or pedorthist by the assistant's supervising physician. ~~A licensed podiatric physician or an advanced registered nurse practitioner collaborating with a podiatric physician may only order care or services concerning the foot from a licensed pedorthist or orthotist.~~

Sec. 7. NEW SECTION. **148F.9 Transition period.**

1. Through June 30, 2014, a person certified as an orthotist, prosthetist, or pedorthist by the American board for certification in orthotics, prosthetics, and pedorthics, incorporated, or holding similar certification from other accrediting bodies, may apply for and may be issued an initial license to practice orthotics, prosthetics, or pedorthics under the provisions of this chapter without meeting the requirements of section 148F.5, upon proof of current certification in good standing and payment of the required licensure fees.

2. Through June 30, 2014, a person not certified as described in subsection 1 who has practiced continuously for at least thirty hours per week on average for at least five of seven years in an accredited and bonded facility as an orthotist, prosthetist, or pedorthist may file an application with the board to continue to practice orthotics, prosthetics, or pedorthics. The practice described under this subsection shall only be required to have been performed in an accredited and bonded facility if the facility is required to be accredited and bonded by Medicare. The five years of continuous practice must occur between July 1, 2007, and July 1, 2014. A person applying under this subsection may be issued an initial license to practice orthotics, prosthetics, or pedorthics under the provisions of this chapter without meeting the requirements of section 148F.5, upon payment of the licensure fees required by the department and after the board has reviewed the application.

3. On or after July 1, 2014, an applicant for licensure as an orthotist, prosthetist, or pedorthist shall meet the requirements of section 148F.5.

4. The board shall adopt rules to administer this section.

Approved April 5, 2013

CHAPTER 33

ESTATES AND TRUSTS

H.F. 591

AN ACT relating to estates and trusts and including retroactive and other applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. **633.273A Disposition of failed devise.**

Unless from the terms of the will the intent is clear and explicit to the contrary, and except as provided in section 633.273:

1. A devise, other than a residuary devise, that fails for any reason becomes a part of the residuary estate.

2. If the residuary estate is devised to two or more persons, the share of a residuary devisee that fails for any reason passes to the other residuary devisee or to the other residuary devisees in proportion to the interest of each in the remaining part of the residuary estate.

Sec. 2. Section 633.279, subsection 2, paragraph a, Code 2013, is amended by striking the paragraph and inserting in lieu thereof the following:

a. An attested will may be made self-proved at the time of its execution, or at any subsequent date, by the acknowledgment thereof by the testator and the affidavits of the witnesses, each made before a person authorized to administer oaths and take acknowledgments under the laws of this state, and evidenced by such person's certificate, under seal, attached or annexed to the will, in form and content substantially as follows:

Affidavit

State of.....)

County of.....) ss

We, the undersigned, ..., ... and ....., the testator and the witnesses, respectively, whose names are signed to the attached or foregoing instrument, being first duly sworn, declare to the undersigned authority that at the date of the instrument, we all knew the identity of each other; the instrument was exhibited to the witnesses by the testator, who declared it to be the testator's last will and testament and was signed by the testator or by another at the direction of the testator at ....., in the County of ....., State of ....., on the date shown in the instrument, and in the presence of each other as subscribing witnesses; that we, as witnesses, declare to the undersigned authority that in our presence the testator executed and acknowledged such will as the testator's will and that we, in the testator's presence, at the testator's request, and in the presence of each other, did subscribe our names thereto as attesting witnesses on the date of such will; and that the witnesses were sixteen years of age or older.

.....

Testator

.....

Witness

.....

Witness

.....

Subscribed, sworn and acknowledged before me by ....., the testator; and subscribed and sworn before me by ..... and ....., witnesses, this ..... day of ..... (month), ... (year) .....

.....

Notary Public, or other notarial officer authorized to take and certify acknowledgments and administer oaths

(Stamp)

Sec. 3. Section 633.290, Code 2013, is amended to read as follows:

633.290 ~~Petition for probate of will~~ Petitions after death of testator.

1. ~~At the time the will of a decedent is filed with the clerk, or thereafter,~~ After the death of the testator, any interested person may file a verified petition in the district court of the proper county for any of the following:

~~1.~~ *a.* To have the will admitted to probate~~;~~.

~~2.~~ *b.* For the appointment of the executor.

c. To request a hearing before the will is admitted to probate.

d. To request a hearing before the appointment of the executor.

e. For the production of the purported will of the decedent to be filed by the person believed by the petitioner to be in possession of the will.

2. ~~A petition for probate may be combined with a petition for appointment of the executor, and any person interested in either the probate of a will or in the appointment of the executor, may petition for both~~ Petitions for any of the reasons specified in subsection 1 may be combined.

Sec. 4. Section 633.295, Code 2013, is amended to read as follows:

633.295 Testimony of witnesses.

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

In the District Court of Iowa
In and for ..... County

In the Matter of the Estate of .....
....., Deceased
Probate No. .....
Testimony of Subscribing
Witness on Probate of Will.
State of .....)
..... County) ss

I, ..., being first duly sworn, state:

I reside in the County of ....., State of .....; I knew the identity of the testator on the ..... day of ..... (month), ... (year), the date of the instrument, the original or exact reproduction of which is attached hereto, now shown to me, and purporting to be the last will and testament of the said ....., deceased; I am one of the subscribing witnesses to said instrument; at the said date of said instrument, I knew the identity of ....., the other subscribing witness; that said instrument was exhibited to me and to the other subscribing witness by the testator, who declared the same to be the testator's last will and testament, and was signed by the testator at ....., in the County of ....., State of ....., on the date shown in said instrument, in the presence of myself and the other subscribing witness; and the other subscribing witness and I then and there, at the request of the testator, in the presence of said testator and in the presence of each other, subscribed our names thereto as witnesses.

.....
Name of witness
.....
Address

Subscribed and sworn to before me this ..... day of ..... (month), ... (year)

.....
Notary Public in and for
(Stamp) the State of .....

Sec. 5. Section 633.356, subsection 3, paragraph c, Code 2013, is amended to read as follows:

c. That the gross value of the decedent's personal property that would otherwise be distributed by will or intestate succession does not exceed twenty-five thousand dollars and there is no real property or the real property passes to persons exempt from inheritance tax pursuant to section 450.9 as joint tenants with right of survivorship.

Sec. 6. Section 633.575, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 7. If the court determines upon application that it is appropriate or necessary, the court may order that the attorney appointed pursuant to this section be given copies of and access to the proposed ward's health information by describing with reasonable specificity the health information to be disclosed or accessed, for the purpose of fulfilling the attorney's responsibilities pursuant to this section.

Sec. 7. Section 633A.4504, subsection 3, Code 2013, is amended to read as follows:

3. Any claim for breach of trust against a trustee who has presented an accounting or report to a beneficiary more than one year prior to July 1, ~~2011~~ 2000, shall be time barred unless some exception stated in this section applies which tolls the statute. Any claim arising under this section within one year of July 1, ~~2011~~ 2000, shall be time barred after one year unless an exception applies to toll the statute.

Sec. 8. Section 635.1, Code 2013, is amended to read as follows:

635.1 When applicable.

When the gross value of the probate assets of a decedent subject to the jurisdiction of this state does not exceed one hundred thousand dollars, and upon a petition as provided in section 635.2 of an authorized petitioner in accordance with ~~section~~ sections 633.227~~,~~ and 633.228, or section 633.290, subsection 1, paragraph *"a"* or *"b"*, the clerk shall issue letters of appointment for administration to the proposed personal representative named in the petition, if qualified to serve pursuant to section 633.63 or upon court order pursuant to section 633.64. Unless otherwise provided in this chapter, the provisions of chapter 633 apply to an estate probated pursuant to this chapter.

Sec. 9. APPLICABILITY.

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

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

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

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

Approved April 5, 2013

CHAPTER 34

ECONOMIC DEVELOPMENT AUTHORITY — DUTIES AND PROGRAMS

H.F. 397

AN ACT relating to the administration of duties and programs by the economic development authority.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I
CONTRACT ADMINISTRATION

Section 1. Section 15.106B, subsection 4, paragraph c, Code 2013, is amended to read as follows:

c. The authority shall not enter into a contract for services, including a contract executed pursuant to subsection 2, paragraph "*d*", that exceeds ~~two~~ three years in duration.

Sec. 2. Section 15.329, subsection 2, Code 2013, is amended to read as follows:

2. *a.* If the authority finds that a business has a record of violations of the law, including but not limited to antitrust, environmental, and worker safety statutes, rules, and regulations, that over a period of time ~~that~~ tends to show a consistent pattern or that establishes intentional, criminal, or reckless conduct in violation of such laws, the business shall not qualify for economic development assistance under this part, ~~unless~~ except as provided in paragraph "*b*".

b. If the authority finds that the violations described in paragraph "*a*" did not seriously affect public health ~~or~~, public safety, or the environment, or if ~~it did,~~ the authority finds that there were mitigating circumstances involved, the business may qualify for economic development assistance under this part, notwithstanding paragraph "*a*".

c. In making the findings and determinations regarding violations, mitigating circumstances, and whether the business is disqualified for economic development assistance under this part, the authority shall be exempt from chapter 17A.

Sec. 3. Section 15.330, unnumbered paragraph 1, Code 2013, is amended to read as follows:

A business shall enter into an agreement with the authority specifying the requirements that must be met to confirm eligibility pursuant to this part and the requirements that must be maintained throughout the period of the agreement in order to retain the incentives or financial assistance received. The authority shall consult with the community during negotiations relating to the agreement. The agreement shall contain, at a minimum, the following provisions:

Sec. 4. Section 15.330, subsection 2, Code 2013, is amended to read as follows:

2. The repayment of incentives or financial assistance by the business if the business does not meet any of the requirements of this part or the resulting agreement. The repayment of incentives pursuant to this subsection shall be considered a tax payment due and payable to the department of revenue by any taxpayer who has claimed such incentives, and the failure to make such a repayment may be treated by the department of revenue in the same manner as a failure to pay the tax shown due or required to be shown due with the filing of a return or deposit form. In addition, the county shall have the authority to take action to recover the value of property taxes not collected as a result of the exemption provided to the business under this part.

DIVISION II
MICROENTERPRISES

Sec. 5. Section 15.102, subsections 5 and 9, Code 2013, are amended by striking the subsections.

Sec. 6. REPEAL. Section 15.240, Code 2013, is repealed.

DIVISION III
BROADBAND ACCESS GOVERNING BOARD

Sec. 7. 2009 Iowa Acts, chapter 173, section 13, subsection 5, paragraphs b, c, and d, are amended by striking the paragraphs.

DIVISION IV
INDUSTRIAL PROPERTY TAX EXEMPTION APPROVALS

Sec. 8. Section 427B.1, subsection 1, Code 2013, is amended to read as follows:

1. A city council, or a county board of supervisors as authorized by section 427B.2, may provide by ordinance for a partial exemption from property taxation of the actual value added to industrial real estate by the new construction of industrial real estate, research-service facilities, warehouses, distribution centers and the acquisition of or improvement to machinery and equipment assessed as real estate pursuant to section 427A.1, subsection 1, paragraph *"e"*. *"New construction"* means new buildings and structures and includes new buildings and structures which are constructed as additions to existing buildings and structures. *"New construction"* does not include reconstruction of an existing building or structure which does not constitute complete replacement of an existing building or structure or refitting of an existing building or structure, unless the reconstruction of an existing building or structure is required due to economic obsolescence and the reconstruction is necessary to implement recognized industry standards for the manufacturing and processing of specific products and the reconstruction is required for the owner of the building or structure to continue to competitively manufacture or process those products which determination shall receive prior approval from the city council of the city or the board of supervisors of the county ~~upon the recommendation of the economic development authority~~. The exemption shall also apply to new machinery and equipment assessed as real estate pursuant to section 427A.1, subsection 1, paragraph *"e"*, unless the machinery or equipment is part of the normal replacement or operating process to maintain or expand the existing operational status. *"Research-service facilities"* means a building or group of buildings devoted primarily to research and development activities, including~~,~~ but not limited to~~,~~ the design and production or manufacture of prototype products for experimental use, and corporate-research services which do not have a primary purpose of providing on-site services to the public. *"Warehouse"* means a building or structure used as a public warehouse for the storage of goods pursuant to chapter 554, article 7, except that it does not mean a building or structure used primarily to store raw agricultural products or from which goods are sold at retail. *"Distribution center"* means a building or structure used primarily for the storage of goods which are intended for subsequent shipment to retail outlets. *"Distribution center"* does not mean a building or structure used primarily to store raw agricultural products, used primarily by a manufacturer to store goods to be used in the manufacturing process, used primarily for the storage of petroleum products, or used for the retail sale of goods.

Approved April 10, 2013

CHAPTER 35

REGULATION OF ALCOHOLIC BEVERAGES

H.F. 488

AN ACT concerning the alcoholic beverages division of the department of commerce and alcoholic beverage control, and making penalties applicable.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I
APPLICATIONS, FORMS, AND RECORDS

Section 1. Section 123.3, subsection 6, Code 2013, is amended to read as follows:

6. *"Application"* means a ~~formal~~ written request for the issuance of a permit or license that is supported by a verified statement of facts and submitted electronically, or in a manner prescribed by the administrator.

Sec. 2. Section 123.19, subsections 1 and 2, Code 2013, are amended to read as follows:

1. Any manufacturer, distiller, or importer of alcoholic beverages shipping, selling, or having alcoholic beverages brought into this state for resale by the state shall, as a condition precedent to the privilege of so trafficking in alcoholic liquors in this state, annually make application for and hold a distiller's certificate of compliance which shall be issued by the administrator for that purpose. No brand of alcoholic liquor shall be sold by the division in this state unless the manufacturer, distiller, importer, and all other persons participating in the distribution of that brand in this state have obtained a certificate. The certificate of compliance shall expire at the end of one year from the date of issuance and shall be renewed for a like period upon application to the administrator unless otherwise suspended or revoked for cause. Each application for a certificate of compliance or renewal shall be ~~made~~ submitted electronically, or in a manner ~~and upon forms~~ prescribed by the administrator, and shall be accompanied by a fee of fifty dollars payable to the division. However, this subsection need not apply to a manufacturer, distiller, or importer who ships or sells in this state no more than eleven gallons or its case equivalent during any fiscal year as a result of "special orders" which might be placed, as defined and allowed by divisional rules adopted under this chapter.

2. At the time of applying for a certificate of compliance, each applicant shall ~~file with~~ submit to the division electronically, or in a manner prescribed by the administrator, the name and address of its authorized agent for service of process which shall remain effective until changed for another, and a list of names and addresses of all representatives, employees, or attorneys whom the applicant has appointed in the state of Iowa to represent it for any purpose. The listing shall be amended from time to time by the certificate holder as necessary to keep the listing current with the division.

Sec. 3. Section 123.31, unnumbered paragraph 1, Code 2013, is amended to read as follows:

Verified applications for the original issuance or the renewal of liquor control licenses shall be ~~filed at the time and in the number of copies as the administrator shall prescribe, on forms~~ submitted electronically, or in a manner prescribed by the administrator, and shall set forth under oath the following information:

Sec. 4. Section 123.32, subsection 1, Code 2013, is amended to read as follows:

1. *Filing of application.* An application for a class "A", class "B", class "C", or class "E" liquor control license, for a class "A" micro-distilled spirits permit, for a retail beer permit as provided in sections 123.128 and 123.129, or for a class "B", class "B" native, or class "C" native retail wine permit as provided in section 123.178, 123.178A, or 123.178B, accompanied by the necessary fee and bond, if required, shall be filed with the appropriate city council if the premises for which the license or permit is sought are located within the corporate limits of a city, or with the board of supervisors if the premises for which the license or permit is sought are located outside the corporate limits of a city. An application for a class "D" liquor

control license and for a class "A" beer or class "A" wine permit, accompanied by the necessary fee and bond, if required, shall be ~~filed with~~ submitted to the division electronically, or in a manner prescribed by the administrator, which shall proceed in the same manner as in the case of an application approved by local authorities.

Sec. 5. Section 123.33, Code 2013, is amended to read as follows:

123.33 Records.

Every holder of a liquor control license shall keep a daily record, in printed or electronic format, of the gross receipts of the holder's business. The records required and the premises of the licensee shall be accessible and open to inspection pursuant to section 123.30, subsection 1, during normal business hours of the licensee.

Sec. 6. Section 123.41, subsection 1, Code 2013, is amended to read as follows:

1. ~~Upon~~ Each application ~~in the prescribed form~~ to obtain or renew a manufacturer's license shall be submitted to the division electronically, or in a manner prescribed by the administrator, and shall be accompanied by a fee of three hundred fifty dollars~~, the~~ payable to the division. The administrator may in accordance with this chapter grant and issue a manufacturer's license, valid for a one-year period after date of issuance, to a manufacturer which shall allow the manufacture, storage, and wholesale disposition and sale of alcoholic liquors to the division and to customers outside of the state.

Sec. 7. Section 123.42, subsection 1, Code 2013, is amended to read as follows:

1. Prior to representing or promoting a distiller's alcoholic liquor products in the state, the broker shall ~~make~~ submit an application to the ~~administrator on forms provided~~ division electronically, or in a manner prescribed by the ~~division~~ administrator, for a broker's permit. The administrator may in accordance with this chapter issue a broker's permit which shall be valid for one year from the date of issuance unless it is sooner suspended or revoked for a violation of this chapter. A broker's permit is valid throughout the state, and a broker who represents more than one distiller is required to obtain only one broker's permit.

Sec. 8. Section 123.127, subsection 1, paragraph a, unnumbered paragraph 1, Code 2013, is amended to read as follows:

Submits ~~a written~~ an application ~~for such permit~~ electronically, or in a manner prescribed by the administrator, which ~~application~~ shall state under oath:

Sec. 9. Section 123.127, subsection 1, paragraph c, Code 2013, is amended to read as follows:

c. Furnishes a bond in ~~the form~~ a manner prescribed ~~and to be furnished~~ by the ~~division~~ administrator, with good and sufficient sureties to be approved by the administrator conditioned upon the faithful observance of this chapter, in the ~~penal~~ sum of five thousand dollars, payable to the state.

Sec. 10. Section 123.128, subsection 1, unnumbered paragraph 1, Code 2013, is amended to read as follows:

Submits ~~a written~~ an application ~~for such permit~~ electronically, or in a manner prescribed by the administrator, which ~~application~~ shall state under oath:

Sec. 11. Section 123.129, subsection 2, paragraph a, Code 2013, is amended to read as follows:

a. Submits ~~a written~~ an application ~~for such permit~~ electronically, or in a manner prescribed by the administrator, which ~~application~~ shall state under oath all the information required of a class "A" applicant by section 123.127, subsection 1, paragraph "*a*".

Sec. 12. Section 123.135, subsections 1 and 3, Code 2013, are amended to read as follows:

1. A manufacturer, brewer, bottler, importer, or vendor of beer or any agent thereof desiring to ship or sell beer, or have beer brought into this state for resale by a class "A" permittee shall first make application for and be issued a brewer's certificate of compliance by the administrator for that purpose. The certificate of compliance expires at the end of

one year from the date of issuance and shall be renewed for a like period upon application to the administrator unless otherwise revoked for cause. Each application for a certificate of compliance or renewal of a certificate shall be submitted electronically, or in a manner prescribed by the administrator, and shall be accompanied by a fee of five hundred dollars payable to the division. Each holder of a certificate of compliance shall furnish the information in ~~the form~~ a manner the administrator requires.

3. All class "A" permit holders shall sell only those brands of beer which are manufactured, brewed, bottled, shipped, or imported by a person holding a current certificate of compliance. Any employee or agent working for or representing the holder of a certificate of compliance within this state shall ~~register~~ submit electronically, or in a manner prescribed by the administrator, the employee's or agent's name and address with the division~~, which names and addresses shall be filed with the division's copy of the certificate of compliance issued~~.

Sec. 13. Section 123.137, unnumbered paragraph 1, Code 2013, is amended to read as follows:

A person holding a class "A" or special class "A" permit shall on or before the tenth day of each calendar month commencing on the tenth day of the calendar month following the month in which the person is issued a permit, make a report under oath to the division ~~upon forms to be furnished by the division for that purpose~~ electronically, or in a manner prescribed by the administrator, showing the exact number of barrels of beer, or fractional parts of barrels, sold by the permit holder during the preceding calendar month. The report shall also state information the administrator requires, and permit holders shall at the time of filing a report pay to the division the amount of tax due at the rate fixed in section 123.136.

Sec. 14. Section 123.173, subsection 4, Code 2013, is amended to read as follows:

4. When a class "B" or class "B" native wine permittee who also holds a class "E" liquor control license sells wine to a class "A", class "B", or class "C" liquor control licensee, the liquor control licensee shall sign a report attesting to the purchase. The class "B" or class "B" native wine permittee who also holds a class "E" liquor control license shall submit a report to the division electronically, ~~on forms supplied by the division~~ or in a manner prescribed by the administrator, not later than the tenth of each month ~~a report~~ stating each sale of wine to class "A", class "B", and class "C" liquor control licensees during the preceding month, the date of each sale, and the brands and numbers of bottles with each sale. A class "B" permittee who holds a class "E" liquor control license may sell to class "A", class "B", or class "C" liquor control licensees only if the licensed premises of the liquor control licensee is located within the geographic territory of the class "A" wine permittee from which the wine was originally purchased by the class "B" wine permittee.

Sec. 15. Section 123.175, subsection 1, unnumbered paragraph 1, Code 2013, is amended to read as follows:

Submits ~~a written~~ an application electronically, or in a manner prescribed by the administrator, for the permit ~~and states on the application~~ which shall state under oath:

Sec. 16. Section 123.175, subsection 3, Code 2013, is amended to read as follows:

3. Submits, in the case of a class "A" wine permit, a bond in the amount of five thousand dollars in ~~the form~~ a manner prescribed ~~and furnished~~ by the ~~division~~ administrator with good and sufficient sureties to be approved by the division conditioned upon compliance with this chapter.

Sec. 17. Section 123.180, subsection 1, Code 2013, is amended to read as follows:

1. A manufacturer, vintner, bottler, importer, or vendor of wine or an agent thereof desiring to ship, sell, or have wine brought into this state for resale by the division or for sale at wholesale by a class "A" permittee shall first make application for and shall be issued a vintner's certificate of compliance by the administrator for that purpose. The vintner's certificate of compliance shall expire at the end of one year from the date of issuance and shall be renewed for a like period upon application to the administrator unless otherwise revoked for cause. Each application for a vintner's certificate of compliance or renewal of a certificate shall be submitted electronically, or in a manner prescribed by the administrator,

and shall be accompanied by a fee of one hundred dollars payable to the division. Each holder of a vintner's certificate of compliance shall furnish the information required by the administrator in the form the administrator requires. A vintner or wine bottler whose plant is located in Iowa and who otherwise holds a class "A" wine permit to sell wine at wholesale is exempt from the fee, but not the other terms and conditions. The holder of a vintner's certificate of compliance may also hold a class "A" wine permit.

Sec. 18. Section 123.184, Code 2013, is amended to read as follows:

123.184 Report of gallonage sales — penalty.

Each class "A" wine permit holder on or before the tenth day of each calendar month commencing on the tenth day of the calendar month following the month in which the person is issued a permit, shall make a report under oath to the division ~~upon forms to be furnished by the division~~ electronically, or in a manner prescribed by the administrator, showing the exact number of gallons of wine and fractional parts of gallons, sold by that permit holder during the preceding calendar month. The report also shall state whatever reasonable additional information the administrator requires. The permit holder at the time of filing this report shall pay to the division the amount of tax due at the rate fixed in section 123.183. A penalty of ten percent of the amount of the tax shall be assessed and collected if the report is not filed and the tax paid within the time required by this section.

Sec. 19. Section 123.187, subsection 2, paragraph a, Code 2013, is amended to read as follows:

a. The administrator shall issue a wine direct shipper license to a wine manufacturer who submits ~~a written~~ an application for the license ~~on a form to be established~~ electronically, or in a manner prescribed by the administrator ~~by rule~~, accompanied by a true copy of the manufacturer's current alcoholic beverage license or permit and a copy of the manufacturer's winery license issued by the federal alcohol and tobacco tax and trade bureau.

DIVISION II

COMMISSION AND DIVISION DUTIES — BONDS, PAYMENTS, AND REPORTS

Sec. 20. Section 123.10, unnumbered paragraph 1, Code 2013, is amended to read as follows:

The governor shall appoint the administrator of the alcoholic beverages division, subject to confirmation by the senate, to a four-year term. A vacancy in an unexpired term shall be filled in the same manner as a full-term appointment is made. The administrator shall not be a member of the commission. The administrator's salary shall be fixed by the general assembly. The administrator shall be qualified to perform the administrator's duties by managerial ability and experience as a business executive. ~~The administrator shall post a bond paid from the state general fund in an amount established by the governor to insure proper discharge of the administrator's duties.~~

Sec. 21. Section 123.24, subsections 2 and 3, Code 2013, are amended to read as follows:

2. *a.* The division may accept from a class "E" liquor control licensee ~~a cashier's check which shows the licensee is the remitter or a check issued by the licensee~~ electronic funds transferred by automated clearing house, wire transfer, or another method deemed acceptable by the administrator, in payment of alcoholic liquor. If a ~~check~~ payment is subsequently dishonored, the division shall cause a notice of nonpayment and penalty to be served upon the class "E" liquor control licensee or upon any person in charge of the licensed premises. The notice shall state that if payment or satisfaction for the dishonored ~~check~~ payment is not made within ten days of the service of notice, the licensee's liquor control license may be suspended under section 123.39. The notice of nonpayment and penalty shall be in a form prescribed by the administrator, and shall be sent by certified mail.

b. If upon notice and hearing under section 123.39 and pursuant to the provisions of chapter 17A concerning a contested case hearing, the administrator determines that the class "E" liquor control licensee failed to satisfy the obligation for which the ~~check~~ payment was issued within ten days after the notice of nonpayment and penalty was served on the licensee as

provided in paragraph *"a"* of this subsection, the administrator may suspend the licensee's class "E" liquor control license for a period not to exceed ten days.

3. The administrator may refuse to sell alcoholic liquor to a class "E" liquor control licensee who tenders a ~~check or electronic funds transfer~~ payment which is subsequently dishonored until the outstanding obligation is satisfied.

Sec. 22. Section 123.55, unnumbered paragraph 1, Code 2013, is amended to read as follows:

The commission shall cause to be prepared an annual report to the governor of the state, ending with June 30 of each fiscal year, ~~showing fully the results of~~ on the ~~operations~~ operation and financial position of the division ~~covering the period since the last previous report~~ for the preceding fiscal year. ~~Such~~ The report shall ~~show~~ include but is not limited to the following information:

Sec. 23. REPEAL. Section 123.8, Code 2013, is repealed.

DIVISION III
BEER AND WINE PROVISIONS

Sec. 24. Section 123.3, subsections 7 and 19, Code 2013, are amended to read as follows:

7. *"Beer"* means any liquid capable of being used for beverage purposes made by the fermentation of an infusion in potable water of barley, malt, and hops, with or without unmalted grains or decorticated and degerminated grains or made by the fermentation of or by distillation of the fermented products of fruit, fruit extracts, or other agricultural products, containing more than one-half of one percent of alcohol by volume but not more than five percent of alcohol by weight or six and twenty-five hundredths percent of alcohol by volume but not including mixed drinks or cocktails mixed on the premises.

19. *"High alcoholic content beer"* means beer which contains more than five percent of alcohol by weight or six and twenty-five hundredths percent of alcohol by volume, but not more than twelve percent of alcohol by weight or fifteen percent of alcohol by volume, that is made by the fermentation of an infusion in potable water of barley, malt, and hops, with or without unmalted grains or decorticated and degerminated grains. Not more than one and five-tenths percent of the volume of a *"high alcoholic content beer"* may consist of alcohol derived from added flavors and other nonbeverage ingredients containing alcohol. The added flavors and other nonbeverage ingredients may not include added caffeine or other added stimulants including but not limited to guarana, ginseng, and taurine.

Sec. 25. Section 123.99, Code 2013, is amended to read as follows:

123.99 False statements.

If any person, for the purpose of procuring the shipment, transportation, or conveyance of any intoxicating ~~liquors~~ liquor, wine, or beer within this state, shall make to any person, company, corporation, or common carrier, or to any agent thereof, any false statements as to the character or contents of any box, barrel, or other vessel or package containing such ~~liquors~~ liquor, wine, or beer; or shall refuse to give correct and truthful information as to the contents of any such box, barrel, or other vessel or package so sought to be transported or conveyed; or shall falsely mark, brand, or label such box, barrel, or other vessel or package in order to conceal the fact that the same contains intoxicating ~~liquors~~ liquor, wine, or beer; or shall by any device or concealment procure or attempt to procure the conveyance or transportation of such ~~liquors~~ liquor, wine, or beer as herein prohibited, the person shall be guilty of a simple misdemeanor.

Sec. 26. Section 123.100, Code 2013, is amended to read as follows:

123.100 Packages in transit.

Any peace officer of the county under process or warrant to the peace officer directed shall have the right to open any box, barrel, or other vessel or package for examination, if the peace officer has reasonable ground for believing that it contains intoxicating ~~liquors~~ liquor, wine, or beer, either before or while the same is being so transported or conveyed.

Sec. 27. Section 123.101, Code 2013, is amended to read as follows:

123.101 Record of shipments.

It shall be the duty of all common carriers, or corporations, or persons who shall for hire carry any intoxicating ~~liquors~~ liquor, wine, or beer into the state, or from one point to another within the state, for the purpose of delivery, and who shall deliver such intoxicating liquor, wine, or beer to any person, company, or corporation, to ~~keep, at each station or office where it employs an agent or other person to make delivery of freight and keep records relative thereto, a record book, wherein such carrier shall, promptly upon receipt and prior to delivery, enter in ink, in legible writing, in full,~~ maintain a proper record of the name of the consignor of each shipment of intoxicating liquor ~~to be delivered from or through such station~~, wine, or beer from where shipped, the date of arrival, the quantity and kind of intoxicating liquor, wine, or beer, so far as disclosed by lettering on the package or by the carrier's records, and to whom and where consigned, and the date delivered.

Sec. 28. Section 123.102, Code 2013, is amended to read as follows:

123.102 Inspection of shipping records.

The ~~record book~~ records required by section 123.101 shall, during business hours, be open to inspection by any peace or law enforcing officer. It ~~shall be~~ is a simple misdemeanor to refuse such inspection.

Sec. 29. Section 123.103, Code 2013, is amended to read as follows:

123.103 Record receipt upon delivery.

~~No shipment billed in whole or in part as intoxicating liquor shall be delivered to the consignee until such consignee upon such record book enters in ink, in legible writing, the consignee's~~ The full name and residence or place of business~~, giving the name of the city, and the street name and number if any, and certifies~~ of the consignee of a shipment billed in whole or in part as intoxicating liquor, wine, or beer, shall be properly recorded at the time of delivery and the consignee shall certify that ~~such~~ the intoxicating liquor, wine, or beer is for the consignee's own lawful purposes.

Sec. 30. Section 123.104, Code 2013, is amended to read as follows:

123.104 Unlawful delivery.

It ~~shall be~~ is a simple misdemeanor for any corporation, common carrier, person, or any agent or employee thereof:

1. To deliver any intoxicating ~~liquors~~ liquor, wine, or beer to any person other than to the consignee.

2. To deliver any intoxicating ~~liquors~~ liquor, wine, or beer without having the same ~~receipted for~~ properly recorded as provided in section 123.103.

3. To deliver any intoxicating ~~liquors~~ liquor, wine, or beer where there is reasonable ground to believe that such intoxicating liquor, wine, or beer is intended for unlawful use.

Sec. 31. Section 123.106, Code 2013, is amended to read as follows:

123.106 Federal statutes.

The requirements of this chapter relative to the shipment and delivery of intoxicating ~~liquors~~ liquor, wine, or beer and the records to be kept thereof shall be construed in harmony with federal statutes relating to interstate commerce in such ~~liquors~~ liquor, wine, or beer.

Sec. 32. Section 123.107, subsection 1, paragraph a, Code 2013, is amended to read as follows:

a. To set out exactly the kind or quantity of intoxicating ~~liquors~~ liquor, wine, or beer manufactured, sold, given in evasion of the statute, or kept for sale.

Sec. 33. Section 123.111, Code 2013, is amended to read as follows:

123.111 Purchaser as witness.

The person purchasing any intoxicating liquor, wine, or beer sold in violation of this chapter shall in all cases be a competent witness to prove such sale.

Sec. 34. Section 123.115, Code 2013, is amended to read as follows:

123.115 Defense.

In any prosecution under this chapter for the unlawful transportation of intoxicating ~~liquors~~ liquor, wine, or beer it shall be a defense that the character and contents of the shipment or thing transported were not known to the accused or to the accused's agent or employee.

Sec. 35. Section 123.116, Code 2013, is amended to read as follows:

123.116 Right to receive ~~liquors~~ liquor, wine, or beer.

The consignee of intoxicating ~~liquors~~ liquor, wine, or beer shall, on demand of the carrier transporting such ~~liquors~~ liquor, wine, or beer, furnish the carrier, at the place of delivery, with legal proof of the consignee's legal right to receive such ~~liquors~~ liquor, wine, or beer at the time of delivery, and until such proof is furnished the carrier shall be under no legal obligation to make delivery nor be liable for failure to deliver.

Sec. 36. Section 123.117, Code 2013, is amended to read as follows:

123.117 Delivery to sheriff.

If such proof is not furnished the carrier within ten days after demand, the carrier may deliver such ~~liquors~~ liquor, wine, or beer to the sheriff of the county embracing the place of delivery, and such delivery shall absolve the carrier from all liability pertaining to such ~~liquors~~ liquor, wine, or beer.

Sec. 37. Section 123.118, Code 2013, is amended to read as follows:

123.118 Destruction.

The sheriff shall, on receipt of such ~~liquors~~ liquor, wine, or beer from the carrier, report the receipt to the district court of the sheriff's county, and the court shall proceed to summarily enter an order for the destruction or forfeiture to the state of such ~~liquors~~ liquor, wine, or beer.

Sec. 38. Section 123.120, Code 2013, is amended to read as follows:

123.120 Attempt to destroy.

The destruction of or attempt to destroy any liquid by any person while in the presence of peace officers or while a property is being searched by a peace officer, shall be competent evidence that such liquid is intoxicating liquor, wine, or beer and intended for unlawful purposes.

Sec. 39. Section 123.121, unnumbered paragraph 2, Code 2013, is amended to read as follows:

In any prosecution under this chapter for the unlawful transportation of intoxicating liquor, wine, or beer, the offense shall be held to have been committed in any county in which such liquor, wine, or beer is received for transportation, through which it is transported, or in which it is delivered.

Sec. 40. Section 123.138, subsection 1, Code 2013, is amended to read as follows:

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

Sec. 41. Section 123.144, Code 2013, is amended to read as follows:

123.144 Bottling beer.

1. No person shall bottle beer within the state of Iowa ~~for purposes other than for individual consumption in a private home~~, except class "A", special class "A", class "AA", and special class "AA" permittees who have complete equipment for bottling beer and who have received the approval of the local board of health as to sanitation~~, and it~~. It shall be the duty of local boards

of health to inspect the premises and equipment of class "A", special class "A", class "AA", and special class "AA" permittees who desire to bottle beer.

2. However, any person of legal age may bottle beer for personal use and if it is not sold or offered in exchange for any type of consideration. In addition, such beer may be removed from the premises where it was bottled for personal use if the beer is not sold or offered in exchange for any type of consideration.

Sec. 42. Section 123.185, Code 2013, is amended to read as follows:

123.185 Records required.

Each class "A" wine permittee shall keep ~~books of account and~~ records showing each sale of wine, which shall be at all times open to inspection by the administrator and pursuant to section 123.30, subsection 1. Each class "B" wine permittee shall keep proper ~~books of account and~~ records showing each purchase of wine and the date and the amount of each purchase and the name of the person from whom each purchase was made, which shall be open to inspection pursuant to section 123.30, subsection 1, during normal business hours of the permittee.

Approved April 10, 2013

CHAPTER 36

IOWA VETERANS HOME

H.F. 544

AN ACT relating to the Iowa veterans home and providing for the consideration of contributions to support as repayment receipts.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 35D.1, subsection 1, Code 2013, is amended to read as follows:

1. The Iowa veterans home, located in Marshalltown, shall be maintained as a long-term health care facility providing ~~multiple~~ nursing and residential levels of care~~, with attendant health care services,~~ for honorably discharged veterans and their dependent spouses, ~~and for~~ surviving spouses of honorably discharged veterans, and gold star parents. Eligibility requirements for admission to the Iowa veterans home shall coincide with the eligibility requirements for ~~hospitalization~~ care and treatment in a United States department of veterans affairs facility pursuant to 38 U.S.C. § 1710, and regulations promulgated under that section, as amended. For the purposes of this subsection, *"gold star parent"* means a parent of a deceased member of the United States armed forces who died while serving on active duty during a time of military conflict or who died as a result of such service.

Sec. 2. Section 35D.2, subsection 1, Code 2013, is amended to read as follows:

1. Persons described in section 35D.1 who ~~do not have sufficient means for their own support, or~~ are disabled by disease, ~~wounds~~ injury, or old age, ~~or otherwise~~ and meet the qualifications for nursing or residential care, and are unable to earn a livelihood, and who are residents of the state of Iowa on the date of the application and immediately preceding the date the application is accepted, may be admitted to the home as members under rules adopted by the commission. The commission shall adopt rules to emphasize the admission of homeless honorably discharged veterans. Eligibility determinations are subject to approval by the commandant.

Sec. 3. Section 35D.4, subsection 2, Code 2013, is amended to read as follows:

2. The cottages may be made available to persons on the staff of the home at a rental rate determined by the ~~commission~~ commandant.

Sec. 4. Section 35D.5, Code 2013, is amended to read as follows:

35D.5 Surviving spouses of veterans.

If a deceased veteran, who would be entitled to admission to the home if the deceased veteran were living, has left a surviving spouse, the spouse is entitled to admission to the home with the same rights, privileges, and benefits as if the veteran were living and a member of the home, if the spouse was married to the veteran for at least one year immediately prior to the veteran's death, is found by the commandant to be disabled, ~~does not have sufficient means for support and maintenance~~ meets the qualifications for nursing or residential level of care, and is a resident of the state of Iowa on the date of the application and immediately preceding the date the application is accepted.

Sec. 5. Section 35D.6, Code 2013, is amended to read as follows:

35D.6 Certificate of eligibility.

Before admission, each applicant shall file with the commandant an affidavit signed by two members of the commission of veteran affairs of the county in which the person resides, stating that the person to the best of their knowledge and belief is a resident of that county and that the person is unable to earn a livelihood and the person's income~~, exclusive of pension, compensation, war risk insurance payments, or pensions or annuities under the Social Security Act and the Railroad Retirement Acts~~, is less than is sufficient to provide the type of health care necessary for the person's welfare. The affidavit is conclusive evidence of the residence of the person but is prima facie only in all other matters affecting the eligibility of the applicant and the liability of the county with respect to the expense of the person for which the county may be liable. All records of admission shall show the residence of the applicant.

Sec. 6. Section 35D.7, Code 2013, is amended to read as follows:

35D.7 Contributing to own support.

1. Except as otherwise provided in chapter 249A and other provisions of this chapter, a member of the home who receives a pension, compensation, or gratuity from the United States government, or income from any source of more than ~~twenty-five~~ one hundred forty dollars per month, shall contribute to the member's own maintenance or support while a member of the home. The amount of the contribution and the method of collection shall be determined by the ~~director~~ commandant, but the amount shall in no case exceed the actual cost of keeping and maintaining the person in the home.

2. Sums paid to and received by the commandant for the support of members of the home shall be ~~paid monthly by the commandant to the treasurer of state and~~ considered repayment receipts as defined in section 8.2 and credited to the ~~general fund of the state~~ Iowa veterans home account referred to in section 35D.18, subsection 3.

3. The commandant may ~~require~~ allow any member of the home to render assistance in the care of the home and its grounds as the member's psychosocial and physical condition permit, as a phase of that member's rehabilitation program. The commandant shall compensate each member who furnishes assistance at rates ~~established~~ approved by the commission.

Sec. 7. Section 35D.10, Code 2013, is amended to read as follows:

35D.10 Payment to ~~dependents~~ spouse.

Except as otherwise provided in chapter 249A and other provisions of this chapter, a member of the home who receives a pension or compensation and who has ~~a child, as defined in section 234.1, or~~ a spouse ~~who is dependent upon employment or others for support~~ shall deposit with the commandant on receipt of the member's pension or compensation check one-half of its amount, which shall be sent by the eighth day of the month or at once if any such pension or compensation is received after the eighth day of the month to the spouse ~~or, if there is no spouse, to the guardian of the child~~. ~~The commandant, if satisfied that the spouse has deserted the member of the home, may pay the money deposited to the guardian of the child.~~

Sec. 8. Section 35D.11, subsection 1, Code 2013, is amended to read as follows:

1. Pension money deposited with the commandant is not assignable for any purpose except as provided in ~~sections~~ section 35D.10 ~~and 35D.16~~, or in accordance with subsection 2 of this section.

Sec. 9. Section 35D.12, subsection 1, Code 2013, is amended to read as follows:

1. *a.* The Iowa veterans home, for the convenience of its members, may maintain a commercial account with a federally insured bank for the individual personal deposits of its members. The account shall be known as the Iowa veterans home membership account. The commandant shall record each member's personal deposits individually and shall deposit the funds in the membership account, where the members' deposits shall be held in the aggregate.

b. The Iowa veterans home may withdraw moneys from the account maintained pursuant to this subsection to establish certificates of deposit for the benefit of all members. The commission shall adopt rules pursuant to chapter 17A for the administration of this paragraph.

Sec. 10. Section 35D.13, subsection 2, Code 2013, is amended to read as follows:

2. The commandant shall be a resident of the state of Iowa who served in the armed forces of the United States and was honorably discharged~~, and is a licensed nursing home administrator~~.

Sec. 11. Section 35D.15, subsection 2, paragraph a, subparagraph (3), Code 2013, is amended to read as follows:

(3) The ~~member's medical or life skills needs have been met to the extent possible through the services provided by the Iowa veterans home and the~~ member no longer requires a residential or nursing level of care, as determined by the interdisciplinary resident care committee.

Sec. 12. Section 35D.15, subsection 2, paragraph g, subparagraph (2), Code 2013, is amended to read as follows:

(2) *"Interdisciplinary resident care committee"* means the member, a social worker, a registered nurse, a dietitian, a medical provider, and a recreation specialist~~, and other staff, as appropriate,~~ who are involved in reviewing a member's assessment data and developing a collaborative care plan for the individual member. For an individual member who is also a patient, the interdisciplinary resident care committee shall also include a mental health treatment staff member.

Sec. 13. Section 35D.18, subsection 2, Code 2013, is amended to read as follows:

2. The net appropriation made to the Iowa veterans home may be used throughout the fiscal year in the manner necessary for purposes of cash flow management~~, and for cash flow management, the~~. The Iowa veterans home may temporarily draw more than the amount appropriated, provided the amount appropriated is not exceeded at the close of the fiscal year.

Sec. 14. REPEAL. Sections 35D.8 and 35D.16, Code 2013, are repealed.

Approved April 10, 2013

CHAPTER 37

MOTOR VEHICLE FINANCIAL RESPONSIBILITY — CERTIFICATES OF DEPOSIT

S.F. 114

AN ACT relating to the filing of a certificate of deposit by the owner of a motor vehicle as proof of financial responsibility.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 321.1, subsection 24B, paragraph c, Code 2013, is amended to read as follows:

c. A ~~valid statement issued by the treasurer of state pursuant to~~ certificate of deposit filed with the department as provided in section 321A.25 ~~attesting to the filing of a certificate of deposit with the treasurer of state~~.

Sec. 2. Section 321A.18, subsection 3, Code 2013, is amended to read as follows:

3. A ~~statement issued by the treasurer of state attesting to the filing of a~~ certificate of deposit ~~with the treasurer of state~~ as provided in section 321A.25.

Sec. 3. Section 321A.25, Code 2013, is amended to read as follows:

321A.25 Certificate of deposit as proof.

1. Proof of financial responsibility may be evidenced by ~~the statement of the treasurer of state that the person named in the statement has filed~~ filing with the ~~treasurer of state~~ department fifty-five thousand dollars in the form of ~~an endorsed~~ a certificate of deposit made payable ~~jointly~~ to the ~~person and the treasurer of state~~ department. The certificate of deposit shall be obtained from an Iowa financial institution in the amount of fifty-five thousand dollars plus any early withdrawal penalty fee. ~~The treasurer of state shall promptly notify the director of transportation of the name and address of the person to whom the statement has been issued.~~ Upon receipt of the ~~notification~~ certificate of deposit, the ~~director of transportation~~ department shall issue to the person a security insurance card for each motor vehicle registered in this state by the person. The security insurance card shall state the name and address of the person and the registration number of the motor vehicle for which the card is issued. The ~~treasurer of state shall not accept a certificate of deposit and issue a statement for it and the~~ department shall not accept ~~the statement~~ a certificate of deposit unless accompanied by evidence that there are no unsatisfied judgments of any character against the person in the county where the person resides.

2. Such certificate of deposit shall be held by the ~~treasurer of state~~ department to satisfy, in accordance with this chapter, any execution on a judgment issued against the person filing the certificate of deposit, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use of property, resulting from the ownership, maintenance, use, or operation of a motor vehicle after the certificate of deposit was filed. A certificate of deposit so filed shall not be subject to attachment or execution unless the attachment or execution arises out of a suit for damages as previously provided in this subsection.

Sec. 4. Section 321A.27, Code 2013, is amended to read as follows:

321A.27 Substitution of proof.

The department shall consent to the cancellation of a bond or certificate of insurance or the department shall ~~direct and the treasurer of state shall~~ return a certificate of deposit to the person entitled to the certificate of deposit upon the substitution and acceptance of other adequate proof of financial responsibility pursuant to this chapter.

Sec. 5. Section 321A.29, subsection 1, unnumbered paragraph 1, Code 2013, is amended to read as follows:

The department shall upon request consent to the immediate cancellation of a bond or certificate of insurance, or the department shall ~~direct and the treasurer of state shall~~ return to the person entitled thereto a certificate of deposit filed pursuant to this chapter as proof of financial responsibility, or the department shall waive the requirement of filing proof, in any

of the following events:

Sec. 6. Section 321A.29, subsection 2, Code 2013, is amended to read as follows:

2. The department shall not consent to the cancellation of a bond or ~~the~~ return ~~of~~ a certificate of deposit in the event an action for damages upon a liability covered by such proof is then pending or a judgment upon any such liability is unsatisfied, or in the event the person who has filed such bond or such certificate of deposit has within one year immediately preceding such request been involved as an operator or owner in any motor vehicle accident resulting in injury or damage to the person or property of others. An affidavit of the applicant as to the nonexistence of such facts, or that the applicant has been released from all of the applicant's liability, or has been finally adjudicated not to be liable, for such injury or damage, shall be sufficient evidence thereof in the absence of evidence to the contrary in the records of the department.

Approved April 24, 2013

CHAPTER 38

BUSINESS OPPORTUNITY PROMOTIONS — UNLAWFUL PRACTICES

S.F. 142

AN ACT providing that certain activities relating to business opportunity promotions are unlawful practices punishable as consumer fraud and making a penalty applicable.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 551A.10, subsection 2, Code 2013, is amended to read as follows:

2. A ~~business opportunity contract is subject~~ violation of this chapter is an unlawful practice pursuant to section 714.16.

Approved April 24, 2013

CHAPTER 39

INSURANCE COMPANIES — CREDIT FOR REINSURANCE

S.F. 182

AN ACT relating to credit for reinsurance, including transition, applicability, and effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I
CREDIT FOR REINSURANCE

Section 1. NEW SECTION. **521B.101 Purpose — legislative intent.**

1. The purpose of this chapter is to protect the interests of insureds, claimants, ceding insurers, assuming insurers, and the public generally.

2. The general assembly declares its intent to ensure adequate regulation of insurers and reinsurers and adequate protection for those to whom insurers and reinsurers owe obligations.

3. The general assembly declares that the matters contained in this chapter are fundamental to the business of insurance in accordance with 15 U.S.C. § 1011 – 1012.

Sec. 2. NEW SECTION. **521B.102 Credit allowed certain domestic ceding insurers.**

Credit for reinsurance shall be allowed a domestic ceding insurer as either an asset or a reduction from liability on account of reinsurance ceded only when the reinsurer meets the requirements of subsection 1, 2, 3, 4, 5, or 6. Credit shall be allowed under subsection 1, 2, or 3 only respecting cessions of those kinds or classes of business which the assuming insurer is licensed or otherwise permitted to write or assume in the insurer's state of domicile or, in the case of a United States branch of an alien assuming insurer, in the state through which the insurer is entered and licensed to transact insurance or reinsurance. Credit shall be allowed under subsection 3 or 4 only if the applicable requirements of subsection 7 have been satisfied.

1. Credit shall be allowed when the reinsurance is ceded to an assuming insurer that is licensed to transact insurance or reinsurance in this state.

2. Credit shall be allowed when the reinsurance is ceded to an assuming insurer that is accredited by the commissioner as a reinsurer in this state. In order to be eligible for accreditation, an assuming insurer must do all of the following:

a. File with the commissioner evidence of the assuming insurer's submission to this state's jurisdiction.

b. Submit to this state's authority to examine the assuming insurer's books and records.

c. Be licensed to transact insurance or reinsurance in at least one state, or in the case of a United States branch of an alien assuming insurer, be entered through and licensed to transact insurance or reinsurance in at least one state.

d. File annually with the commissioner a copy of the assuming insurer's annual statement filed with the insurance department of the assuming insurer's state of domicile and a copy of the assuming insurer's most recent audited financial statement.

e. Demonstrate to the satisfaction of the commissioner that the assuming insurer has adequate financial capacity to meet the assuming insurer's reinsurance obligations and is otherwise qualified to assume reinsurance from domestic insurers. An assuming insurer is deemed to meet this requirement as of the time of the assuming insurer's application if the assuming insurer maintains a surplus as regards policyholders in an amount of not less than twenty million dollars and the assuming insurer's accreditation has not been denied by the commissioner within ninety days after submission of the assuming insurer's application.

3. *a.* Credit shall be allowed when the reinsurance is ceded to an assuming insurer that is domiciled in, or in the case of a United States branch of an alien assuming insurer, is entered through, a state that employs standards regarding credit for reinsurance that are substantially similar to those applicable under this chapter and the assuming insurer or United States branch of an alien assuming insurer does all of the following:

(1) Maintains a surplus as regards policyholders in an amount of not less than twenty million dollars.

(2) Submits to the authority of this state to examine the assuming insurer's books and records.

b. The requirement of paragraph "*a*", subparagraph (1) does not apply to reinsurance ceded and assumed pursuant to pooling arrangements among insurers in the same holding company system.

4. *a.* Credit shall be allowed when the reinsurance is ceded to an assuming insurer that maintains a trust fund in a qualified United States financial institution, as defined in section 521B.104, subsection 2, for payment of the valid claims of the assuming insurer's United States ceding insurers, their assigns, and successors in interest. To enable the commissioner to determine the sufficiency of the trust fund, the assuming insurer shall report annually to the commissioner information substantially the same as that required to be reported on the national association of insurance commissioners' annual statement form by licensed insurers. The assuming insurer shall submit to examination of the assuming insurer's books and records by the commissioner and bear the expense of examination.

b. Credit for reinsurance shall not be granted under this subsection unless all of the following conditions are satisfied:

(1) The form of the trust and any amendments to the trust have been approved by either of the following:

(a) The commissioner of the state where the trust is domiciled.

(b) The commissioner of another state who, pursuant to the terms of the trust instrument, has accepted principal regulatory oversight of the trust.

(2) The form of the trust and any trust amendments are filed with the commissioner of every state in which the ceding insurer's beneficiaries of the trust are domiciled. The trust instrument shall provide that contested claims are valid and enforceable upon the final order of any court of competent jurisdiction in the United States. The trust shall vest legal title to the trust's assets in its trustees for the benefit of the assuming insurer's United States ceding insurers, their assigns, and successors in interest. The trust and the assuming insurer shall be subject to examination as determined by the commissioner.

(3) The trust remains in effect for as long as the assuming insurer has outstanding obligations due under the reinsurance agreements subject to the trust. No later than February 28 of each year, the trustee of the trust shall report to the commissioner in writing the balance of the trust and list the trust's investments at the preceding year-end, and shall certify the date of termination of the trust, if so planned, or certify that the trust will not expire prior to the following December 31.

c. The following requirements apply to the following categories of assuming insurer:

(1) The trust fund for a single assuming insurer shall consist of funds in trust in an amount not less than the assuming insurer's liabilities attributable to reinsurance ceded by United States ceding insurers, and in addition, the assuming insurer shall maintain a trusteed surplus of not less than twenty million dollars, except as provided in subparagraph (2).

(2) At any time after an assuming insurer has permanently discontinued underwriting new business secured by the trust for at least three full years, the commissioner with principal regulatory oversight of the trust may authorize a reduction in the required trusteed surplus, but only after a finding, based on an assessment of the risk, that the new required trusteed surplus level is adequate for the protection of United States ceding insurers, policyholders, and claimants in light of reasonably foreseeable adverse loss development. The risk assessment may involve an actuarial review, including an independent analysis of reserves and cash flows, and shall consider all material risk factors, including, when applicable, the lines of business involved, the stability of the incurred loss estimates, and the effect of the surplus requirements on the assuming insurer's liquidity or solvency. The minimum required trusteed surplus shall not be reduced to an amount less than thirty percent of the assuming insurer's liabilities attributable to reinsurance ceded by United States ceding insurers covered by the trust.

(3) In the case of a group including incorporated and individual unincorporated underwriters, all of the following requirements are met:

(a) For reinsurance ceded under reinsurance agreements with an inception, amendment, or renewal date on or after January 1, 1993, the trust shall consist of a trusteed account in an amount not less than the respective underwriters' several liabilities attributable to business ceded by United States domiciled ceding insurers to any underwriter of the group.

(b) For reinsurance ceded under reinsurance agreements with an inception date on or before December 31, 1992, and not amended or renewed after that date, notwithstanding the other provisions of this chapter, the trust shall consist of a trusteed account in an amount not less than the respective underwriters' several insurance and reinsurance liabilities attributable to business written in the United States.

(c) In addition to the trusts described in subparagraph divisions (a) and (b), the group shall maintain in trust a trusteed surplus of which one hundred million dollars shall be held jointly for the benefit of the United States domiciled ceding insurers of any member of the group for all years of account.

(d) The incorporated members of the group shall not be engaged in any business other than underwriting as a member of the group and shall be subject to the same level of regulation and solvency control by the group's domiciliary regulator as are the unincorporated members of the group.

(e) Within ninety days after its financial statements are due to be filed with the group's domiciliary regulator, the group shall provide to the commissioner an annual certification

by the group's domiciliary regulator of the solvency of each underwriter member, or if a certification is unavailable, financial statements, prepared by independent public accountants, of each underwriter member of the group.

(4) In the case of a group of incorporated underwriters under common administration, the group shall meet all of the following requirements:

(a) Have continuously transacted an insurance business outside the United States for at least three years immediately prior to making application for accreditation.

(b) Maintain aggregate policyholders' surplus of at least ten billion dollars.

(c) Maintain a trust fund in an amount not less than the group's several liabilities attributable to business ceded by United States domiciled ceding insurers to any member of the group pursuant to reinsurance contracts issued in the name of the group.

(d) In addition, maintain a joint trusteed surplus of which one hundred million dollars shall be held jointly for the benefit of United States domiciled ceding insurers of any member of the group as additional security for these liabilities.

(e) Within ninety days after the group's financial statements are due to be filed with the group's domiciliary regulator, make available to the commissioner an annual certification of each underwriter member's solvency by the member's domiciliary regulator and financial statements of each underwriter member of the group prepared by the group's independent public accountant.

5. Credit shall be allowed when the reinsurance is ceded to an assuming insurer that has been certified by the commissioner as a reinsurer in this state and the assuming reinsurer secures its obligations in accordance with the following requirements:

a. In order to be eligible for certification, the assuming insurer shall meet all of the following requirements:

(1) The assuming insurer shall be domiciled and licensed to transact insurance or reinsurance in a qualified jurisdiction, as determined by the commissioner pursuant to paragraph "*c*".

(2) The assuming insurer shall maintain minimum capital and surplus, or its equivalent, in an amount to be determined by the commissioner pursuant to rule.

(3) The assuming insurer shall maintain financial strength ratings from two or more rating agencies deemed acceptable by the commissioner pursuant to rule.

(4) The assuming insurer shall agree to submit to the jurisdiction of this state, appoint the commissioner as the assuming insurer's agent for service of process in this state, and agree to provide security for one hundred percent of the assuming insurer's liabilities attributable to reinsurance ceded by United States ceding insurers, if the assuming insurer resists enforcement of a final United States judgment.

(5) The assuming insurer shall agree to meet applicable information filing requirements as determined by the commissioner, both with respect to an initial application for certification and on an ongoing basis.

(6) The assuming insurer shall satisfy any other requirements for certification deemed relevant by the commissioner.

b. An association including incorporated and individual unincorporated underwriters may be a certified reinsurer. In order to be eligible for certification, the association shall satisfy the requirements of paragraph "*a*" and in addition satisfy all of the following requirements:

(1) The association shall satisfy the association's minimum capital and surplus requirements through the capital and surplus equivalents (net of liabilities) of the association and its members, which shall include a joint central fund that may be applied to any unsatisfied obligation of the association or any of its members, in an amount determined by the commissioner to provide adequate protection.

(2) The incorporated members of the association shall not be engaged in any business other than underwriting as a member of the association and shall be subject to the same level of regulation and solvency control by the association's domiciliary regulator as are the unincorporated members of the association.

(3) Within ninety days after the association's financial statements are due to be filed with the association's domiciliary regulator, the association shall provide to the commissioner an annual certification by the association's domiciliary regulator, of the solvency of each

underwriter member, or if a certification is unavailable, financial statements, prepared by an independent public accountant, of each underwriter member of the association.

c. The commissioner shall create and publish a list of qualified jurisdictions under which an assuming insurer licensed and domiciled in such jurisdiction is eligible to be considered for certification by the commissioner as a certified reinsurer.

(1) In order to determine whether the domiciliary jurisdiction of a non-United States insurer is eligible to be recognized as a qualified jurisdiction, the commissioner shall evaluate the appropriateness and effectiveness of the reinsurance supervisory system of the jurisdiction, both initially and on an ongoing basis, and consider the rights, benefits, and the extent of reciprocal recognition afforded by the non-United States jurisdiction to reinsurers licensed and domiciled in the United States. In order to be recognized as a qualified jurisdiction, a jurisdiction must agree to share information and to cooperate with the commissioner with respect to all certified reinsurers domiciled within that jurisdiction. A jurisdiction shall not be recognized as a qualified jurisdiction if the commissioner has determined that the jurisdiction does not adequately and promptly enforce final United States judgments and arbitration awards. Additional factors may be considered in the discretion of the commissioner.

(2) A list of qualified jurisdictions shall be published through the national association of insurance commissioners' committee process. The commissioner shall consider this list in determining qualified jurisdictions. If the commissioner recognizes a jurisdiction as qualified that does not appear on the list of qualified jurisdictions, the commissioner shall provide thoroughly documented justification for the recognition in accordance with criteria to be developed by rule.

(3) United States jurisdictions that meet the requirements for accreditation under the national association of insurance commissioners' financial standards and accreditation program shall be recognized as qualified jurisdictions.

(4) If a certified reinsurer's domiciliary jurisdiction ceases to be a qualified jurisdiction, the commissioner may, in the commissioner's discretion, suspend the reinsurer's certification indefinitely, in lieu of revocation.

d. The commissioner shall assign a rating to each certified reinsurer, giving due consideration to the financial strength ratings that have been assigned by rating agencies deemed acceptable to the commissioner pursuant to rule. The commissioner shall publish a list of all certified reinsurers and their ratings.

e. A certified reinsurer shall secure obligations assumed from United States ceding insurers under this subsection at a level consistent with the certified reinsurer's rating, as specified in rules adopted by the commissioner.

(1) In order for a domestic ceding insurer to qualify for full financial statement credit for reinsurance ceded to a certified reinsurer, the certified reinsurer shall maintain security in a form acceptable to the commissioner and consistent with the provisions of section 521B.103, or in a multibeneficiary trust in accordance with subsection 4, except as otherwise provided in this subsection.

(2) If a certified reinsurer maintains a trust to fully secure its obligations subject to subsection 4, and chooses to secure its obligations incurred as a certified reinsurer in the form of a multibeneficiary trust, the certified reinsurer shall maintain separate trust accounts for its obligations incurred under reinsurance agreements issued or renewed as a certified reinsurer with reduced security as permitted by this subsection or comparable laws of other United States jurisdictions and for its obligations subject to subsection 4. It shall be a condition to the grant of certification under this subsection that the certified reinsurer shall bind itself, by the language of the trust and by agreement with the commissioner which has principal regulatory oversight of each such trust account, to fund, upon termination of any such trust account, any deficiency of any other trust account out of the remaining surplus of the terminated trust account.

(3) The minimum trusteed surplus requirements provided in subsection 4 are not applicable with respect to a multibeneficiary trust maintained by a certified reinsurer for the purpose of securing obligations under this subsection, except that such a multibeneficiary trust shall maintain a minimum trusteed surplus of ten million dollars.

(4) With respect to obligations incurred by a certified reinsurer under this subsection, if the security is insufficient, the commissioner shall reduce the allowable credit by an amount proportionate to the deficiency, and the commissioner has the discretion to impose further reductions in allowable credit upon finding that there is a material risk that the certified reinsurer's obligations will not be paid in full when due.

(5) For purposes of this subsection, a certified reinsurer whose certification has been terminated for any reason shall be treated as a certified reinsurer required to secure all of its obligations.

(a) As used in this subsection, the term "terminated" includes revocation, suspension, voluntary surrender, and inactive status.

(b) If the commissioner continues to assign a higher rating to a certified reinsurer as permitted by other provisions of this subsection, this requirement does not apply to a certified reinsurer in inactive status or to a reinsurer whose certification has been suspended.

f. If an assuming insurer applying for certification as a reinsurer in this state has been certified as a reinsurer in another jurisdiction accredited by the national association of insurance commissioners, the commissioner has the discretion to defer to that jurisdiction's certification, and has the discretion to defer to the rating assigned by that jurisdiction, and the assuming insurer shall be considered to be a certified reinsurer in this state.

g. A certified reinsurer that ceases to assume new business in this state may request to maintain the reinsurer's certification in inactive status in order to qualify for a reduction in the amount of security required for the reinsurer's in-force business. An inactive certified reinsurer shall continue to comply with all applicable requirements of this subsection, and the commissioner shall assign the reinsurer a rating that takes into account, if relevant, the reasons why the reinsurer is not assuming new business.

6. Credit shall be allowed when reinsurance is ceded to an assuming insurer that does not meet the requirements of subsection 1, 2, 3, 4, or 5, but only as to the insurance of risks located in jurisdictions where the reinsurance is required by applicable law or regulation of that jurisdiction.

7. *a.* If the assuming insurer is not licensed, accredited, or certified to transact insurance or reinsurance in this state, the credit permitted by subsections 3 and 4 shall not be allowed unless the assuming insurer agrees in the reinsurance agreements to do all of the following:

(1) In the event of the failure of the assuming insurer to perform its obligations under the terms of the reinsurance agreement, the assuming insurer, at the request of the ceding insurer, will submit to the jurisdiction of any court of competent jurisdiction in any state of the United States, will comply with all requirements necessary to give the court jurisdiction, and will abide by the final decision of the court or of any appellate court in the event of any appeal, concerning such failure.

(2) The assuming insurer will designate the commissioner or a designated attorney as its true and lawful attorney to receive lawful process in any action, suit, or proceeding instituted by or on behalf of the ceding insurer.

b. This subsection is not intended to conflict with or override the obligation of the parties to a reinsurance agreement to arbitrate their disputes if the obligation to arbitrate is created in the agreement.

8. If the assuming insurer does not meet the requirements of subsection 1, 2, or 3, the credit permitted by subsection 4 or 5 shall not be allowed unless the assuming insurer agrees in a trust agreement to satisfy the following conditions:

a. Notwithstanding any other provisions contained in the trust instrument, if the trust fund is inadequate because the trust fund contains an amount less than the amount required by subsection 4, paragraph "*c*", or if the grantor of the trust has been declared insolvent or has been placed into receivership, rehabilitation, liquidation, or similar proceedings under the laws of the trust's state or country of domicile, the trustee shall comply with an order of the commissioner with regulatory oversight over the trust or with an order of a court of competent jurisdiction directing the trustee to transfer all of the assets of the trust fund to the commissioner with regulatory oversight over the trust.

b. The assets of the trust shall be distributed, and claims shall be filed and valued, by the commissioner with regulatory oversight over the trust in accordance with the laws of the state

in which the trust is domiciled that are applicable to the liquidation of domestic insurance companies.

c. If the commissioner with regulatory oversight over the trust determines that the assets of the trust fund or any part of the trust fund are not necessary to satisfy the claims of the United States ceding insurers of the grantor of the trust, the assets of the trust or any part of those assets shall be returned by the commissioner with regulatory oversight over the trust to the trustee for distribution in accordance with the trust agreement.

d. The grantor shall waive any right otherwise available to the grantor under United States law that is inconsistent with the provisions of this subsection.

9. If an accredited or certified reinsurer ceases to meet the requirements of this section for accreditation or certification, the commissioner may suspend or revoke the reinsurer's accreditation or certification.

a. The commissioner shall give the reinsurer notice and opportunity for hearing prior to such suspension or revocation. The suspension or revocation shall not take effect until after the commissioner's order on hearing unless one of the following applies:

(1) The reinsurer waives its right to hearing.

(2) The commissioner's order is based on regulatory action by the reinsurer's domiciliary jurisdiction or by the voluntary surrender or termination of the reinsurer's eligibility to transact insurance or reinsurance business in the reinsurer's domiciliary jurisdiction or in the primary certifying state of the reinsurer under subsection 5, paragraph "*f*".

(3) The commissioner finds that an emergency requires immediate action and a court of competent jurisdiction has not stayed the commissioner's action.

b. While a reinsurer's accreditation or certification is suspended, a reinsurance contract issued or renewed after the effective date of the suspension does not qualify for credit except to the extent that the reinsurer's obligations under the reinsurance contract are secured in accordance with section 521B.103. If a reinsurer's accreditation or certification is revoked, credit for reinsurance shall not be granted after the effective date of the revocation except to the extent that the reinsurer's obligations under the contract are secured in accordance with subsection 5, paragraph "*e*", or section 521B.103.

10. *a.* A domestic ceding insurer shall take steps to manage its reinsurance recoverables proportionate to its own book of business. A domestic ceding insurer shall notify the commissioner within thirty days after reinsurance recoverables from any single assuming insurer, or group of affiliated assuming insurers, exceeds fifty percent of the domestic ceding insurer's last reported surplus to policyholders, or after it is determined that reinsurance recoverables from any single assuming insurer, or group of affiliated assuming insurers, is likely to exceed this limit. The notification shall demonstrate that the exposure is safely managed by the domestic ceding insurer.

b. A domestic ceding insurer shall take steps to diversify its reinsurance program. A domestic ceding insurer shall notify the commissioner within thirty days after ceding to any single assuming insurer, or group of affiliated assuming insurers, more than twenty percent of the domestic ceding insurer's gross written premium in the prior calendar year, or after the domestic ceding insurer has determined that the reinsurance ceded to any single assuming insurer, or group of affiliated assuming insurers, is likely to exceed this limit. The notification shall demonstrate that the exposure is safely managed by the domestic ceding insurer.

Sec. 3. NEW SECTION. **521B.103 Limited credit allowed other domestic ceding insurers.**

1. An asset or a reduction from liability for reinsurance ceded by a domestic insurer to an assuming insurer not meeting the requirements of section 521B.102, shall be allowed in an amount not exceeding the liabilities carried by the ceding insurer. The reduction shall be in the amount of funds held by or on behalf of the ceding insurer, including funds held in trust for the ceding insurer, under a reinsurance contract with the assuming insurer as security for the payment of obligations under the contract, if the security is held in the United States subject to withdrawal solely by, and under the exclusive control of, the ceding insurer, or in the case of a trust, held in a qualified United States financial institution as defined in section 521B.104, subsection 2.

2. The security may be in the form of any of the following:

a. Cash.

b. A security listed by the securities valuation office of the national association of insurance commissioners, including those securities deemed exempt from filing as defined by the purposes and procedures manual of the securities valuation office and those securities qualifying as admitted assets.

c. (1) Clean, irrevocable, unconditional letters of credit, issued or confirmed by a qualified United States financial institution, as defined in section 521B.104, subsection 1, effective no later than December 31 of the year for which the filing is being made, and in the possession of, or in trust for, the ceding insurer on or before the filing date of the ceding insurer's annual statement.

(2) A letter of credit meeting applicable standards of issuer acceptability as of the date of the letter of credit's issuance or confirmation shall, notwithstanding the issuing or confirming institution's subsequent failure to meet applicable standards of issuer acceptability, continue to be acceptable as security until the expiration, extension, renewal, modification, or amendment of the letter of credit, whichever occurs first.

d. Any other form of security acceptable to the commissioner.

Sec. 4. NEW SECTION. **521B.104 Qualified United States financial institutions.**

1. For purposes of section 521B.103, subsection 2, paragraph "*c*", a "*qualified United States financial institution*" means an institution that meets all of the following requirements:

a. Is organized, or in the case of a United States office of a foreign banking organization is licensed, under the laws of the United States or of any state of the United States.

b. Is regulated, supervised, and examined by United States federal or state authorities having regulatory authority over banks and trust companies.

c. Has been determined by either the commissioner or the securities valuation office of the national association of insurance commissioners to meet the standards of financial condition and standing as are considered necessary and appropriate to regulate the quality of financial institutions whose letters of credit will be acceptable to the commissioner.

2. For purposes of those provisions of this chapter specifying the institutions that are eligible to act as a fiduciary of a trust, a "*qualified United States financial institution*" means an institution that meets all of the following requirements:

a. Is organized, or in the case of a United States branch or agency office of a foreign banking organization is licensed, under the laws of the United States or of any state of the United States, and has been granted authority to operate with fiduciary powers.

b. Is regulated, supervised, and examined by federal or state authorities having regulatory authority over banks and trust companies.

Sec. 5. NEW SECTION. **521B.105 Rules.**

The commissioner may adopt rules, pursuant to chapter 17A, as necessary or convenient to administer this chapter.

Sec. 6. NEW SECTION. **521B.106 Applicability.**

This chapter applies to all cessions under reinsurance agreements that occur on or after January 1, 2014.

Sec. 7. REPEAL. Sections 521B.1 through 521B.5, Code 2013, are repealed.

Sec. 8. TRANSITION PROVISION — APPLICABILITY TO PRIOR CESSIONS. Sections 521B.1 through 521B.5, Code 2013, shall apply to all cessions under reinsurance agreements that occur prior to January 1, 2014.

DIVISION II
COORDINATING PROVISIONS

Sec. 9. Section 508.33A, subsection 5, Code 2013, is amended to read as follows:

5. A limited purpose subsidiary life insurance company organized pursuant to this section shall be deemed to be licensed to transact the business of reinsurance for the purposes of section ~~521B.2~~ 521B.102, subsection 1, but may only reinsure risks of its organizing life

insurance company and of affiliated companies. A limited purpose subsidiary life insurance company organized pursuant to this section may, upon approval of the commissioner, purchase reinsurance to cede the reinsurance risks assumed by the limited purpose subsidiary life insurance company.

Sec. 10. Section 515E.3A, subsection 5, Code 2013, is amended to read as follows:

5. Letters of credit used by a risk retention group to meet surplus requirements shall be clean, irrevocable, and unconditionally issued or confirmed by a qualified United States financial institution as defined in section ~~521B.4~~ 521B.104, subsection 2. The beneficiary of each letter of credit being used shall be the commissioner.

DIVISION III
EFFECTIVE DATE

Sec. 11. EFFECTIVE DATE. This Act takes effect January 1, 2014.

Approved April 24, 2013

CHAPTER 40

INSURERS AND INSURANCE GROUPS — RISK AND SOLVENCY ASSESSMENTS

S.F. 189

AN ACT relating to a risk management framework for insurers and insurance groups and including penalty and applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. **522.1 Purpose and scope — legislative intent.**

1. The purpose of this chapter is to require insurers to maintain a risk management framework and complete an own risk and solvency assessment and to provide guidance and instructions for the filing of own risk and solvency assessment reports with the commissioner.

2. The general assembly finds and declares that own risk and solvency assessment summary reports will contain confidential and sensitive information related to an insurer's or insurance group's identification of risks material and relevant to the insurer or insurance group filing the report. This information will include proprietary and trade secret information that has the potential for harm and competitive disadvantage to the insurer or insurance group if the information is made public. It is the intent of the general assembly that own risk and solvency assessment summary reports filed with the commissioner are confidential documents, shall be shared only as provided in this chapter and to assist the commissioner in the performance of the commissioner's duties, and shall not be subject to public disclosure.

Sec. 2. NEW SECTION. **522.2 Definitions.**

1. *"Affiliate"*, or a person affiliated with a specific person, means the same as defined in section 521A.1.

2. *"Commissioner"* means the Iowa commissioner of insurance.

3. *"Insurance group"* means the insurers and affiliates included within an insurance holding company system as defined in section 521A.1.

4. *"Insurer"* means the same as defined in section 521A.1.

5. *"Own risk and solvency assessment"* or *"assessment"* means a confidential internal assessment, appropriate to the nature, scale, and complexity of an insurer or insurance group, that is conducted by that insurer or insurance group, of the material and relevant risks associated with the insurer or insurance group's current business plan, and the sufficiency of capital resources to support those risks.

6. *"Own risk and solvency assessment guidance manual"* or *"guidance manual"* means the current version of the own risk and solvency assessment guidance manual developed and adopted by the national association of insurance commissioners and amended from time to time. A change in the guidance manual is effective and applicable to this chapter on January 1 following the calendar year in which the change was adopted by the national association of insurance commissioners.

7. *"Own risk and solvency assessment summary report"* or *"summary report"* means a confidential high-level summary of the own risk and solvency assessment conducted by an insurer or insurance group.

8. *"Supervisory college"* means a temporary or permanent forum for communication and cooperation between regulators charged with supervision of an insurer or its affiliates.

Sec. 3. NEW SECTION. **522.3 Risk management framework.**

An insurer shall maintain a risk management framework to assist the insurer with identifying, assessing, monitoring, managing, and reporting on the insurer's material and relevant risks. This requirement is satisfied if the insurance group of which the insurer is a member maintains a risk management framework applicable to the operations of the insurer.

Sec. 4. NEW SECTION. **522.4 Own risk and solvency assessment requirement.**

1. Subject to section 522.6, an insurer, or the insurance group of which the insurer is a member, shall regularly conduct an own risk and solvency assessment consistent and comparable with the assessment process contained in the own risk and solvency assessment guidance manual.

2. An own risk and solvency assessment shall be conducted at least annually, but an assessment shall also be conducted at any time when there are significant changes to the risk profile of an insurer or the insurance group of which the insurer is a member.

Sec. 5. NEW SECTION. **522.5 Own risk and solvency assessment summary report.**

1. *a.* Beginning in 2015, an insurer shall annually submit to the commissioner an own risk and solvency assessment summary report or any combination of reports that together contain the information described in the own risk and solvency assessment guidance manual that is applicable to the insurer or the insurance group of which the insurer is a member.

b. If the insurer is a member of an insurance group, the insurer shall submit the report or reports required by this section to the state commissioner that is the lead state commissioner of the insurance group of which the insurer is a member, as determined by the procedures contained in the financial analysis handbook adopted by the national association of insurance commissioners.

c. The own risk and solvency assessment summary report shall be filed after the insurer or the insurance group of which the insurer is a member conducts the insurer's or insurance group's strategic planning process. The insurer or insurance group shall notify the commissioner as to the date that the summary report will be filed.

2. The own risk and solvency assessment summary report shall include the signature of the insurer's or insurance group's chief risk officer or another executive having responsibility for the oversight of the insurer's enterprise risk management process, attesting that to the best of that person's belief and knowledge the insurer applies the enterprise risk management process described in the summary report and that a copy of the summary report has been provided to the insurer's or insurance group's board of directors or the appropriate committee of that board.

3. An insurer may comply with subsection 1 by submitting the most recent and substantially similar report provided by the insurer or another member of the insurance group of which the insurer is a member to the commissioner of insurance of another state or to a supervisor or regulator of a foreign jurisdiction, if that report provides information that is comparable to the information described in the own risk and solvency assessment guidance manual. Any such report that is submitted in a language other than English must be accompanied by a translation of that report into the English language.

Sec. 6. NEW SECTION. **522.6 Exemption.**

1. An insurer is exempt from the requirements of this chapter if both of the following apply:

a. The insurer has annual direct written and unaffiliated assumed premium, including international direct and assumed premium, but excluding premiums reinsured with the federal crop insurance corporation and the federal flood program, of less than five hundred million dollars.

b. The insurance group of which the insurer is a member has annual direct written and unaffiliated assumed premium, including international direct and assumed premium, but excluding premiums reinsured with the federal crop insurance corporation and the federal flood program, of less than one billion dollars.

2. If an insurer qualifies for exemption from the requirements of this chapter pursuant to paragraph *"a"* of subsection 1, but the insurance group of which the insurer is a member does not qualify for exemption pursuant to paragraph *"b"* of subsection 1, then the own risk and solvency assessment summary report that is required pursuant to section 521H.5 [1] shall include information concerning every insurer in the insurance group. This requirement may be satisfied by the submission of more than one summary report for any combination of insurers in the insurance group provided that the combination of reports submitted includes every insurer in the insurance group.

3. If an insurer does not qualify for exemption pursuant to paragraph *"a"* of subsection 1, but the insurance group of which the insurer is a member qualifies for exemption pursuant to paragraph *"b"* of subsection 1, then the only own risk and solvency assessment summary report that is required pursuant to section 522.5 is the report applicable to that insurer.

4. An insurer that does not qualify for exemption pursuant to subsection 1 may apply to the commissioner for a waiver from the requirements of this chapter based upon unique circumstances. In deciding whether to grant the insurer's request for a waiver, the commissioner may consider the type and volume of business written, ownership and organizational structure, and any other factors the commissioner considers relevant to the insurer or the insurance group of which the insurer is a member. If the insurer is part of an insurance group with insurers domiciled in more than one state, the commissioner shall coordinate with the state commissioner that is the lead state commissioner of the insurance group, as determined pursuant to section 522.5, and with the other domiciliary commissioners in considering whether to grant the insurer's request for a waiver.

5. Notwithstanding the exemptions provided in this section, the commissioner may do the following:

a. Require that an insurer maintain a risk management framework, conduct an own risk and solvency assessment, and file an own risk and solvency assessment summary report based on unique circumstances including but not limited to the type and volume of business written, ownership and organizational structure, federal agency requests, and international supervisor requests.

b. Require that an insurer maintain a risk management framework, conduct an own risk and solvency assessment, and file an own risk and solvency assessment summary report if the insurer has a risk-based capital level that is a company-action-level event as set forth in section 521E.3 for insurers and section 521F.4 for health organizations or that would cause the insurer to be in hazardous financial condition as set forth in 191 IAC 110, or if the insurer otherwise exhibits qualities of a troubled insurer as determined by the commissioner.

6. If an insurer that qualifies for an exemption pursuant to subsection 1 subsequently no longer qualifies for that exemption due to changes in premium as reflected in the insurer's most recent annual statement or in the most recent annual statements of the other insurers in the insurance group of which the insurer is a member, the insurer shall have one year following the year the threshold is exceeded to comply with the requirements of this chapter.

Sec. 7. NEW SECTION. **522.7 Contents of own risk and solvency assessment summary report.**

1. The own risk and solvency assessment summary report shall be prepared consistent with the own risk and solvency assessment guidance manual, subject to the requirements of subsection 2. Documentation and supporting information shall be maintained and made available upon examination of an insurer or upon request of the commissioner.

[1] See chapter 140, §73 herein

2. The review of an own risk and solvency assessment summary report, and any additional requests for information, shall be made using procedures similar to the procedures currently used in the analysis and examination of multistate or global insurers and insurance groups.

Sec. 8. NEW SECTION. **522.8 Confidentiality.**

1. Documents, materials, or other information, including an own risk and solvency assessment summary report, in the possession or control of the insurance division of the department of commerce, that are obtained by, created by, or disclosed to the commissioner or to any other person pursuant to this chapter, are recognized in this state as being proprietary and containing trade secrets. All such documents, materials, or other information, including the summary report, shall be confidential and privileged, shall not be subject to chapter 22, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action. However, the commissioner is authorized to use such documents, materials, or other information, including the summary report, in the furtherance of any regulatory or legal action brought as a part of the commissioner's official duties. The commissioner shall not otherwise make the documents, materials, or other information, including the summary report, public without the prior written consent of the insurer that provided the documents, materials, or other information, including the summary report.

2. The commissioner or any person who received documents, materials, or other information related to own risk and solvency assessments, through examination or otherwise, while acting under the authority of the commissioner or with whom such documents, materials, or other information are shared pursuant to this chapter, shall not be permitted or required to testify in any private civil action concerning any confidential documents, materials, or information, including summary reports, subject to subsection 1.

3. In order to assist in the performance of the commissioner's regulatory duties, the commissioner may do any of the following:

a. Upon request, share documents, materials, or other own risk and solvency assessment-related information, including the confidential and privileged documents, materials, or information subject to subsection 1, and including proprietary and trade secret documents, materials, or information, with other state, federal, or international financial regulatory agencies, including members of any supervisory college, with the national association of insurance commissioners, and with any third-party consultants designated by the commissioner, provided that the recipient agrees in writing to maintain the confidentiality and privileged status of the documents, materials, or other assessment-related information and verifies in writing the legal authority to maintain such confidentiality and privilege.

b. Receive documents, materials, or other own risk and solvency assessment-related information, including otherwise confidential and privileged documents, materials, or information, and proprietary and trade secret documents, materials, and information, from regulatory officials of other foreign or domestic jurisdictions, including members of any supervisory college, and from the national association of insurance commissioners, and shall maintain as confidential or privileged any documents, materials, or information received with notice or the understanding that the documents, materials, or other information received are confidential and privileged under the laws of the jurisdiction that is the source of the documents, materials, or information.

4. In order to assist in the performance of the commissioner's regulatory duties, the commissioner shall enter into a written agreement with the national association of insurance commissioners or with a third-party consultant that is consistent with subsection 3, governing the sharing and use of information provided pursuant to this chapter, and that does all of the following:

a. Specifies procedures and protocols regarding the confidentiality and security of information shared with the national association of insurance commissioners or with a third-party consultant pursuant to this chapter, including procedures and protocols of the national association of insurance commissioners for sharing information with other state regulators from states in which an insurance group has domiciled insurers. The agreement shall require that the recipient of such information must agree in writing to maintain the confidentiality and privileged status of the own risk and solvency assessment-related

documents, materials, or other information and verify in writing the legal authority to maintain confidentiality and privilege.

b. Specifies that ownership of information shared with the national association of insurance commissioners or with a third-party consultant pursuant to this chapter remains with the commissioner and that use of the information by the national association of insurance commissioners or by a third-party consultant is subject to the direction of the commissioner.

c. Prohibits the national association of insurance commissioners or a third-party consultant from storing the information shared pursuant to this chapter in a permanent database after the underlying analysis is completed.

d. Requires that prompt notice be given to an insurer whose confidential information is in the possession of the national association of insurance commissioners or a third-party consultant pursuant to this chapter, that the information is subject to a request or subpoena to the national association of insurance commissioners or the third-party consultant for disclosure or production.

e. Requires the national association of insurance commissioners or a third-party consultant to consent to intervention by an insurer in any judicial or administrative action in which the national association of insurance commissioners or the third-party consultant may be required to disclose confidential information about the insurer that was shared with the association or consultant pursuant to this chapter.

f. In the case of an agreement involving a third-party consultant, provides for the insurer's written consent to the agreement.

5. The sharing of documents, materials, or information by the commissioner pursuant to this chapter shall not constitute a delegation of regulatory authority or rulemaking, and the commissioner is solely responsible for the administration, execution, and enforcement of the provisions of this chapter.

6. No waiver of any applicable privilege or claim of confidentiality in the documents, proprietary and trade secret materials, or other own risk and solvency assessment-related information shall occur as a result of the disclosure of such documents, materials, or information to the commissioner under this section or as a result of the sharing of those documents, materials, or information as authorized in this chapter.

7. Documents, materials, or other information in the possession or control of the national association of insurance commissioners or a third-party consultant pursuant to this chapter shall be confidential and privileged, shall not be subject to chapter 22, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action.

Sec. 9. NEW SECTION. **522.9 Penalties.**

1. If an insurer fails, without just cause, to file an own risk and solvency assessment summary report by the filing date stipulated to the commissioner pursuant to section 522.5, subsection 1, the commissioner shall, after notice and hearing, impose a penalty of five hundred dollars for each day after the stipulated date that the summary report is not filed. The penalties shall be collected by the commissioner and deposited in the general fund of the state. The maximum penalty which may be imposed under this section is fifty thousand dollars.

2. The commissioner may reduce the penalty to be imposed if the insurer demonstrates to the commissioner that imposition of the penalty would constitute a financial hardship to the insurer.

Sec. 10. NEW SECTION. **522.10 Severability.**

If any provision of this chapter, or the application of this chapter to any person or circumstance, is held invalid, such holding shall not affect the provisions or applications of this chapter which can be given effect without the invalid provision or application, and to that end the provisions of this chapter are severable.

Sec. 11. APPLICABILITY DATE. The provisions of this Act are applicable beginning on January 1, 2015.

Approved April 24, 2013

CHAPTER 41

IN REM FORFEITURE PROCEEDINGS — PROCEDURE

S.F. 282

AN ACT relating to procedural requirements in in rem forfeiture proceedings.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 809A.13, subsection 3, Code 2013, is amended to read as follows:

3. ~~Only an owner of or an interest holder in the property who has timely filed a proper claim pursuant to section 809A.11 may file an answer in an action in rem.~~ For the purposes of this section, an owner of or interest holder in property who has filed ~~a claim and~~ an answer shall be referred to as a claimant.

Approved April 24, 2013

CHAPTER 42

JUVENILE JUSTICE AND YOUTHFUL OFFENDERS

S.F. 288

AN ACT relating to the placement of a juvenile on youthful offender status and the prosecution of a juvenile in juvenile or district court, and access to child abuse records by a juvenile court intake officer.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 232.8, subsection 1, paragraph c, Code 2013, is amended to read as follows:

c. Violations by a child, aged sixteen or older, which subject the child to the provisions of section 124.401, subsection 1, paragraph *"e"* or *"f"*, or violations of section 723A.2 which involve a violation of chapter 724, or violation of chapter 724 which constitutes a felony, or violations which constitute a forcible felony are excluded from the jurisdiction of the juvenile court and shall be prosecuted as otherwise provided by law unless the district court transfers jurisdiction of the child to the juvenile court upon motion and for good cause pursuant to section 803.6. ~~A child over whom jurisdiction has not been transferred to the juvenile court, and who is convicted of a violation excluded from the jurisdiction of the juvenile court under this paragraph, shall be sentenced pursuant to section 124.401B, 902.9, or 903.1.~~ Notwithstanding any other provision of the Code to the contrary, the district court may accept from a child in district court a plea of guilty, or may instruct the jury on a lesser included offense to the offense excluded from the jurisdiction of the juvenile court under this ~~section~~ paragraph, in the same manner as regarding an adult. The judgment and sentence of a child in district court shall be as provided in section 901.5. However, the juvenile court shall have exclusive original jurisdiction in a proceeding concerning an offense of animal

torture as provided in section 717B.3A alleged to have been committed by a child under the age of seventeen.

Sec. 2. Section 232.8, subsection 3, paragraph a, Code 2013, is amended to read as follows:

a. The juvenile court, after a hearing and in accordance with the provisions of section 232.45, may waive jurisdiction of a child alleged to have committed a public offense so that the child may be prosecuted as an adult or youthful offender for such offense in another court. If the child~~, except a child being prosecuted as a youthful offender,~~ pleads guilty or is found guilty of a public offense other than a class "A" felony in another court of this state, that court may suspend the sentence or, with the consent of the child, defer judgment or sentence and, without regard to restrictions placed upon deferred judgments or sentences for adults, place the child on probation for a period of not less than one year upon such conditions as it may require. Upon fulfillment of the conditions of probation, a child who receives a deferred judgment shall be discharged without entry of judgment. A child prosecuted as a youthful offender shall be sentenced pursuant to section 907.3A.

Sec. 3. Section 232.28, subsection 3, paragraph b, Code 2013, is amended to read as follows:

b. Check existing records of the court, law enforcement agencies, ~~and~~ public records of other agencies, and child abuse records as provided in section 235A.15, subsection 2, paragraph "*e*".

Sec. 4. Section 232.45, subsection 6, unnumbered paragraph 1, Code 2013, is amended to read as follows:

At the conclusion of the waiver hearing the court may waive its jurisdiction over the child for the alleged commission of the public offense for the purpose of prosecution of the child as an adult if all of the following apply:

Sec. 5. Section 232.45, subsection 7, paragraph a, subparagraph (1), Code 2013, is amended to read as follows:

(1) The child is twelve through fifteen years of age or ~~younger~~ the child is ten or eleven years of age and has been charged with a public offense that would be classified as a class "A" felony if committed by an adult.

Sec. 6. Section 232.45A, subsections 2 and 3, Code 2013, are amended to read as follows:

2. Once a child sixteen years of age or older has been waived ~~to and convicted of an aggravated misdemeanor or a felony in~~ by the juvenile court to the district court, all subsequent criminal proceedings against the child ~~for any aggravated misdemeanor or felony occurring subsequent to the date of the conviction of the child~~ for any delinquent act committed after the date of the waiver by the juvenile court shall begin in district court, notwithstanding sections 232.8 and 232.45. A copy of the findings required by section 232.45, subsection 10, shall be made a part of the record in the district court proceedings. However, upon acquittal or dismissal in district court of all waived offenses and all lesser included offenses of the waived offenses, the proceedings for any delinquent act committed by the child subsequent to such acquittal or dismissal shall begin in juvenile court. Any proceedings initiated in district court for a public offense committed by the child subsequent to the waiver by the juvenile court, but prior to any acquittal or dismissal of all waived offenses and lesser included offenses in district court, shall remain in district court.

3. If proceedings against a child ~~for an aggravated misdemeanor or a felony~~ sixteen years of age or older who has previously been waived to ~~and convicted of an aggravated misdemeanor or a felony in the~~ district court are mistakenly begun in the juvenile court, the matter shall be transferred to district court upon the discovery of the prior waiver ~~and conviction~~, notwithstanding sections 232.8 and 232.45.

Sec. 7. Section 232.50, subsection 1, Code 2013, is amended to read as follows:

1. As soon as practicable following the entry of an order of adjudication pursuant to section 232.47 or notification that the child has ~~received a youthful offender deferred sentence~~

been placed on youthful offender status pursuant to section 907.3A, the court shall hold a dispositional hearing in order to determine what disposition should be made of the matter.

Sec. 8. Section 232.52, subsection 1, Code 2013, is amended to read as follows:

1. Pursuant to a hearing as provided in section 232.50, the court shall enter the least restrictive dispositional order appropriate in view of the seriousness of the delinquent act, the child's culpability as indicated by the circumstances of the particular case, the age of the child, the child's prior record, or the fact that the child has ~~received a youthful offender deferred sentence~~ been placed on youthful offender status under section 907.3A. The order shall specify the duration and the nature of the disposition, including the type of residence or confinement ordered and the individual, agency, department, or facility in ~~whom~~ which custody is vested. In the case of a child who has ~~received a youthful offender deferred sentence~~ been placed on youthful offender status, the initial duration of the dispositional order shall be until the child reaches the age of eighteen.

Sec. 9. Section 232.54, subsection 1, paragraph g, Code 2013, is amended to read as follows:

g. With respect to a juvenile court dispositional order entered regarding a child who has ~~received a youthful offender deferred sentence~~ been placed on youthful offender status under section 907.3A, the dispositional order may be terminated prior to the child reaching the age of eighteen upon motion of the child, the person or agency to whom custody of the child has been transferred, or the county attorney following a hearing before the juvenile court if it is shown by clear and convincing evidence that it is in the best interests of the child and the community to terminate the order. The hearing may be waived if all parties to the proceeding agree. The dispositional order regarding a child who has ~~received a youthful offender deferred sentence~~ been placed on youthful offender status may also be terminated prior to the child reaching the age of eighteen upon motion of the county attorney, if the waiver of the child to district court was conditioned upon the terms of an agreement between the county attorney and the child, and the child violates the terms of the agreement after the waiver order has been entered. The district court shall discharge the child's youthful offender status upon receiving a termination order under this section.

Sec. 10. Section 232.54, subsection 1, paragraph h, unnumbered paragraph 1, Code 2013, is amended to read as follows:

With respect to a dispositional order entered regarding a child who has ~~received a youthful offender deferred sentence~~ been placed on youthful offender status under section 907.3A, the juvenile court may, in the case of a child who violates the terms of the order, modify or terminate the order in accordance with the following:

Sec. 11. Section 232.55, subsection 3, Code 2013, is amended to read as follows:

3. This section does not apply to dispositional orders entered regarding a child who has ~~received a youthful offender deferred sentence~~ been placed on youthful offender status under section 907.3A who is not discharged from probation before or upon the child's eighteenth birthday.

Sec. 12. Section 232.56, Code 2013, is amended to read as follows:

232.56 Youthful offenders — transfer to district court supervision.

The juvenile court shall deliver a report, which includes an assessment of the child by a juvenile court officer after consulting with the judicial district department of correctional services, to the district court prior to the eighteenth birthday of a child who has ~~received a youthful offender deferred sentence~~ been placed on youthful offender status under section 907.3A. A hearing shall be held in the district court in accordance with section 907.3A to determine whether the child should be discharged from youthful offender status or whether the child shall continue under the supervision of the district court after the child's eighteenth birthday.

Sec. 13. Section 235A.15, subsection 2, paragraph e, Code 2013, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (24) To an intake officer making a preliminary inquiry pursuant to section 232.28, subsection 3.

Sec. 14. Section 901.5, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 14. Notwithstanding any provision in section 907.3 or any other provision of law prescribing a mandatory minimum sentence for the offense, if the defendant, other than a child being prosecuted as a youthful offender, is guilty of a public offense other than a class "A" felony, and was under the age of eighteen at the time the offense was committed, the court may suspend the sentence in whole or in part, including any mandatory minimum sentence, or with the consent of the defendant, defer judgment or sentence, and place the defendant on probation upon such conditions as the court may require.

Sec. 15. Section 907.3A, Code 2013, is amended to read as follows:

907.3A Youthful ~~offender deferred sentence — youthful~~ offender status.

1. Notwithstanding section 907.3 but subject to any conditions of the waiver order, the trial court shall, upon a plea of guilty or a verdict of guilty, ~~defer sentence of a youthful offender~~ place the juvenile over whom the juvenile court has waived jurisdiction pursuant to section 232.45, subsection 7, ~~and place the juvenile~~ on youthful offender status. The court shall transfer supervision of the youthful offender to the juvenile court for disposition in accordance with section 232.52. An adjudication of delinquency entered by the juvenile court at disposition for a public offense shall not be deemed a conviction and shall not preclude the subsequent entry of a deferred judgment or sentence, conviction, or sentence by the district court. The court shall require supervision of the youthful offender in accordance with section 232.54, subsection 1, paragraph *"h"*, or subsection 2 of this section. ~~Notwithstanding section 901.2, a presentence investigation shall not be ordered by the court subsequent to an entry of a plea of guilty or verdict of guilty or prior to deferral of sentence of a youthful offender under this section.~~

2. The court shall hold a hearing prior to a youthful offender's eighteenth birthday to determine whether the youthful offender shall continue on youthful offender status after the youthful offender's eighteenth birthday ~~under the supervision of the court or be discharged~~. Notwithstanding section 901.2, the court may order a presentence investigation report including a report for an offense classified as a class "A" felony. The court shall review the report of the juvenile court regarding the youthful offender ~~and~~ prepared pursuant to section 232.56, and any presentence investigation report, if ordered by the court. The court shall hear evidence by or on behalf of the youthful offender, by the county attorney, and by the person or agency to ~~whom~~ which custody of the youthful offender was transferred. The court shall make its decision, pursuant to the judgment and sentencing options available in subsection 3, after considering the services available to the youthful offender, the evidence presented, the juvenile court's report, the presentence investigation report if ordered by the court, the interests of the youthful offender, and interests of the community.

3. *a.* Notwithstanding any provision of the Code which prescribes a mandatory minimum sentence for the offense committed by the youthful offender, following transfer of the youthful offender from the juvenile court back to the court having jurisdiction over the criminal proceedings involving the youthful offender, the court ~~may continue the youthful offender deferred sentence or enter a sentence, which may be a suspended sentence.~~ shall order one of the following sentencing options:

(1) Defer judgment and place the youthful offender on probation, upon the consent of the youthful offender.

(2) Defer the sentence and place the youthful offender on probation upon such terms and conditions as the court may require.

(3) Suspend the sentence and place the youthful offender on probation upon such terms and conditions as the court may require.

(4) A term of confinement as prescribed by law for the offense.

(5) Discharge the youthful offender from youthful offender status and terminate the sentence.

b. Notwithstanding anything in section 907.7 to the contrary, if the district court ~~either~~ grants the youthful offender a deferred judgment, continues the youthful offender deferred sentence, or enters a sentence~~,~~ and suspends the sentence, and places the youthful offender on probation, the term of formal supervision shall commence upon entry of the order by the district court and may continue for a period not to exceed five years. If the district court enters a sentence of confinement, and the youthful offender was previously placed in secure confinement by the juvenile court under the terms of the initial disposition order or any modification to the initial disposition order, the person shall receive credit for any time spent in secure confinement. During any period of probation imposed by the district court, a youthful offender who violates the terms of probation is subject to section 908.11.

Approved April 24, 2013

CHAPTER 43

SEX ACTS AND LASCIVIOUS ACTS WITH A CHILD

S.F. 298

AN ACT relating to the definition of the term "sex act" in the criminal code, lascivious acts with a child, and providing penalties.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 702.17, Code 2013, is amended to read as follows:

702.17 Sex act.

The term *"sex act"* or *"sexual activity"* means any sexual contact between two or more persons by: penetration of the penis into the vagina or anus; contact between the mouth and genitalia or by contact between the genitalia of one person and the genitalia or anus of another person; contact between the finger or hand of one person and the genitalia or anus of another person, except in the course of examination or treatment by a person licensed pursuant to chapter 148, 148C, 151, or 152; ejaculation onto the person of another; or by use of artificial sexual organs or substitutes therefor in contact with the genitalia or anus.

Sec. 2. Section 709.8, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. Cause the touching of the person's genitals to any part of the body of a child.

Sec. 3. Section 709.8, unnumbered paragraph 2, Code 2013, is amended to read as follows:

Any person who violates a provision of this section involving an act included in subsection 1 ~~or 2~~ through 2A shall, upon conviction, be guilty of a class "C" felony. Any person who violates a provision of this section involving an act included in subsection 3 or 4 shall, upon conviction, be guilty of a class "D" felony.

Approved April 24, 2013

CHAPTER 44

TERMINATION OF FARM TENANCIES

S.F. 316

AN ACT relating to farm tenancies of less than forty acres by providing procedures for termination.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 562.1A, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 01. *"Animal feeding operation"* means the same as defined in section 459.102.

Sec. 2. Section 562.6, Code 2013, is amended to read as follows:

562.6 Agreement for termination.

If an agreement is made fixing the time of the termination of a tenancy, whether in writing or not, the tenancy shall terminate at the time agreed upon, without notice. Except for a farm tenant who is a mere cropper or a person who holds a farm tenancy with an acreage of less than forty acres where an animal feeding operation is the primary use of the acreage, a farm tenancy ~~with an acreage of forty acres or more~~ shall continue beyond the agreed term for the following crop year and otherwise upon the same terms and conditions as the original lease unless written notice for termination is served upon either party or a successor of the party in the manner provided in section 562.7, whereupon the farm tenancy shall terminate March 1 following. However, the tenancy shall not continue because of an absence of notice if there is default in the performance of the existing rental agreement.

Approved April 24, 2013

CHAPTER 45

JUDICIAL BRANCH ADMINISTRATION — FEES

S.F. 318

AN ACT relating to the administration of the judicial branch including provisions pertaining to shorthand reporters and the practice of law, and making appropriations.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 602.3106, subsection 2, Code 2013, is amended by striking the subsection and inserting in lieu thereof the following:

2. The fees collected are appropriated to the judicial branch and shall be used to offset the expenses of the board, including the costs of administering the examination.

Sec. 2. Section 602.10108, subsection 2, Code 2013, is amended to read as follows:

2. Fees shall be collected by the board and ~~transmitted to the treasurer of state who shall deposit the fees in the general fund of the state~~ are appropriated to the judicial branch and shall be used to offset the costs of administering this article.

Approved April 24, 2013

CHAPTER 46

NATIONAL GUARD EDUCATIONAL ASSISTANCE PROGRAM — APPLICATION DEADLINE

S.F. 332

AN ACT related to the administration of the national guard educational assistance program.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 261.86, subsection 1, paragraph f, Code 2013, is amended to read as follows:

f. Submits an application to the adjutant general of Iowa, on forms prescribed by the adjutant general, who shall determine eligibility and whose decision is final. Notwithstanding any deadline established for the administration of this paragraph, the adjutant general shall accept an application submitted pursuant to this paragraph from an otherwise eligible member of the national guard who was on federal active duty at the time of such deadline.

Approved April 24, 2013

CHAPTER 47

RAIL CREW TRANSPORT VEHICLE DRIVERS

S.F. 340

AN ACT relating to the length of on-duty periods and required rest periods for drivers of rail crew transport vehicles, and providing penalties.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. **321.449A Rail crew transport drivers.**

1. A driver of a motor vehicle operated for hire which is designed to transport seven or more persons but fewer than sixteen persons including the driver and is used to transport railroad workers to or from their places of employment or during the course of their employment is subject to the following limitations:

a. The driver shall not drive such a vehicle more than ten hours following eight consecutive hours of uninterrupted rest.

b. The driver shall not drive such a vehicle for any period after having been on duty for fifteen hours following eight consecutive hours of uninterrupted rest.

c. The driver shall not accept a call for service from the driver's employer during a period of uninterrupted rest.

2. For purposes of this section, the following definitions apply:

a. *"Employer"* means a railroad worker transportation company, as defined in section 327F.39, for whom the driver performs a service, either for wages or as an independent contractor.

b. *"On duty"* means all time from the time a driver begins work or is required to be ready to work until the time the driver is relieved from work and all responsibility for performing work, whether or not the driver is compensated for all of the time. A driver may drive more than one assigned trip, as long as the trip falls within the on-duty period. A driver *"begins work"* when the driver enters a transport vehicle to begin a trip assignment and is not *"relieved from work"* until the driver has exited the transport vehicle for the final time.

c. *"Uninterrupted rest"* means that the employer shall not communicate with the driver by telephone, pager, or in any other manner that could reasonably be expected to disrupt the driver's rest.

3. A person who violates this section commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 13, paragraph *"b"*.

Sec. 2. Section 327F.39, subsection 1, Code 2013, is amended by adding the following new paragraphs:

NEW PARAGRAPH. *0c. "Driver"* means a person who operates a motor vehicle for the transportation of railroad workers in the motor vehicle on behalf of a railroad worker transportation company, whether the person is employed by the company for wages or drives for the company as an independent contractor.

NEW PARAGRAPH. *0g. "Railroad worker transportation company"* means a person, other than a railroad corporation, organized for the purpose of or engaged in the business of transporting, for hire, railroad workers to or from their places of employment or in the course of their employment in motor vehicles designed to carry seven or more persons but fewer than sixteen persons including the driver.

Sec. 3. Section 327F.39, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. *Rest periods for drivers.*

a. A railroad worker transportation company shall not require a driver to operate a motor vehicle in violation of section 321.449A. A railroad worker transportation company may require a period of uninterrupted rest for a driver at any time. The period of uninterrupted rest shall not be less than eight hours. A railroad worker transportation company shall clearly communicate to a driver when a period of uninterrupted rest is to begin.

b. A railroad company shall not require a driver to operate a motor vehicle in violation of section 321.449A or this subsection.

c. For purposes of this subsection, *"uninterrupted rest"* and *"on duty"* mean the same as defined in section 321.449A.

Sec. 4. Section 327F.39, subsection 6, Code 2013, is amended to read as follows:

6. *Penalty.*

a. Violation by the owner of a motor vehicle of this section, a rule adopted under this section, or an order issued under subsection 5, or willful failure to comply with such an order is, upon conviction, subject to a schedule "one" penalty as provided under section 327C.5.

b. A violation of subsection 4A or rules adopted pursuant to subsection 4A by a railroad worker transportation company or a railroad corporation [1] is punishable as a schedule "one" penalty under section 327C.5.

Sec. 5. Section 805.8A, subsection 13, paragraph b, Code 2013, is amended to read as follows:

b. For a violation under section 321.449~~,~~ or 321.449A, the scheduled fine is fifty dollars.

Approved April 24, 2013

CHAPTER 48

TRIBAL GOVERNMENT RESERVE PEACE OFFICERS

S.F. 343

AN ACT authorizing tribal governments to establish a force of reserve peace officers.

Be It Enacted by the General Assembly of the State of Iowa:

[1] See chapter 140, §64 herein

Section 1. Section 80D.1, Code 2013, is amended to read as follows:

80D.1 Establishment of a force of reserve peace officers.

1. The governing body of a city, a county, the state of Iowa, or a judicial district department of correctional services may provide, either separately or collectively through a chapter 28E agreement, for the establishment of a force of reserve peace officers, and may limit the size of the reserve force. In the case of the state, the department of public safety shall act as the governing body.

2. The governing body of a tribal government may provide for the establishment of a force of reserve peace officers and may limit the size of the reserve force.

3. This chapter constitutes the only procedure for appointing reserve peace officers.

Sec. 2. NEW SECTION. **80D.6A Status of reserve peace officers of a tribal government.**

Reserve peace officers of a tribal government shall serve as peace officers on the orders and at the discretion of the chief of the police force of the tribal government. While in the actual performance of official duties, reserve peace officers of a tribal government shall be vested with the same rights, privileges, obligations, and duties as any other peace officers of the tribal government.

Sec. 3. Section 80D.12, Code 2013, is amended to read as follows:

80D.12 Benefits when injured.

1. Hospital and medical assistance and benefits as provided in chapter 85 shall be provided by the governing body to members of the reserve force who sustain injury in the course of performing official duties.

2. For reserve police officers of a tribal government, hospital and medical assistance and benefits shall be provided by the tribal government to members of the reserve force who sustain injury while performing official duties in the same manner as for a regular peace officer of the tribal government.

Sec. 4. Section 85.61, subsection 8, Code 2013, is amended to read as follows:

8. The words *"reserve peace officer"* shall mean a person defined as such by section 80D.1, subsection 1, who is not a full-time member of a paid law enforcement agency. A person performing such services shall not be classified as a casual employee.

Approved April 24, 2013

CHAPTER 49

REGULATION OF VEHICLES OF EXCESSIVE SIZE AND WEIGHT

S.F. 355

AN ACT relating to the regulation of vehicles of excessive size and weight, establishing fees, and providing penalties.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 321.473, Code 2013, is amended to read as follows:

321.473 ~~Limiting trucks — rubbish vehicles~~ Limitations on trucks by local authorities.

1. Local authorities with respect to highways under their jurisdiction may also, by ordinance or resolution, prohibit the operation of trucks or other commercial vehicles, or may impose limitations as to the weight thereof, on designated highways, which prohibitions and limitations shall be designated by appropriate signs placed on such highways.

~~2. The department may issue annual special permits for the operation of compacted rubbish vehicles and vehicles which transport compacted rubbish from a rubbish collection point to a landfill area, exceeding the weight limitation of section 321.463, but not exceeding~~

~~a rear axle gross weight for two-axle vehicles of twenty-two thousand pounds for the period commencing July 1, 1978 and ending June 30, 1986 and twenty thousand pounds commencing July 1, 1986 and thereafter, and for tandem axle vehicles or transferable auxiliary axle vehicles not exceeding a gross weight on the rear axles of thirty-six thousand pounds. Annual special permits for the operation on secondary roads shall be approved by the county engineer. Annual special permits for a particular vehicle shall not be issued by the department unless prior approval is given by the county engineer of the county in which the vehicle will be operated. Annual special permits for operation on primary roads shall be approved by the state department of transportation. Compacted rubbish vehicles and vehicles which transport compacted rubbish from a rubbish collection point to a landfill area operated pursuant to an annual special permit shall be operated only over routes designated by the local authority. Annual special permits for a particular vehicle shall not be issued by the department unless approved by the local authority responsible for the roads over which the vehicle will be operated. Annual special permits approved by the issuing authority shall be issued upon payment of an annual fee, in addition to other registration fees imposed, of one hundred dollars to be paid to the department for all nongovernmental vehicles.~~

~~3. Any person who violates the provisions of the ordinance or resolution shall, upon conviction or a plea of guilty, be subject to a fine determined by dividing the difference between the actual weight and the maximum weight established by the ordinance or resolution by one hundred, and multiplying the quotient by two dollars. The fine for violation of a special permit issued pursuant to this section shall be based upon the difference between the actual weight of the vehicle and load and the maximum weight allowed by the permit in accordance with section 321.463.~~

~~4.~~ 2. Local authorities may issue special permits, during periods such restrictions are in effect, to permit limited operation of vehicles upon specified routes with loads in excess of any restrictions imposed under this section, but not in excess of load restrictions imposed by any other provision of this chapter, and such authorities shall issue such permits upon a showing that there is a need to move to market farm produce or to move to any farm, feeds or fuel for home heating purposes.

3. *a.* A person who violates the provisions of an ordinance or resolution adopted pursuant to subsection 1 shall, upon conviction or a plea of guilty, be subject to a fine determined by dividing the difference between the actual weight and the maximum weight established by the ordinance or resolution by one hundred, and multiplying the quotient by two dollars.

b. The fine for violation of a special permit issued pursuant to subsection 2 shall be based upon the difference between the actual weight of the vehicle and load and the maximum weight allowed by the permit in accordance with section 321.463.

Sec. 2. Section 321E.1, Code 2013, is amended to read as follows:

321E.1 Permits by department and local authorities.

1. The department and local authorities may in their discretion and upon application and with good cause ~~being~~ shown issue permits for the movement of ~~construction machinery or asphalt repavers~~ special mobile equipment being temporarily moved on streets, roads, or highways and for vehicles with indivisible loads which exceed the maximum dimensions and weights specified in sections 321.452 through 321.466, but not to exceed the limitations imposed in this section and sections 321E.2 through 321E.15 except as provided in section 321E.29.

2. Vehicles permitted to transport indivisible loads may do any of the following:

a. Exceed the width and length limitations specified in sections 321.454 and 321.457 for the purpose of picking up an indivisible load or returning from delivery of the indivisible load. Vehicles with retractable body extensions used to support cargo must be reduced to legal dimensions unless the vehicle is loaded and the extension is in use.

b. Move indivisible special mobile equipment which does not otherwise exceed the maximum dimensions and weights specified in sections 321.452 through 321.466 if the vehicle has an overall width not to exceed nine feet and all other conditions of the vehicle's permit are met.

3. ~~Permits issued may be single-trip, multi-trip, or annual permits. Permits~~ A permit issued under this chapter shall be in writing or in an electronic format and shall be carried in the cab

of the vehicle for which the permit has been issued ~~and shall be available for inspection at all times~~. ~~The vehicle and load for~~ Permits issued under this chapter and the vehicle for which the permit has been issued shall be open to inspection at all times by ~~a~~ any peace officer or an authorized agent of ~~a permit granting~~ any permit-issuing authority.

4. When in the judgment of the ~~issuing~~ permit-issuing authority ~~in cities and counties~~ the movement of a vehicle with an indivisible load or ~~construction machinery~~ special mobile equipment which exceeds the maximum dimensions and weights will be unduly hazardous to public safety or will cause undue damage to ~~streets, avenues, boulevards, thoroughfares, highways, curbs, sidewalks, trees,~~ infrastructure or other public or private property, the permit shall be denied and the reasons for denial endorsed on the application. Permits shall designate the days when and routes upon which loads and ~~construction machinery~~ special mobile equipment may be moved within a county on other than primary roads.

5. ~~Local authorities~~ A permit-issuing authority may allow persons requesting permits under this chapter to do so ~~by means of a telephone or~~ in person, through the internet, by facsimile machine, or by telephone, authorizing payment for the permits to be made upon receipt of an invoice sent to the persons by the ~~local authorities~~ permit-issuing authority.

Sec. 3. Section 321E.2, Code 2013, is amended to read as follows:

321E.2 Permit-issuing authorities.

1. ~~Annual, multi-trip, and single-trip permits~~ Permits issued under this chapter shall be issued by the authority responsible for the maintenance of the system of highways or streets. However, the department may issue permits on primary road extensions in cities in conjunction with movements on the rural primary road system. The department may issue an ~~all-system~~ all-systems permit under section 321E.8 which is valid for movements on all highways or streets under the jurisdiction of either the state or those local authorities ~~which~~ that have indicated to the department in writing ~~to the department~~, including by means of electronic communication, those streets or highways for which an ~~all-system~~ all-systems permit is not valid. The department may issue annual permits pursuant to section 321E.8A valid only for operation on noninterstate highways in counties stipulated in the permit.

2. At the request of a local authority, the department shall issue ~~annual, multi-trip, and single-trip~~ permits under this chapter for highways or streets that are under the jurisdiction of the local authority if the local authority has indicated to the department in writing, including by means of electronic communication, those streets or highways for which a permit is not valid.

Sec. 4. Section 321E.7, subsections 1 and 2, Code 2013, are amended to read as follows:

1. The gross weight on any axle of any vehicle or combination of vehicles traveling under a permit issued in accordance with ~~the provisions of~~ this chapter shall not exceed the maximum axle load prescribed in section 321.463~~;~~, except ~~that cranes~~ for the following:

a. Cranes being temporarily moved on streets, roads, or highways may have a gross weight of twenty-four thousand pounds on any single axle~~; and construction machinery~~.

b. (1) Special mobile equipment other than cranes being temporarily moved on streets, roads, or highways may have a maximum gross weight of thirty-six thousand pounds on any single axle equipped with flotation pneumatic tires with a minimum size of twenty-six point ~~five-inch by twenty-five-inch flotation pneumatic tires~~ five inches by twenty-five inches and a maximum gross weight of twenty thousand pounds on any single axle equipped with flotation pneumatic tires with a minimum size ~~eighteen-inch by twenty-five-inch flotation pneumatic tires, with the~~ of eighteen inches by twenty-five inches.

(2) The department is authorized to adopt rules to permit the use of tire sizes and weights within the minimum and maximum specifications provided in ~~this section~~ subparagraph (1), provided that the total gross weight of the vehicle or ~~a~~ combination of vehicles does not exceed ~~a maximum of~~ one hundred twenty-six thousand pounds~~; and except that a~~.

(3) A manufacturer of machinery or equipment manufactured or assembled in Iowa may be granted a permit for the movement of such machinery or equipment mounted on pneumatic tires with axle loads exceeding the maximum axle load prescribed in section 321.463 for distances not to exceed twenty-five miles at a speed not greater than twenty miles per hour. The movement of such machinery or equipment shall be over a specified

route between the place of assembly or manufacture and a storage area, shipping point, proving ground, experimental area, weighing station, or another manufacturing plant.

c. Raw milk transporters operating under a permit issued pursuant to section 321E.29A shall not exceed the axle and gross weights specified in that section.

d. Compacted rubbish vehicles operating under a permit issued pursuant to section 321E.30 shall not exceed the axle and gross weights specified in that section.

2. The gross weight on any one axle of any vehicle or combination of vehicles traveling under a permit issued in accordance with this chapter shall not exceed the maximum axle load prescribed in section 321.463; except that any one axle on a vehicle or combination of vehicles transporting ~~construction machinery~~ special mobile equipment shall be allowed a one thousand pound weight tolerance, provided the total gross weight of the vehicle or combination of vehicles does not exceed the gross weight allowed by the permit.

Sec. 5. Section 321E.8, Code 2013, is amended to read as follows:

321E.8 Annual permits.

Subject to the discretion and judgment provided for in section 321E.1, annual permits shall be issued in accordance with the following provisions:

1. Vehicles with indivisible loads, or manufactured or mobile homes including appurtenances, having an overall width not to exceed sixteen feet zero inches, an overall length not to exceed one hundred twenty feet zero inches, an overall height not to exceed fifteen feet five inches, and except for vehicles in compliance with section 321.463, subsection 5, paragraph "*c*", subparagraph (1), a total gross weight not to exceed eighty thousand pounds, may be moved as follows:

a. Vehicles with indivisible loads, or manufactured or mobile homes including appurtenances, having an overall width not to exceed twelve feet five inches, an overall length not to exceed one hundred twenty feet zero inches, and an overall height not to exceed thirteen feet ten inches may be moved for unlimited distances without route approval from the ~~permitting~~ permit-issuing authority.

b. Vehicles with indivisible loads, or manufactured or mobile homes including appurtenances, having an overall width not to exceed fourteen feet six inches, an overall length not to exceed one hundred twenty feet zero inches, and an overall height not to exceed fifteen feet five inches may be moved on the interstate highway system and primary highways with more than one lane traveling in each direction for unlimited distances and no more than fifty miles from the point of origin on all other highways without route approval from the ~~permit issuing~~ permit-issuing authority.

c. All other vehicles with indivisible loads operating under this subsection shall obtain route approval from the ~~permitting~~ permit-issuing authority.

d. Vehicles with indivisible loads may operate under an all-systems permit in compliance with paragraph "*a*", "*b*", or "*c*".

2. Vehicles with indivisible loads, or manufactured or mobile homes including appurtenances, having an overall width not to exceed thirteen feet five inches and an overall length not to exceed one hundred twenty feet zero inches may be moved on highways specified by the ~~permitting~~ permit-issuing authority for unlimited distances if the height of the vehicle and load does not exceed fifteen feet five inches and the total gross weight of the vehicle does not exceed one hundred fifty-six thousand pounds.

a. The vehicle owner or operator shall verify with the ~~permitting~~ permit-issuing authority prior to movement of the load that highway conditions have not changed so as to prohibit movement of the vehicle.

b. Any cost to repair damage to highways or highway structures shall be borne by the owner or operator of the vehicle causing the damage.

c. Permitted vehicles under this subsection shall not be allowed to travel on any portion of the interstate highway system.

d. Vehicles with indivisible loads operating under the permit provisions of this subsection may operate under the permit provisions of subsection 1 provided the vehicle and load comply with the limitations described in subsection 1.

3. Notwithstanding any other provision of law to the contrary, cranes exceeding the maximum gross weight on any axle as prescribed in section 321.463 or 321E.7 and used in

the construction of alternative energy facilities may be moved with approval from the ~~permit issuing~~ permit-issuing authority.

Sec. 6. Section 321E.9, Code 2013, is amended to read as follows:

321E.9 Single-trip permits.

Subject to the discretion and judgment provided for in section 321E.1, single-trip permits, which may include a round trip to and from a job or delivery site, shall be issued in accordance with the following provisions:

1. ~~Vehicles with indivisible loads having an overall width not to exceed forty feet, zero inches, an overall length not to exceed one hundred twenty feet, zero inches, or a total gross weight not to exceed one hundred thousand pounds may be moved, provided the gross weight on any one axle shall not exceed the maximum prescribed in section 321.463, pursuant to rules adopted pursuant to chapter 17A. The height of the vehicles and loads shall be limited only to height limitations of underpasses, bridges, power lines and other established height restrictions on the specified route.~~ The maximum height, width, length, and weight of vehicles and loads operating under permits authorized by this section shall be limited to the maximum physical limitations and clearances of the roadway and infrastructure of the intended route of travel, provided that the gross weight on any one axle does not exceed the maximum prescribed in section 321.463, pursuant to rules adopted pursuant to chapter 17A. The permit-issuing authority shall make the final determination regarding the issuance of a permit and the suitability of the intended route based upon known roadway clearances and capacities. Permits shall be authorized only when the movement will not cause undue stress or damage to highway pavement, bridges, or other highway infrastructure. In addition to the dimension and weight limitations of an intended route, a permit-issuing authority shall consider the interests of public safety and, at the discretion of the permit-issuing authority, may deny the issuance of a permit when the intended movement of any vehicle or load poses a potential risk to the public.

2. Vehicles with indivisible loads ~~exceeding the width, length, and total gross weight provided in subsection 1,~~ may be moved in special or emergency situations, provided the ~~permitting~~ permit-issuing authority has reviewed the route and has approved the movement of the vehicle and load. The ~~issuing~~ permit-issuing authority may impose any special restrictions on movements as deemed necessary ~~on movements~~ or exempt movements from the restrictions of section 321E.11 by permit under this subsection.

3. ~~Cranes exceeding the maximum gross weight on any axle as prescribed in section 321.463 but not exceeding twenty-four thousand pounds may be moved in accordance with rules adopted pursuant to chapter 17A.~~ Notwithstanding any other provision of law to the contrary, cranes exceeding the maximum gross weight on any axle as prescribed in section 321.463 or 321E.7 and used in the construction of alternative energy facilities may be moved with approval from the ~~permit issuing~~ permit-issuing authority.

Sec. 7. Section 321E.9A, subsections 1 and 2, Code 2013, are amended to read as follows:

1. Vehicles with indivisible loads having an overall length not to exceed one hundred twenty feet, an overall width not to exceed sixteen feet, and ~~of any~~ a height not to exceed fifteen feet five inches may be moved on highways specified by the permitting [1] authority, provided the gross weight on any one axle shall not exceed the maximum prescribed in section 321.463 and the total gross weight is not greater than one hundred fifty-six thousand pounds.

2. Vehicles or combinations of vehicles consisting of ~~construction machinery~~ special mobile equipment not exceeding the height, length, and width limitations of this section being temporarily moved on highways with a maximum total gross weight limitation and a single axle weight limitation in accordance with section 321E.7 may be moved.

Sec. 8. Section 321E.9B, subsections 1 and 3, Code 2013, are amended to read as follows:

1. Vehicles with an indivisible load having an overall length not to exceed two hundred twenty-five feet, an overall width not to exceed sixteen feet, a height not to exceed sixteen feet, and a total gross weight not to exceed two hundred fifty-six thousand pounds may be

[1] See chapter 140, §63 herein

moved on highways specified by the ~~permitting~~ permit-issuing authority to an alternative energy construction site or staging area for alternative energy transportation, provided the gross weight on any one axle shall not exceed twenty thousand pounds.

3. The ~~permitting~~ permit-issuing authority shall have discretion to include restrictions and require special considerations, such as responsibility for protection or repair of the roadway and bridges, prior to issuance of the permit.

Sec. 9. Section 321E.10, Code 2013, is amended to read as follows:

321E.10 ~~Truck~~ Semitrailers and trailers manufactured in Iowa.

The department or local authorities may upon application issue annual ~~trip~~ permits for the movement of ~~truck~~ semitrailers and trailers manufactured or assembled in this state that exceed the maximum length specified in section 321.457 and the maximum width specified in section 321.454. Movement of the ~~truck~~ semitrailers and trailers shall be solely for the purpose of delivery or transfer from the point of manufacture or assembly to another point of manufacture or assembly within the state or to a point outside the state~~,~~; shall be only on roadways of twenty-four feet or more in width or on four-lane highways~~,~~; shall be on the most direct route necessary for such movement~~,~~; and shall display the special plates designated in section 321.57. All ~~truck~~ semitrailers and trailers under permit for such movement shall not contain freight or additional load. A vehicle or combination of two or more vehicles inclusive of front and rear bumpers, including towing units, involved in the movement of ~~truck~~ semitrailers and trailers shall not exceed an overall width of ten feet. ~~Vehicles or combinations shall be distinctly marked on both the front and rear of the unit in a manner the director of transportation designates to indicate that the vehicles or combinations are being moved for delivery or transfer purposes only.~~

~~Permits issued under the provisions of this section shall be in writing and shall be carried in the cabs of the vehicles for which the permits have been issued and shall be available for inspection at all times. The vehicles for which the permits have been issued shall be open to inspection by any peace officer or to any authorized agent of any permit granting authority.~~

Sec. 10. Section 321E.11, Code 2013, is amended to read as follows:

321E.11 ~~Daylight movement only — exceptions — holidays~~ Movement under permit — penalty.

1. Movements ~~by~~ under permit in accordance with this chapter shall be permitted only during the hours from thirty minutes prior to sunrise to thirty minutes following sunset unless the ~~issuing~~ permit-issuing authority determines that the movement can be better accomplished at another period of time because of traffic volume or other roadway-related conditions or the vehicle subject to the permit qualifies for nighttime movement as specified in subsection 2.

2. A permitted vehicle which has an overall length not to exceed one hundred feet, an overall width not to exceed eleven feet, and an overall height not to exceed fourteen feet, ~~four~~ six inches, ~~and the permit requires the vehicle to operate only on those highways designated by the department~~ may operate under permit from thirty minutes following sunset to thirty minutes prior to sunrise on primary and nonprimary highway system roadways that are at least twenty-two feet in total width with at least eleven feet of lane width. Vehicles operating under the provisions of this subsection shall be equipped with operating projecting-load lighting devices which are in addition to the required vehicle lighting and the signs, flags, and warning lights required for vehicles operating under permit. Additional safety lighting and escorts may be required for movement at night as determined by the permit-issuing authority.

~~2.~~ 3. Except as provided in section 321.457, no movement ~~by~~ under permit shall be permitted on holidays, after ~~twelve o'clock~~ 12:00 noon on days preceding holidays and holiday weekends, or special events when abnormally high traffic volumes can be expected. Such restrictions shall not be applicable to urban transit systems as defined in section 321.19, subsection 2.

~~3.~~ 4. For the purposes of this chapter, *"holidays"* shall include Memorial Day, Independence Day, and Labor Day.

~~4.~~ 5. A person who violates this section commits a simple misdemeanor.

Sec. 11. Section 321E.12, Code 2013, is amended to read as follows:

321E.12 Registration must be consistent.

1. A vehicle traveling under permit shall be ~~properly~~ registered for the gross weight of the vehicle and load. A trip permit issued according to section 326.23 shall not be used in lieu of the registration provided for in this section. ~~A person owning special mobile equipment may use a transport vehicle registered for the gross weight of the transport without a load.~~

2. A private carrier who is not for hire may transport special mobile equipment on a vehicle registered for the gross weight of the transport vehicle and cargo, minus the weight of the special mobile equipment, when the special mobile equipment is owned, leased, or rented and under exclusive control of the private carrier.

3. Vehicles, while being used for the transportation of buildings~~, except~~ other than mobile homes and factory-built structures, may be registered for the combined gross weight of the vehicle and load on a single-trip basis. The fee is five cents per ton exceeding the weight registered under section 321.122 per mile of travel. Fees shall not be prorated for fractions of miles. This provision does not exempt these vehicles from any other provision of this chapter.

Sec. 12. Section 321E.13, Code 2013, is amended to read as follows:

321E.13 Financial responsibility.

Prior to the issuance of any permit, the applicant for a permit shall be required to file proof of financial responsibility or ~~to~~ post a bond with the ~~issuing~~ permit-issuing authority. The amount of the bond shall be determined by the ~~issuing~~ permit-issuing authority and shall be used as security for repair or replacement of official signs, signals, and roadway foundations, surfaces, or structures which may be damaged or destroyed during the movement of a vehicle and load operating under the permit. The duration of the bond shall be determined by the ~~issuing~~ permit-issuing authority for a period not to exceed one year.

Sec. 13. Section 321E.14, Code 2013, is amended to read as follows:

321E.14 Fees for permits.

1. Permit-issuing authorities may charge the following fees:

~~1.~~ *a.* ~~The department or local authorities issuing permits shall charge a fee of twenty-five~~ Twenty-five dollars for an annual permit issued ~~under~~ pursuant to section 321E.8, subsection 1~~, a fee of three~~.

b. Three hundred dollars for an annual permit issued ~~under~~ pursuant to section 321E.8, subsection 2~~, a fee of two~~.

c. Two hundred dollars for a multi-trip permit issued ~~under~~ pursuant to section 321E.9A~~, a fee of six~~.

d. Six hundred dollars for a special alternative energy multi-trip permit issued ~~under~~ pursuant to section 321E.9B~~, and a fee of ten~~.

e. Ten dollars for a single-trip permit~~, and shall determine charges for special permits~~ issued pursuant to section 321E.9.

f. Twenty-five dollars for an annual permit for special mobile equipment, as defined in section 321.1, subsection 75, issued pursuant to section 321E.7, subsection 3, with a combined gross weight of not more than eighty thousand pounds.

g. Twenty-five dollars for a permit issued pursuant to section 321E.29 ~~by rules adopted pursuant to chapter 17A~~ or 321E.29A.

h. One hundred dollars for a permit issued pursuant to section 321E.30.

i. One hundred twenty dollars for an annual all-systems permit issued pursuant to section 321E.8, which shall be deposited in the road use tax fund.

2. Fees for the movement of buildings, parts of buildings, or unusual vehicles or loads may be increased to cover the costs of inspections by the ~~issuing~~ permit-issuing authority.

3. A fee not to exceed two hundred fifty dollars per day or a prorated fraction of that fee per person and car for escort service may be charged when requested or when required under this chapter. Proration of escort fees between state and local authorities when more than one governmental authority provides or is required to provide escort for a movement during the period of a day shall be determined by rule under section 321E.15.

4. The department and local authorities may charge a permit applicant for the cost of trimming trees and removal and replacement of natural obstructions or official signs and

signals or other public or private property required to be removed during the movement of a vehicle and load. ~~In addition to the fees provided in this section, the annual fee for a permit for special mobile equipment, as defined in section 321.1, subsection 75, operated pursuant to section 321E.7, subsection 3, with a combined gross weight up to and including eighty thousand pounds shall be twenty-five dollars and for a combined gross weight exceeding eighty thousand pounds, fifty dollars.~~

~~2. The annual fee for an all-system permit is one hundred twenty dollars which shall be deposited in the road use tax fund.~~

Sec. 14. Section 321E.16, Code 2013, is amended to read as follows:

321E.16 Violations — penalties.

1. A person who violates a provision of a permit issued pursuant to this chapter or rules adopted under section 321E.15, other than a provision relating to weight, shall be subject to a scheduled fine under section 805.8A, subsection 12, paragraph "*f*".

2. The fine for violation of the weight allowed by a permit shall be based upon the difference between the actual weight of the vehicle and load and the maximum allowable by permit in accordance with section 321.463. If a vehicle with an indivisible load traveling under permit is found to be in violation of weight limitations, the vehicle operator shall be allowed a reasonable amount of time to remove any ice, mud, snow, and other weight attributable to climatic conditions accumulated along the route prior to application of the penalties prescribed in section 321.463.

3. A person operating a civilian escort vehicle in violation of rules adopted pursuant to section 321E.15 shall be subject to a scheduled fine under section 805.8A, subsection 12, paragraph "*f*".

Sec. 15. Section 321E.17, Code 2013, is amended to read as follows:

321E.17 ~~Five or more~~ Serious violations.

Proof of imposition of ~~penalties on five or more occasions~~ a penalty for a violation of ~~sections~~ section 321.256, 321.454, 321.456, 321.457, 321.463, 321.471, 321.474, or 321E.16 or any combination of penalties for violation of ~~said~~ those sections ~~totaling five or more incurred during any twelve-month period~~ with respect to the operation of one or more vehicles by any one permit holder, whether operated personally or through agents, servants, or employees of the permit holder, shall constitute prima facie evidence that the permit holder has willfully operated or caused to be operated a vehicle or vehicles in violation of this chapter.

Sec. 16. Section 321E.18, Code 2013, is amended to read as follows:

321E.18 Overall operations considered.

In any proceeding brought under this chapter, the ~~issuing~~ permit-issuing authority shall consider evidence relating to the ~~character and gravity~~ nature and severity of the violations and the extent of the operations of any vehicles by or on behalf of the permit holder upon the public highways of this state, which did not involve any violations.

Sec. 17. Section 321E.19, Code 2013, is amended to read as follows:

321E.19 Permit ~~suspended, changed, or revoked~~ denial, change, suspension, or revocation.

~~Upon complaint by local authorities or on the department's own initiative and after notice and hearing before one or more members of the permit issuing body in the case of local authorities or the department of inspections and appeals for permits issued by the state department of transportation, permit privileges under this chapter may be suspended, changed, or revoked in whole or in part by the issuing authority for willful failure to comply with a provision of this chapter, a rule adopted under this chapter, or a term, condition, or limitation of the permit.~~ The permit-issuing authority may deny, change, suspend, or revoke any permit issued by the authority pursuant to this chapter for good cause. A decision of the department may be appealed in accordance with chapter 17A, and a decision of a local authority may be appealed in accordance with the appeal procedures of the local authority.

Sec. 18. Section 321E.20, Code 2013, is amended to read as follows:

321E.20 Suspension period.

Whenever the ~~issuing~~ permit-issuing authority finds from the evidence adduced at hearing that a permit holder has willfully operated or caused to be operated a vehicle or vehicles in violation of this chapter, the permit-issuing authority may enter an order suspending, modifying, or revoking the permit in whole or in part at its discretion for a period not to exceed one hundred eighty days. If the ~~issuing~~ permit-issuing authority finds in a subsequent proceeding within twelve months from the date of the initial suspension, modification, or revocation that a permit holder has again willfully operated in violation of this chapter, the ~~issuing~~ permit-issuing authority shall order suspension, modification, or revocation of permit privileges in whole or in part for a period not to exceed two years.

Sec. 19. Section 321E.24, Code 2013, is amended by striking the section and inserting in lieu thereof the following:

321E.24 Warning and lighting devices on oversize loads.

The department shall adopt rules pursuant to chapter 17A regarding oversize load signs, warning flags, warning lights, and projecting-load lights.

Sec. 20. Section 321E.25, Code 2013, is amended to read as follows:

321E.25 Use of highways of interstate system.

Use of the national system of interstate and defense highways under the provisions of this chapter shall be restricted by regulation and other appropriate action of the department in such a manner as to not be in conflict with the applicable provisions of ~~section 127, Tit. 23, United States Code~~ 23 U.S.C. § 127.

Sec. 21. Section 321E.29, Code 2013, is amended to read as follows:

321E.29 Excess size divisible load permits.

1. Vehicles or a combination of vehicles with divisible loads in excess of the width, length, or height requirements of chapter 321 may be moved on the highways of this state if the department or ~~issuing~~ permit-issuing authority determines there is a special or emergency situation which warrants the issuance of a special permit. The combined gross weight or gross weight on any one axle or group of axles may exceed the limits established in section 321.463, subject to the limits and routes established by the ~~issuing~~ permit-issuing authority. ~~Permits~~

2. Annual permits may be issued for vehicles with divisible loads of hay, straw or stover without a finding of special or emergency situations~~,~~ if the movement meets the requirements of this chapter~~.~~, provided the following limits are not exceeded:

a. Overall width not to exceed twelve feet five inches.

b. Overall length not to exceed seventy-five feet.

c. Overall height not to exceed fourteen feet six inches.

d. Total gross weight of the vehicle or combination of vehicles not to exceed eighty thousand pounds.

Sec. 22. Section 321E.29A, Code 2013, is amended to read as follows:

321E.29A Raw milk transporters.

~~The department or a local~~ A permit-issuing authority may issue annual permits authorizing a raw milk transporter to transport by motor truck raw milk to or from a milk plant, receiving station, or transfer station. The combined gross weight or gross weight on any axle or ~~groups~~ group of axles of the motor truck shall not exceed the limits established under section 321.463. The ~~issuing~~ permit-issuing authority may specify weight limits or routes for each raw milk transporter or establish weight limits or routes under section 321E.8.

Sec. 23. NEW SECTION. **321E.30 Compacted rubbish transporters.**

1. A permit-issuing authority may issue annual permits for the operation of compacted rubbish vehicles and vehicles which transport compacted rubbish from a rubbish collection point to a landfill area, exceeding the weight limitation of section 321.463 but not exceeding twenty thousand pounds per axle, and for tandem axle vehicles or transferrable axle vehicles, not exceeding a gross weight on the rear axles of thirty-six thousand pounds.

2. Vehicles operated pursuant to an annual permit issued under this section shall be operated only over routes designated by the permit-issuing authority.

3. Annual permits approved by the permit-issuing authority shall be issued upon payment of an annual fee, in addition to other registration fees imposed, to be paid to the permit-issuing authority for all nongovernmental vehicles.

Sec. 24. Section 321E.32, Code 2013, is amended to read as follows:

321E.32 Movement of structures and other loads on dolly axles.

~~The weight limits on axles used for the movement of physical structures and buildings shall be subject to the same weight limits which are placed on all other axles. However, when physical structures or buildings are moved and the axles under the load are five feet or more apart, each axle shall be considered a separate axle in determining the axle weight limitations provided by law.~~ The movement of structures and other indivisible loads on dolly axles shall be subject to the same weight limits that apply to all other indivisible loads. However, when an indivisible load is moved and the transverse dolly axles under the load have a clear inside spacing of five feet or more, each axle shall be considered a separate axle in determining the axle weight limitations provided by law.

Sec. 25. Section 321E.34, Code 2013, is amended to read as follows:

321E.34 Escort requirements.

1. ~~An~~ The operator of an escort vehicle~~,~~ serving as an escort in the movement of vehicles and loads of excess size and weight under permits required by this chapter shall have a driver's license as defined in section 321.1 valid for the operation of the escort vehicle.

~~2. Vehicles under permit, the width of which, including any load, exceeds that prescribed in section 321.454 but does not exceed fourteen feet six inches including appurtenances, may be moved on two-lane highways of this state without an escort if the highway being traversed has a minimum lane width of twelve feet and a sufficient shoulder width and if an amber revolving light or strobe light is displayed on the power unit and on the rear extremity of the vehicle or load. In addition, vehicles moving under permit, including any load, with an overall width not exceeding sixteen feet six inches may be moved on an interstate or four-lane highway of this state without an escort if an amber revolving light or strobe light is displayed on the power unit and on the rear extremity of the vehicle or load.~~

~~3.~~ 2. The department shall adopt rules pursuant to chapter 17A for all escort requirements ~~other than those exempted in subsection 2~~. The rules shall include ~~escorting requirements for annual permits, single-trip permits, multi-trip permits, special or emergency situations, length, height, and weight~~ operator requirements; escort vehicle requirements; and length, height, width, and weight requirements for the load or vehicle being moved under an annual or single-trip permit or in a special or emergency situation.

Sec. 26. Section 331.362, subsection 9, Code 2013, is amended to read as follows:

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

Sec. 27. REPEAL. Sections 321E.21, 321E.22, 321E.23, 321E.28, 321E.31, and 321E.33, Code 2013, are repealed.

Sec. 28. TRANSFER OF SECTIONS. The Code editor is requested to transfer section 321E.27 to section 321E.1; to transfer section 321E.1, as amended in this Act, to section 321E.2; to transfer section 321E.2, as amended in this Act, to section 321E.3; and to correct internal references as necessary.

Approved April 24, 2013

CHAPTER 50

CHILD IN NEED OF ASSISTANCE AND TERMINATION OF PARENTAL RIGHTS PROCEEDINGS — INCLUDED RELATIVES

S.F. 362

AN ACT relating to the use of the term relative in child in need of assistance and termination of parental rights proceedings.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 232.2, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 46A. *"Relative"* for purposes of divisions III and IV of this chapter includes the parent of a sibling.

Sec. 2. Section 232.84, subsection 2, Code 2013, is amended to read as follows:

2. Within thirty days after the entry of an order under this chapter transferring custody of a child to an agency for placement, the agency shall exercise due diligence in identifying and providing notice to the child's grandparents, aunts, uncles, adult siblings, parents of the child's siblings, and adult relatives suggested by the child's parents, subject to exceptions due to the presence of family or domestic violence.

Approved April 24, 2013

CHAPTER 51

CHARITABLE AUCTIONS — ALCOHOLIC SPIRITS

S.F. 380

AN ACT authorizing charitable auctions for alcoholic spirits.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 123.173A, Code 2013, is amended to read as follows:

123.173A Charity beer, spirits, and wine auction permit.

1. For purposes of this section, *"authorized nonprofit entity"* includes a nonprofit entity which has a principal office in the state, a nonprofit corporation organized under chapter 504, or a foreign corporation as defined in section 504.141, whose income is exempt from federal taxation under section 501(c) of the Internal Revenue Code.

2. An authorized nonprofit entity may, upon application to the division and receipt of a charity beer, spirits, and wine auction permit from the division, conduct a charity auction which includes beer, spirits, and wine. The application shall specify the date and time when the charity beer, spirits, and wine auction is to be conducted and the premises in this state where the charity beer, spirits, and wine auction is to be physically conducted. The applicant shall certify that the objective of the charity beer, spirits, and wine auction is to raise funds solely to be used for educational, religious, or charitable purposes and that the entire proceeds from the charity beer, spirits, and wine auction are to be expended for any of the purposes described in section 423.3, subsection 78.

3. An authorized nonprofit entity shall be eligible to receive only two charity beer, spirits, and wine auction permits during a calendar year and each charity beer, spirits, and wine auction permit shall be valid for a period not to exceed thirty-six consecutive hours.

4. The authorized nonprofit entity conducting the charity beer, spirits, and wine auction shall obtain the beer, spirits, and wine to be auctioned at the charity beer, spirits, and wine auction from an Iowa retail beer permittee, an Iowa retail liquor control licensee, or an Iowa retail wine permittee, or may receive donations of beer, spirits, or wine to be auctioned at the

charity beer, spirits, and wine auction from persons who purchased the donated beer, spirits, or wine from an Iowa retail beer permittee, an Iowa retail liquor control licensee, an Iowa micro-distilled spirits permittee, or an Iowa retail wine permittee and who present a receipt documenting the purchase at the time the beer, spirits, or wine is donated. The authorized nonprofit entity conducting the charity beer, spirits, and wine auction shall retain a copy of the receipt for a period of one year from the date of the charity beer, spirits, and wine auction.

5. Persons shall be physically present at the charity beer, spirits, and wine auction to be eligible to bid on beer, spirits, and wine sold at the charity auction.

6. The beer, spirits, and wine sold at the charity beer, spirits, and wine auction shall be in original containers for consumption off of the premises where the charity beer, spirits, and wine auction is conducted. No other alcoholic beverage may be sold by the charity beer, spirits, and wine auction permittee at the charity beer, spirits, and wine auction. A purchaser of beer, spirits, or wine at a charity beer, spirits, and wine auction shall not take possession of the beer, spirits, or wine until the person is leaving the event. A purchaser of beer, spirits, or wine at a charity beer, spirits, and wine auction shall not open the container or consume or permit the consumption of the beer, spirits, or wine purchased on the premises where the charity beer, spirits, and wine auction is conducted. A purchaser of beer, spirits, or wine at a charity beer, spirits, and wine auction shall not resell the beer, spirits, or wine.

7. A liquor control licensee, beer permittee, micro-distilled spirits permittee, or wine permittee shall not purchase beer, spirits, or wine at a charity beer, spirits, and wine auction. The charity beer, spirits, and wine auction may be conducted on a premises for which a class "B" liquor control license or class "C" liquor control license has been issued, provided that the liquor control licensee does not participate in the charity beer, spirits, and wine auction, supply beer, spirits, or wine to be auctioned at the charity beer, spirits, and wine auction, or receive any of the proceeds of the charity beer, spirits, and wine auction.

Sec. 2. Section 123.179, subsection 5, Code 2013, is amended to read as follows:

5. The fee for a charity beer, spirits, and wine auction permit is one hundred dollars.

Approved April 24, 2013

CHAPTER 52

INTERFERENCE WITH ACTS OF PEACE OFFICERS OR CORRECTIONAL OFFICERS — REMOVAL OF COMMUNICATION OR CONTROL DEVICE

S.F. 384

AN ACT relating to removing or attempting to remove a communication or control device from the possession of a peace officer or correctional officer, interference with official acts, and providing penalties.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 702.11, subsection 2, Code 2013, is amended by adding the following new paragraph:

NEW PARAGRAPH. *h.* Removal of an officer's communication or control device in violation of section 708.12, subsection 3, paragraph "*f*".

Sec. 2. NEW SECTION. **708.12 Removal of an officer's communication or control device.**

1. As used in this section, "*officer*" means peace officer as defined in section 724.2A or a correctional officer.

2. A person who knowingly or intentionally removes or attempts to remove a communication device or any device used for control from the possession of an officer, when

the officer is in the performance of any act which is within the scope of the lawful duty or authority of that officer and the person knew or should have known the individual to be an officer, commits the offense of removal of an officer's communication or control device.

3. *a.* A person who removes or attempts to remove an officer's communication or control device is guilty of a simple misdemeanor.

b. A person who knowingly or intentionally removes or attempts to remove a communication or control device from the possession of an officer with the intent to interfere with the communications or duties of the officer, is guilty of a serious misdemeanor.

c. If a violation of paragraph *"a"* results in bodily injury to the officer the person is guilty of a serious misdemeanor.

d. If a violation of paragraph *"a"* results in serious injury to the officer the person is guilty of an aggravated misdemeanor.

e. If a violation of paragraph *"a"* occurs and the person knowingly or intentionally causes bodily injury to the officer the person is guilty of an aggravated misdemeanor.

f. If a violation of paragraph *"a"* occurs and the person knowingly or intentionally causes serious injury to the officer the person is guilty of a class "D" felony.

Sec. 3. Section 719.1, subsections 1 and 2, Code 2013, are amended to read as follows:

1. *a.* A person who knowingly resists or obstructs anyone known by the person to be a peace officer, emergency medical care provider under chapter 147A, or fire fighter, whether paid or volunteer, in the performance of any act which is within the scope of the lawful duty or authority of that officer, emergency medical care provider under chapter 147A, or fire fighter, whether paid or volunteer, or who knowingly resists or obstructs the service or execution by any authorized person of any civil or criminal process or order of any court, commits a simple misdemeanor. In addition to any other penalties, the punishment imposed for a violation of this subsection shall include assessment of a fine of not less than two hundred fifty dollars. ~~However, if~~

b. If a person commits interference with official acts, as defined in this subsection, which results in bodily injury, the person commits a serious misdemeanor.

c. If a person commits interference with official acts, as defined in this subsection, which results in serious injury, the person commits an aggravated misdemeanor.

d. If a person commits an interference with official acts, as defined in this subsection, and in so doing inflicts bodily injury other than serious injury, that person commits an aggravated misdemeanor.

e. If a person commits an interference with official acts, as defined in this subsection, and in so doing inflicts or attempts to inflict serious injury, or displays a dangerous weapon, as defined in section 702.7, or is armed with a firearm, that person commits a class "D" felony.

2. *a.* A person under the custody, control, or supervision of the department of corrections who knowingly resists, obstructs, or interferes with a correctional officer, agent, employee, or contractor, whether paid or volunteer, in the performance of the person's official duties, commits a serious misdemeanor.

b. If a person violates this subsection and in so doing commits an assault, as defined in section 708.1, the person commits an aggravated misdemeanor.

c. If a person violates this subsection and the violation results in bodily injury to another, the person commits an aggravated misdemeanor.

d. If a person violates this subsection and the violation results in serious injury to another, the person commits a class "D" felony.

e. If a person violates this subsection and in so doing inflicts or attempts to inflict bodily injury other than serious injury to another, displays a dangerous weapon, as defined in section 702.7, or is armed with a firearm, the person commits a class "D" felony.

f. If a person violates this subsection and uses or attempts to use a dangerous weapon, as defined in section 702.7, or inflicts serious injury to another, the person commits a class "C" felony.

Approved April 24, 2013

CHAPTER 53

WATER RESOURCE RESTORATION SPONSOR PROGRAM — PROJECT RESTRICTIONS

S.F. 388

AN ACT relating to sponsor projects under the water resource restoration sponsor program.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 455B.199, subsection 6, Code 2013, is amended by adding the following new paragraph:

NEW PARAGRAPH. *g.* Practices related to water quality or water quality protection that are included in a field office technical guide published by the natural resources conservation service of the United States department of agriculture or are included in the Iowa stormwater management manual published by the department of natural resources.

Sec. 2. Section 455B.199, subsection 7, paragraph b, Code 2013, is amended to read as follows:

b. Parking lots, unless a parking lot is constructed in a manner to improve water quality and construction is consistent with a field office technical guide published by the natural resources conservation service of the United States department of agriculture or the Iowa stormwater management manual published by the department of natural resources.

Approved April 24, 2013

CHAPTER 54

CRIMINAL PROCEDURE — FORFEITURE OF BAIL

H.F. 112

AN ACT relating to the forfeiture of bail in a criminal case.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 602.8102, subsection 131, Code 2013, is amended to read as follows:

131. Hold the amount of forfeiture and judgment of bail in the clerk's office for ~~sixty~~ ninety days as provided in section 811.6.

Sec. 2. Section 811.6, subsections 2 and 3, Code 2013, are amended to read as follows:

2. Where a forfeiture and judgment have been entered as provided in this section, and the amount of the judgment has been paid to the clerk, the clerk shall hold the same as funds of the clerk's office for a period of ~~sixty~~ ninety days from the date of judgment.

3. The court may, upon application, set aside such judgment if, within ~~sixty~~ ninety days from the date ~~thereof~~ of the judgment, the defendant shall voluntarily surrender to the sheriff of the county, or the defendant's sureties shall, at their own expense, deliver the defendant to the custody of the sheriff. Such judgment shall not be set aside, however, unless as a condition precedent thereto, the defendant and the defendant's sureties shall have paid all costs and expenses incurred in connection therewith.

Approved April 24, 2013

CHAPTER 55

CERTIFICATION OF ADULT DAY SERVICES PROGRAMS

H.F. 197

AN ACT relating to certification of adult day services programs and including effective date and retroactive applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 231D.3, subsection 7, Code 2013, is amended to read as follows:

7. ~~Certification~~ Beginning January 1, 2013, certification of an adult day services program shall be for ~~two~~ three years unless revoked for good cause by the department.

Sec. 2. Section 231D.4, subsection 2, paragraph b, subparagraphs (1) and (2), Code 2013, are amended to read as follows:

(1) ~~For~~ Beginning January 1, 2013, for a ~~two-year~~ three-year initial certification, seven hundred fifty dollars.

(2) ~~For~~ Beginning January 1, 2013, for a ~~two-year~~ three-year recertification, one thousand dollars.

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

Sec. 4. RETROACTIVE APPLICABILITY. This Act applies retroactively to January 1, 2013. The department of inspections and appeals shall extend any initial certification or recertification issued to an adult day services program on or after January 1, 2013, and prior to the enactment of this Act, to reflect the three-year certification or recertification period specified under this Act.

Approved April 24, 2013

CHAPTER 56

INDIGENT DEFENSE — PRACTICES AND PROCEDURES

H.F. 210

AN ACT relating to the practices and procedures of the state public defender.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 815.9, subsection 4, paragraph b, Code 2013, is amended to read as follows:

b. If the appointed attorney is a private attorney or is employed by a nonprofit organization, the state public defender shall report to the clerk of the district court the amounts of any approved claims for compensation and expenses paid on behalf of a person receiving legal assistance after such claims have been reviewed and paid by the state public defender unless the appointed attorney is paid other than on an hourly rate basis and the state public defender has notified the appointed attorney that the attorney is responsible for reporting the attorney's total hours of service plus expenses to the court.

Sec. 2. Section 815.9, subsection 4, Code 2013, is amended by adding the following new paragraph:

NEW PARAGRAPH. *c.* If the appointed attorney has been notified by the state public defender that the attorney is responsible for reporting to the court the total hours of service

plus expenses incurred in providing legal assistance to a person, the attorney shall submit a report to the court in the same manner as a public defender submits a report pursuant to paragraph "*a*". The amount of the attorney fees to be included in the total cost of legal assistance required to be reimbursed shall be calculated using the hours of service stated in the report at the hourly rate of compensation specified under section 815.7.

Sec. 3. Section 815.10, subsection 4, Code 2013, is amended to read as follows:

4. The appointment of an attorney shall be on a rotational or equalization basis, considering the experience of the attorney, ~~and~~ the difficulty of the case, and the geographic proximity of the attorney's office to the courthouse and client.

Sec. 4. Section 815.10, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 7. The state public defender may adopt rules setting forth additional uniform standard procedures for the appointment of counsel and uniform forms for appointment.

Sec. 5. Section 815.10A, subsection 2, Code 2013, is amended to read as follows:

2. Claims for compensation and reimbursement submitted by an attorney ~~appointed after June 30, 2004,~~ and claims for any other expenses paid from the indigent defense fund are not considered timely unless the claim is submitted to the state public defender within forty-five days of ~~a withdrawal order, sentencing, acquittal, or dismissal, whichever is earliest, in a criminal case or the withdrawal order, final ruling, or dismissal, whichever is earliest, in any other type of case~~ the date of service, as defined by the state public defender in rules.

Sec. 6. Section 908.2A, subsection 2, Code 2013, is amended to read as follows:

2. If the appointing authority determines counsel should be appointed and all of the criteria apply in subsection 1, the appointing authority shall appoint the state public defender's designee pursuant to section 13B.4. If the state public defender has not made a designation for the type of case or the state public defender's designee is unable to handle the case, a contract attorney with the state public defender may be appointed to represent the alleged parole violator. If a contract attorney is unavailable, an attorney who has agreed to provide these services may be appointed. The appointed attorney shall apply to the state public defender for payment in the manner prescribed by the state public defender.

Approved April 24, 2013

CHAPTER 57

CONDEMNATION PROCEEDINGS BY SCHOOL CORPORATIONS — COUNTY ATTORNEY REPRESENTATION

H.F. 212

AN ACT relating to conducting condemnation proceedings.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 6B.2, subsection 1, paragraph b, Code 2013, is amended to read as follows:

b. By the county attorney, when the damages are payable from funds disbursed by the county~~,~~ or by any township~~, or school corporation~~.

Approved April 24, 2013

CHAPTER 58

EXPLOSIVES — LICENSES AND USER PERMITS

H.F. 223

AN ACT concerning issuance of a license or users permit for specified activities regarding explosives.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 101A.2, Code 2013, is amended to read as follows:

101A.2 Commercial license — how issued — violation.

1. The state fire marshal shall issue commercial licenses for the manufacture, importation, distribution, sale, and commercial use of explosives to persons who, in the state fire marshal's discretion are of good character and sound judgment, and have sufficient knowledge of the use, handling, and storage of explosive materials to protect the public safety. Licenses shall be issued for a period of ~~one year~~ three years, but may be issued for shorter periods, and may be revoked or suspended by the state fire marshal for any of the following reasons:

a. Falsification of information submitted in the application for a license.

b. Proof that the licensee has violated any provisions of this chapter or any rules prescribed by the state fire marshal pursuant to the provisions of this chapter.

c. The results of a national criminal history check conducted pursuant to subsection 3.

2. Licenses shall be issued by the state fire marshal upon payment of a fee of sixty dollars, valid for a period of ~~one~~ three calendar ~~year~~ years, commencing on January 1 of the first year and terminating on December 31~~; however~~ of the third year. However, an initial license may be issued during ~~any~~ a calendar year for the number of months remaining in such calendar year and the following two years, computed to the first day of the month when the application for the license is approved. The license fee shall be charged on a pro rata basis for the number of months remaining in the ~~year~~ period of issue. Applications for renewal of licenses shall be submitted within thirty days prior to the license expiration date and shall be accompanied by payment of the prescribed ~~annual~~ fee.

3. Prior to the issuance of a license pursuant to this chapter, an applicant shall be subject to a national criminal history check through the federal bureau of investigation. The applicant shall provide fingerprints to the department of public safety for submission through the state criminal history repository to the federal bureau of investigation. Upon application for renewal of a license, the national criminal history check shall be repeated to determine the occurrence of criminal violations occurring during the previous period of licensure. Fees for the national criminal history check shall be paid by the applicant or the applicant's employer. The results of a criminal history check conducted pursuant to this subsection shall be considered a confidential record under chapter 22.

~~3.~~ 4. Except as permitted in section 101A.3 and sections 101A.9 to 101A.11, it shall be unlawful for any person to willfully manufacture, import, store, detonate, sell, or otherwise transfer any explosive materials unless such person is the holder of a valid license issued pursuant to this section.

~~4.~~ 5. Commercial dealers having a federal firearms license shall be exempt from the requirement or the commercial license requirement of this chapter for importation, distribution, sale, transportation, storage and possession of smokeless powder propellants or black sporting powder propellants provided that such dealer must conform and comply to rules, or ordinances of federal, state, or city authorities having jurisdiction of such powder.

Sec. 2. Section 101A.3, subsection 1, Code 2013, is amended to read as follows:

1. User's permits to purchase, possess, transport, store, and detonate explosive materials shall be issued by the sheriff of the county or the chief of police of a city of ten thousand population or more where the possession and detonation will occur. If the possession and detonation are to occur in more than one county or city, then such permits must be issued by the sheriff or chief of police of each of such counties or cities, except in counties and cities in which the explosives are possessed for the sole purpose of transporting them through such counties and cities. A permit shall not be issued unless the sheriff or chief of police having

jurisdiction is satisfied that possession and detonation of explosive materials is necessary to the applicant's business or to improve the applicant's property. Permits shall be issued only to persons who, in the discretion of the sheriff or chief of police, are of good character and sound judgment, and have sufficient knowledge of the use and handling of explosive materials to protect the public safety. Applicants shall be subject to the criminal history check provisions of section 101A.2, subsection 3. The state fire marshal shall prescribe, have printed, and distribute permit application forms to all local permit issuing authorities.

Sec. 3. Section 101A.14, subsection 1, Code 2013, is amended to read as follows:

1. Any person who violates the provisions of section 101A.2, subsection ~~3~~ 4, or section 101A.3, subsection 4, commits a public offense and, upon conviction, shall be guilty of a class "C" felony.

Approved April 24, 2013

CHAPTER 59

WATER QUALITY

H.F. 311

AN ACT relating to water quality.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 455B.103A, subsection 1, paragraph b, Code 2013, is amended to read as follows:

b. Following the effective date of a general permit, a person proposing to conduct activities covered by the general permit shall provide a notice of intent to conduct a covered activity on a form provided by the department. A person shall also provide public notice of intent to conduct activities covered under the general permit by publishing notice in ~~two newspapers~~ one newspaper with the largest circulation in the area in which the facility is located. Notice of the discontinuation of a permitted activity other than storm water and allowable nonstorm water discharges shall be provided in the same manner.

Sec. 2. Section 455B.186, Code 2013, is amended to read as follows:

455B.186 Prohibited actions.

1. A pollutant shall not be disposed of by dumping, depositing, or discharging such pollutant into any water of the state, except that this section shall not be construed to prohibit the discharge of adequately treated sewage, industrial waste, or other waste ~~pursuant to a permit issued by the director~~ in accordance with rules adopted by the commission. A pollutant whether treated or untreated shall not be discharged into any state-owned natural or artificial lake except as authorized in subsection 2.

2. ~~A~~ Subsection 1 shall not be construed to prohibit the use or application of a pesticide in accordance with the federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. § 136 et seq. However, an aquatic pesticide shall not be applied to any water of ~~this state which has been classified by the department as a class "A" or class "C", high quality, or high quality resource water, except that this section shall not be construed to prohibit the application of such a pesticide by a certified applicator who is trained in aquatic applications and who has received a permit from the department~~ the United States except as authorized in accordance with rules adopted by the commission.

Sec. 3. Section 455B.265, subsection 1, Code 2013, is amended to read as follows:

1. In its consideration of applications for permits, the department shall give priority in processing to persons in the order that the applications are received, except where the

application of this processing priority system prevents the prompt approval of routine applications or where the public health, safety, or welfare will be threatened by delay. If the department determines after investigation that the diversion, storage, or withdrawal is consistent with the principles and policies of beneficial use and ensuring conservation, the department shall grant a permit. An application for a permit shall be approved or denied within ninety days from the date that the department receives the complete application. A renewal permit shall be approved or denied by the department within thirty days from the date that the department receives ~~an~~ a complete application for renewal. If the applicant requests an extension of the time allotted, the department may approve the request to allow the applicant more time to submit additional information to resolve a contested or complex application. Regardless of the request in the application, and subject to appeal, the director or the department ~~on appeal~~ may determine the duration and frequency of withdrawal and the quantity of water to be diverted, stored, or withdrawn pursuant to the permit. Each permit granted after July 1, 1986, shall include conditions requiring routine conservation practices, and requiring implementation of emergency conservation measures after notification by the department.

Sec. 4. Section 466.8, Code 2013, is amended to read as follows:

466.8 On-site wastewater systems assistance program.

1. The department of natural resources shall establish an on-site wastewater systems assistance program for the purpose of providing low-interest loans to homeowners ~~residing outside the boundaries of a city~~ for improving on-site wastewater disposal systems.

~~1.~~ 2. The environmental protection commission shall adopt rules for carrying out the program including but not limited to criteria for homeowner participation, the methods used to provide loans, and financing terms and limits.

~~2.~~ 3. The department may make and execute agreements with public or private entities, including lending institutions as defined in section 12.32, as required to administer the program.

~~3.~~ 4. Assistance provided to homeowners shall not be used to pay the nonfederal share of the cost of any wastewater system projects receiving grants under the federal Clean Water Act, 33 U.S.C. § 1381 – 1387.

~~4. The department shall report to the general assembly annually on the progress of the on-site wastewater systems assistance program.~~

Sec. 5. Section 466.9, subsection 3, paragraph a, subparagraph (1), Code 2013, is amended to read as follows:

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

Approved April 24, 2013

CHAPTER 60

MANURE MANAGEMENT CERTIFICATION REQUIREMENTS — CONTINUING INSTRUCTIONAL COURSES

H.F. 312

AN ACT providing for certification requirements by persons involved in the management of manure, and including provisions for contingent implementation.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 459.315, subsection 3, Code 2013, is amended to read as follows:

3. The department shall adopt, by rule, requirements for the certification, including educational program requirements. The department may establish different educational programs designed for commercial manure service representatives and confinement site manure applicators. The department shall adopt rules necessary to administer this section, including establishing certification standards~~, which shall at least include standards for~~ and continuing instructional courses as provided in this subsection.

a. The department shall adopt rules establishing subjects for continuing instructional courses that emphasize practical and cost-effective methods to prevent manure spills and limit the impact of manure spills, especially from manure storage structures. The subjects may also include methods for transporting, handling, ~~storing, and~~ or applying manure~~,~~; identifying the potential effects of manure upon surface water and groundwater~~,~~; and procedures to remediate the potential effects of manure on surface water or groundwater.

~~*a.*~~ *b.* The department shall adopt by rule criteria for allowing a person required to be certified to complete either a written or oral examination.

~~*b.*~~ *c.* The department shall administer the continuing instructional courses, by either teaching the courses or selecting persons to teach the courses, according to criteria as provided by rules adopted by the department. The department shall, to the extent possible, select persons to teach the continuing instructional courses. The department is not required to compensate persons to teach the continuing instructional courses. In selecting persons, the department shall consult with organizations interested in transporting, handling, storing, or applying manure, including the Iowa commercial nutrient applicators association and associations representing agricultural producers. The Iowa cooperative extension service in agriculture and home economics of Iowa state university of science and technology shall cooperate with the department in administering the continuing instructional courses. The Iowa cooperative extension service may teach continuing instructional courses, train persons selected to teach courses, or distribute informational materials to persons teaching the courses.

d. The department shall provide that the continuing instructional courses be made available via the department's internet site, the internet site of a person selected to teach the continuing instructional courses, or the Iowa cooperative extension service in agriculture and home economics of Iowa state university of science and technology.

~~*c.*~~ *e.* The department, in administering the certification program under this section, and the department of agriculture and land stewardship, in administering the certification program for pesticide applicators, may cooperate together.

Sec. 2. CONTINGENT IMPLEMENTATION. The department of natural resources shall fully implement section 459.315, subsection 3, paragraph "d", as enacted by this Act, as follows:

1. The department of natural resources must establish and administer a development project to effectuate the provision. The department shall begin the development project contingent upon being appropriated necessary moneys by the general assembly to support the project. The department shall complete the development project within twelve months after the effective date of the appropriation.

2. The department shall fully implement section 459.315, subsection 3, paragraph "d", as enacted by this Act, within twelve months after the development project is completed as provided in subsection 1.

3. Section 459.315, subsection 3, paragraph "d", is repealed on July 1, 2018, if the general assembly does not appropriate necessary moneys to the department of natural resources, as provided in subsection 1, by that date. [1]

Approved April 24, 2013

[1] See chapter 132, §50 herein

CHAPTER 61

SPECIAL NONRESIDENT HUNTING LICENSES — DISABLED VETERANS AND ARMED FORCES MEMBERS

H.F. 361

AN ACT providing for the issuance of special hunting licenses to certain nonresident disabled veterans and disabled members of the armed forces serving on active federal service.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 483A.24, subsections 3 and 4, Code 2013, are amended to read as follows:

3. The director shall provide up to seventy-five nonresident deer hunting licenses for allocation as provided in this subsection.

a. Fifty of the nonresident deer hunting licenses shall be allocated as requested by a majority of a committee consisting of the majority leader of the senate, speaker of the house of representatives, and director of the economic development authority, or their designees. The licenses provided pursuant to this subsection shall be in addition to the number of nonresident licenses authorized pursuant to section 483A.8. The purpose of the special nonresident licenses is to allow state officials and local development groups to promote the state and its natural resources to nonresident guests and dignitaries. Photographs, videotapes, or any other form of media resulting from the hunting visitation shall not be used for political campaign purposes. The nonresident licenses shall be issued without application upon purchase of a nonresident hunting license that includes the wildlife habitat fee and the purchase of a nonresident deer hunting license. The licenses are valid in all zones open to deer hunting. The hunter safety and ethics education certificate requirement pursuant to section 483A.27 is waived for a nonresident issued a license pursuant to this subsection.

b. Twenty-five of the nonresident deer hunting licenses shall be allocated as provided in subsection 4A.

4. The director shall provide up to ~~twenty-five~~ seventy-five nonresident wild turkey hunting licenses for allocation as provided in this subsection.

a. Fifty of the nonresident wild turkey hunting licenses shall be allocated as requested by a majority of a committee consisting of the majority leader of the senate, speaker of the house of representatives, and director of the economic development authority, or their designees. The licenses provided pursuant to this subsection shall be in addition to the number of nonresident licenses authorized pursuant to section 483A.7. The purpose of the special nonresident licenses is to allow state officials and local development groups to promote the state and its natural resources to nonresident guests and dignitaries. Photographs, videotapes, or any other form of media resulting from the hunting visitation shall not be used for political campaign purposes. The nonresident licenses shall be issued without application upon purchase of a nonresident hunting license that includes the wildlife habitat fee and the purchase of a nonresident wild turkey hunting license. The licenses are valid in all zones open to wild turkey hunting. The hunter safety and ethics education certificate requirement pursuant to section 483A.27 is waived for a nonresident issued a license pursuant to this subsection.

b. Twenty-five of the nonresident wild turkey hunting licenses shall be allocated as provided in subsection 4A.

Sec. 2. Section 483A.24, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. Twenty-five of the nonresident deer hunting licenses and wild turkey hunting licenses allocated under subsections 3 and 4 shall be available for issuance to nonresidents who have served in the armed forces of the United States on active federal service and who were disabled during the veteran's military service or who are serving in the armed forces of the United States on active federal service and have been disabled during military service to enable the disabled person to participate in a hunt that is conducted by an organization that conducts hunting experiences in this state for disabled persons. The licenses shall be issued as follows:

a. The department shall prepare an application to be used by a person requesting a special license under this subsection.

(1) The department shall verify that the license will be used by the applicant in connection with a hunt conducted by an approved organization that conducts hunting experiences in this state for disabled veterans and members of the armed forces serving on active federal service who have been disabled during military service. The department shall specify, by rules adopted under chapter 17A, what requirements an organization must meet in order to be approved to conduct hunts for disabled persons who obtain licenses under this subsection.

(2) The department of veterans affairs shall assist the department in verifying the status or claims of applicants under this subsection. As used in this subsection, *"disabled"* means entitled to a service connected rating under 38 U.S.C. ch. 11 with a degree of disability of thirty percent or more.

b. A license issued under this subsection shall be in addition to the number of nonresident wild turkey hunting licenses authorized pursuant to section 483A.7 and nonresident deer hunting licenses authorized pursuant to section 483A.8. However, a nonresident who obtains a license pursuant to this subsection is not eligible to obtain a nonresident deer hunting license or wild turkey hunting license under any other provision of law.

c. A disabled person who receives a special license under this subsection shall purchase a hunting license that includes the wildlife habitat fee, and a wild turkey hunting license or a deer hunting license, if applicable, all for the same fees that are charged to resident hunters. If hunting deer, the disabled person shall also pay a one dollar fee that shall be used and is appropriated for the purpose of deer herd population management, including assisting with the cost of processing deer donated to the help us stop hunger program administered by the commission.

d. A special hunting license that includes the wildlife habitat fee shall be available for issuance under this subsection to a disabled veteran or disabled member of the armed forces serving on active federal service for the same fee that is charged to a resident hunter to enable such a disabled person to participate in a hunt conducted by an organization approved under this subsection for which only a hunting license is required.

e. A disabled person who receives a special license under this subsection shall complete the hunter safety and ethics education course.

f. A license issued under this subsection is valid for use only on a hunt conducted by an organization approved under this subsection.

g. The commission shall adopt rules under chapter 17A for the administration of this subsection.

Approved April 24, 2013

CHAPTER 62

LIFETIME FUR HARVESTER LICENSE

H.F. 394

AN ACT establishing a lifetime fur harvester license for residents who are sixty-five years of age or older.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 483A.1, subsection 1, Code 2013, is amended by adding the following new paragraph:

NEW PARAGRAPH. *0q.* Fur harvester license, lifetime,

sixty-five years or older.....$ 50.50

Approved April 24, 2013

CHAPTER 63

MOTOR VEHICLE FRANCHISES — ALTERATION OF COMMUNITY

H.F. 395

AN ACT relating to the alteration of the community of a motor vehicle franchisee.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. **322A.3A Alteration of franchise.**

1. A franchiser shall not unreasonably alter a franchisee's community.

2. A franchiser shall notify a franchisee of a proposed alteration to the franchisee's community at least sixty days prior to the effective date of the proposed alteration. Within thirty days of a request by the affected franchisee, unless otherwise provided in the notice, the franchiser shall provide the franchisee with an explanation of the basis for the proposed alteration.

3. Prior to the effective date of a proposed alteration of a franchisee's community and after the receipt of the explanation of the basis for the proposed alteration, a franchisee may object to the proposed alteration of the franchisee's community. Upon a franchisee's objection, a franchiser shall provide an internal appeal process for the franchisee. However, the franchiser is not required to provide an internal appeal process if the franchiser has already provided the franchisee with an opportunity to object to the alteration of the franchisee's community and to provide information in objection to the alteration for the franchiser's consideration prior to the franchiser's issuance of notice of the proposed alteration.

4. *a.* Within fifteen days of the completion of the franchiser's internal appeal process, a franchisee may challenge the reasonableness of the proposed alteration of the franchisee's community by filing an application with the department requesting a hearing to be held pursuant to section 322A.7.

b. After a hearing held as described in this subsection, the department of inspections and appeals may affirm, deny, or modify the proposed alteration of a franchisee's community, may enter any other orders necessary to ensure that an alteration of the franchisee's community is reasonable in light of all the relevant circumstances, and may assess the costs of the hearing among the parties to the hearing as appropriate.

5. No change to the franchisee's community shall take effect during the pendency of the internal appeals process specified in subsection 3 or the hearing specified in subsection 4.

6. A franchiser shall not take any adverse action against a franchisee as a result of an alteration of the franchisee's community for at least twelve months after the effective date of the alteration.

Sec. 2. Section 322A.7, Code 2013, is amended to read as follows:

322A.7 Department of inspections and appeals to hold hearing.

1. Upon receiving an application, the department shall notify the department of inspections and appeals which shall enter an order fixing a time, which shall be within ninety days of the date of the order, and place of hearing, and shall send by certified or registered mail, with return receipt requested, a copy of the order to the franchisee whose franchise the franchiser seeks to terminate or not continue, or to the franchiser who is seeking to alter a franchisee's community, as applicable. If the application requests permission to establish an additional motor vehicle dealership, a copy of the order shall be sent to all franchisees in the community who are then engaged in the business of offering to sell or selling the same line-make. If the application challenges the reasonableness of a proposed alteration to a

franchisee's community, a copy of the order shall be sent to all franchisees located in Iowa surrounding the affected community which are then engaged in the business of offering to sell or selling the same line-make. Copies of orders shall be addressed to the franchisee at the place where the business is conducted. The department of inspections and appeals may also give notice of the franchiser's application to any other parties deemed interested persons, the notice to be in the form and substance and given in the manner the department of inspections and appeals deems appropriate.

2. Any person who can show an interest in the application may become a party to the hearing, whether or not that person receives notice. However, a party not receiving notice shall be limited to participation at the hearing on the question of the public interest in the termination or continuation of the franchise or in the establishment of an additional motor vehicle dealership.

Sec. 3. Section 322A.9, Code 2013, is amended to read as follows:

322A.9 Burden of proof.

1. Upon hearing, the franchiser shall have the burden of proof to establish that under the provisions of this chapter the franchiser should be granted permission to terminate or not continue the franchise, or to enter into a franchise establishing an additional motor vehicle dealership, or to alter a franchisee's community.

2. Nothing contained in this chapter shall be construed to require or authorize any investigation by the department of any matter before the department under this chapter. Upon hearing, the department of inspections and appeals shall hear the evidence introduced by the parties and shall make its decision solely upon the record so made.

Approved April 24, 2013

CHAPTER 64

AGRICULTURAL LAND LEASES FOR BEGINNING FARMERS

H.F. 457

AN ACT providing for the leasing of agricultural land by the department of natural resources to beginning farmers.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. **456A.38 Lease to beginning farmers program.**

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

a. *"Agricultural land"*, *"authority"*, *"beginning farmer"*, and *"farming"* mean the same as defined in section 175.2.

b. *"Program"* means the lease to beginning farmers program as provided in this section.

2. The department of natural resources shall establish and administer a lease to beginning farmers program. The department shall annually lease agricultural land that it holds or manages as wildlife habitat in each county to beginning farmers seeking to participate in the program. The department shall advertise the program in a manner that encourages wide participation by beginning farmers to lease the agricultural land.

3. The department shall establish annual lease payments for available agricultural land under the program by using the following criteria:

a. Market factors.

b. Prior leases for the same or comparable agricultural land.

c. The cost of establishment or maintenance of soil conservation practices, if applicable.

d. Other criteria established by the department.

4. The department shall execute a lease with a beginning farmer selected to participate in the program after such person has been certified by the agricultural development authority

as a beginning farmer who meets the requirements of the authority, which shall be based on section 175.12, subsection 3, paragraphs "*a*", "*c*", "*f*", and "*g*".

5. *a.* If two or more beginning farmers seek to execute a lease under the program for the same agricultural land, the department shall select the beginning farmer to participate in the program by drawing lots.

b. If no beginning farmer seeks to participate in the program, or no beginning farmer is found qualified to participate in the program, the department shall lease the agricultural land under another lease program that it administers pursuant to chapter 461A, including as provided in 571 IAC ch. 21.

6. The department shall establish terms and conditions in the lease for beginning farmers participating in the program. The lease executed by the department under the program shall at least include all of the following:

a. The number of acres leased. The department shall not lease more than two hundred forty acres of agricultural land to a beginning farmer for the production of crops. However, this restriction does not apply to agricultural land leased for grazing livestock.

b. The term of the lease. The term may be based on the use of the agricultural land. A lease shall not be for more than seven years. A beginning farmer shall not sublease the agricultural land.

c. The required and permitted uses of the agricultural land during the lease term. The department may require the establishment of a conservation system, crop rotation, or cover crop, if appropriate. The department may require that a beginning farmer adopt generally accepted farming practices or soil conservation practices, so long as such practices are compatible with the department's policies related to resource management and outdoor recreation.

7. At the end of a lease term, a beginning farmer who leased agricultural land under the program is eligible to be selected again to lease the same agricultural land. However, the department shall provide a preference to an available beginning farmer who has not previously participated in the program.

8. The department is not required to lease agricultural land under the program that it would not otherwise lease for farming. The department may lease agricultural land for farming under another lease program administered by the department pursuant to its authority under chapter 461A, including as provided in 571 IAC ch. 21, only after it has made agricultural land available for lease to all beginning farmers seeking to participate in the program.

9. The department shall adopt rules necessary to administer this section.

Approved April 24, 2013

CHAPTER 65

SHARED SCHOOL DISTRICT AND AREA EDUCATION AGENCY OPERATIONAL FUNCTIONS — SUPPLEMENTARY WEIGHTING

H.F. 472

AN ACT relating to school district funding by establishing a supplementary weighting program for shared operational functions of school districts and area education agencies.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 257.11, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 6A. *Shared operational functions — increased student opportunities — budget years beginning in 2014 through 2019.*

a. (1) In order to provide additional funding to increase student opportunities and redirect more resources to student programming for school districts that share operational functions, a supplementary weighting of two hundredths per pupil shall be assigned to pupils enrolled in a district that shares with a political subdivision one or more operational functions of a curriculum director, school administration manager, mental health therapist, [1] school nurse, school counselor, or school librarian, or one or more operational functions in the areas of superintendent management, business management, human resources, transportation, or operation and maintenance for at least twenty percent of the school year. The additional weighting shall be assigned for each discrete operational function shared. The operational function sharing arrangement does not need to be a newly implemented sharing arrangement to receive supplementary weighting under this subsection. However, to receive supplementary weighting under this subsection for an ongoing operational function sharing arrangement that began before July 1, 2014, the district shall submit information to the department documenting the cost savings directly attributable to the shared operational functions and describe the district's consideration of additional shared operational functions.

(2) For the purposes of this section, "*political subdivision*" means a city, township, county, school corporation, merged area, area education agency, institution governed by the state board of regents, or any other governmental subdivision.

b. School districts that share operational functions with other school districts are not required to be contiguous school districts. If two or more districts sharing operational functions are not contiguous to each other, the districts separating those districts are not required to be a party to the operational functions sharing arrangement.

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

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

[1] See chapter 140, §20 herein

e. This subsection is repealed effective July 1, 2020.

Approved April 24, 2013

CHAPTER 66

BOILER INSPECTIONS

H.F. 484

AN ACT relating to boiler inspections and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 89.3, subsection 8, Code 2013, is amended to read as follows:

8. ~~Internal inspections~~ Inspections of unfired steam pressure vessels operating in excess of fifteen pounds per square inch and low pressure steam boilers shall be conducted ~~once every two years. External inspections shall be conducted annually~~ at least once each calendar year. The inspections conducted over each two-year period shall include an external inspection conducted while the boiler is operating and an internal inspection, where construction permits. No more than one inspection shall be conducted over a six-month period. An internal inspection of an unfired steam pressure vessel or low pressure steam boiler may be required at any time by the commissioner upon the observation by an inspector of conditions, enumerated by the commissioner through rules, warranting an internal inspection.

Sec. 2. Section 89.4, subsection 1, Code 2013, is amended by adding the following new paragraphs:

NEW PARAGRAPH. *j.* An electric boiler with a water capacity of six gallons or less that is used as an integral part of an espresso coffee machine, cappuccino coffee machine, or cleaning machine.

NEW PARAGRAPH. *k.* Continuous coil-type hot water boilers used only for steam vapor cleaning, to which all of the following apply:

(1) The size of the tubing or pipe, with no drums or headers attached, does not exceed three-fourths of one inch in diameter.

(2) Nominal water capacity of the boiler does not exceed six gallons.

(3) Water temperature in the boiler does not exceed three hundred fifty degrees Fahrenheit.

(4) Steam is not generated within the coil.

Sec. 3. Section 89.4, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 4. An object shall not be considered under pressure and shall not be within the scope of this chapter when there is clear evidence that the manufacturer did not intend the object to be operated at more than three pounds per square inch and the object is operating at three pounds per square inch or less.

Sec. 4. Section 89.14, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 10. The board may adopt rules establishing an internal inspection interval of up to four years for objects that are subject to inspection pursuant to section 89.3, subsection 4, and are owned and operated by electric public utilities subject to rate regulation under chapter 476.

Sec. 5. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 24, 2013

CHAPTER 67

REGULATION OF AQUATIC INVASIVE SPECIES

H.F. 522

AN ACT relating to the prevention and control of aquatic invasive species in the state and providing penalties.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 456A.37, Code 2013, is amended by striking the section and inserting in lieu thereof the following:

456A.37 Aquatic invasive species — prevention and control.

1. *Definitions.* As used in this section:

a. "Aquatic invasive species" means nonnative wildlife or plant species that have been determined by the department to pose a significant threat to the aquatic resources or water infrastructure of the state.

b. "Aquatic plant" means a submergent, emergent, floating, or floating-leaved plant, including algae, and includes any part of such a plant.

c. "Bait" means the same as defined in section 481A.1.

d. "Water-related equipment" means a motor vehicle, boat, watercraft, dock, boat lift, raft, vessel, trailer, tool, implement, device, or any other associated equipment or container, including but not limited to portable bait containers, live wells, ballast tanks, bilge areas, and water-hauling equipment that is capable of containing or transporting aquatic invasive species, aquatic plants, or water.

2. *Rulemaking.* The commission shall adopt rules pursuant to chapter 17A for the implementation and administration of this section. The rules shall do all of the following:

a. Restrict the introduction, propagation, use, possession, and spread of aquatic invasive species.

b. Identify waters of the state with infestations of aquatic invasive species. The commission shall require that such waters be posted as infested.

c. If the commission determines that an additional species should be defined as an *"aquatic invasive species"*, the species shall be defined by the commission by rule as an *"aquatic invasive species"*.

3. *Prohibitions.*

a. A person shall not transport on a public road, or place or attempt to place into waters of the state, any water-related equipment that has an aquatic invasive species or aquatic plant attached to or within the water-related equipment except as follows:

(1) When authorized by a written permit issued by the director upon a finding that the person is unable to comply with the requirements of this lettered paragraph *"a"*, is substantially impacted by the prohibitions of this lettered paragraph *"a"*, and is affording adequate protection of the aquatic resources or water infrastructure of the state by an alternative means.

(2) When the department, or other governmental entity approved by the director, is undertaking management activities that would constitute prohibited activities under this lettered paragraph *"a"* but are necessary to manage the aquatic resources or water infrastructure of the state, including but not limited to aquatic invasive species control, and sufficient mitigation efforts are undertaken to avoid or minimize, to the greatest extent possible, exposure of the waters of the state to an aquatic invasive species.

(3) When disposing of or engaging in a control activity of an aquatic invasive species and exposure to other waters of the state is minimized.

(4) When transporting commercial or municipal aquatic plant harvesting equipment to a suitable location away from any waters of the state, for purposes of cleaning the equipment of any remaining aquatic plants or wildlife.

(5) When water-related equipment is legally purchased or traded by or from a commercial source.

(6) For purposes of constructing or transporting a shooting or observation blind, provided that there are no aquatic invasive species present on or in the blind, and the aquatic plants

used on or in the blind are emergent, cut above the waterline, and contain no propagules such as seed heads, roots, or rhizomes.

(7) For purposes of submitting a sample to the department or to another entity as directed by the department, provided that the sample is in a sealed container. Any test results of such samples shall be reported to the department.

(8) When engaged in emergency response activities, provided that the person engaged in such activities is affiliated with a law enforcement agency or an agency with emergency response authority.

(9) When otherwise permitted under a disaster declaration issued consistent with chapter 29C.

b. A person shall drain all water from water-related equipment when leaving the waters of the state and before transporting the water-related equipment off a water access area or riparian property. Drain plugs, bailers, valves, or other devices used to control the drainage of water from ballast tanks, bilges, and live wells shall be removed or opened while transporting water-related equipment except as follows:

(1) When authorized by a written permit issued by the director upon a finding that the person is unable to comply with the requirements of this lettered paragraph *"b"*, is substantially impacted by the prohibitions of this lettered paragraph *"b"*, and is affording adequate protection of the aquatic resources or water infrastructure of the state by an alternative means.

(2) When the department, or other governmental entity approved by the director, is undertaking management activities that would constitute prohibited activities under this lettered paragraph *"b"* but are necessary to manage the aquatic resources or water infrastructure of the state, including but not limited to aquatic invasive species control, and sufficient mitigation efforts are undertaken to avoid or minimize, to the greatest extent possible, exposure of the waters of the state to an aquatic invasive species.

(3) When water-related equipment constitutes a marine sanitary system, a closed engine cooling system, or is a tank or container of potable drinking water or other beverage intended for human consumption.

(4) When engaged in emergency response activities, provided that the person engaged in such activities is affiliated with a law enforcement agency or an agency with emergency response authority.

(5) When otherwise permitted under a disaster declaration issued consistent with chapter 29C.

c. A person who violates this subsection is subject to a scheduled fine pursuant to section 805.8B, subsection 5.

4. *Inspections.* Persons operating and transporting water-related equipment shall inspect the equipment for aquatic invasive species when the equipment is removed from, or before entering waters of the state. If an aquatic invasive species is present on or within the water-related equipment, the aquatic invasive species shall be removed immediately. Any water-related equipment is subject to inspection by a representative of the department. A representative of the department may prohibit a person from placing or operating water-related equipment in waters of the state if the person refuses to allow an inspection of the water-related equipment or refuses to remove and dispose of aquatic invasive species, aquatic plants, or water on or within the water-related equipment.

Sec. 2. Section 805.8B, subsection 5, Code 2013, is amended to read as follows:

5. *Aquatic invasive species violations.* For violations of section 456A.37, subsection ~~5~~ 3, the scheduled fine is ~~five hundred dollars.~~ as follows:

a. For violations of section 456A.37, subsection 3, paragraph *"a"*, the scheduled fine is five hundred dollars.

b. For violations of section 456A.37, subsection 3, paragraph *"b"*, the scheduled fine is seventy-five dollars.

c. For repeat violations of section 456A.37, subsection 3, paragraph *"a"* or *"b"* within the same twelve-month period, the scheduled fine shall include an additional fine of five hundred dollars for each violation.

Approved April 24, 2013

CHAPTER 68

DRUG POLICY ADVISORY COUNCILS — MISCELLANEOUS CHANGES

H.F. 530

AN ACT relating to the governor's office of drug control policy and certain advisory councils.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 80E.2, subsection 5, Code 2013, is amended to read as follows:
5. The council shall meet at least ~~quarterly~~ semiannually throughout the year.

Sec. 2. REPEAL. Section 124.212C, Code 2013, is repealed.

Approved April 24, 2013

CHAPTER 69

DAM RECONSTRUCTION STANDARDS

H.F. 541

AN ACT relating to dam reconstruction standards.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 455B.275, Code 2013, is amended by adding the following new subsection:
NEW SUBSECTION. 3A. Notwithstanding design criteria and guidelines for Iowa dams adopted by the department, all of the following standards shall apply to a person reconstructing a dam that was damaged due to a natural disaster who files an application under subsection 3:
a. The person reconstructing the dam is only required to possess the flooding easements or ownership which were held prior to the reconstruction as long as the former normal pool elevation is not exceeded and the spillway capacity is increased by at least fifty percent.
b. Flooding easements or ownership are only required to the top of the reconstructed spillway elevation. [1]

Approved April 24, 2013

[1] See chapter 140, §70 herein

CHAPTER 70

INCOME, FRANCHISE, AND SALES AND USE TAXES AND OTHER MISCELLANEOUS CHANGES

H.F. 575

AN ACT relating to the technical administration of state financial and regulatory matters, including administration of income taxes, sales and use taxes, currency exchange licenses, and the wireless surcharge for enhanced 911 emergency telephone systems, and including effective date and retroactive applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I
INCOME AND FRANCHISE TAXES

Section 1. Section 422.7, subsection 2, Code 2013, is amended to read as follows:

2. Add interest and dividends from foreign securities and from securities of state and other political subdivisions exempt from federal income tax under the Internal Revenue Code, except for those securities the interest and dividends from which are exempt from taxation by the state of Iowa as otherwise provided by law, including:

a. Vision Iowa program bonds pursuant to section 12.71, subsection 8.

b. School infrastructure program bonds pursuant to section 12.81, subsection 8.

c. Iowa jobs program revenue bonds pursuant to section 12.87, subsection 8.

d. Iowa utility board and Iowa consumer advocate building project bonds pursuant to section 12.91, subsection 9.

e. Iowa water pollution control works and drinking facilities financing program bonds pursuant to section 16.131, subsection 5.

f. Iowa prison infrastructure revenue bonds pursuant to section 12.80, subsection 3, and section 16.177, subsection 8.

g. Quad cities interstate metropolitan authority bonds pursuant to section 28A.24.

h. Iowa finance authority E911 program bonds pursuant to section 34A.20, subsection 6.

i. Alcoholic beverage control bonds pursuant to section 123.159, Code 2011.

j. Soil and water conservation subdistrict bonds pursuant to section 161A.22.

k. Agricultural development authority beginning farmer loan program bonds pursuant to section 175.17, subsection 10.

l. Community college residence hall and dormitory bonds pursuant to section 260C.61.

m. Community college bond program bonds pursuant to section 260C.71, subsection 6.

n. Higher education loan authority bonds pursuant to section 261A.27.

o. State board of regents bonds pursuant to sections 262.41, 262.51, 262.60, 262A.8, and 263A.6.

p. Interstate bridges bonds pursuant to section 313A.36.

q. Aviation authority bonds pursuant to section 330A.16.

r. County health center bonds pursuant to section 331.441, subsection 2, paragraph "c", subparagraph (7).

s. Rural water district bonds pursuant to section 357A.15.

t. Urban renewal bonds pursuant to section 403.9, subsection 2.

u. Municipal housing project bonds pursuant to section 403A.12.

v. Comprehensive petroleum underground storage tank fund bonds pursuant to section 455G.6, subsection 14.

w. Honey creek premier destination park bonds pursuant to section 463C.12, subsection 8.

Sec. 2. Section 422.7, subsections 19 and 48, Code 2013, are amended by striking the subsections.

Sec. 3. Section 422.9, subsections 6 and 7, Code 2013, are amended by striking the subsections.

Sec. 4. Section 422.20, subsection 3, paragraph a, Code 2013, is amended to read as follows:

a. Unless otherwise expressly permitted by section 8A.504, section 8G.4, section 11.41, section 96.11, subsection 6, section 421.17, subsections 22, 23, and 26, subsection 27, paragraph *"k"*, and subsection 31, section 252B.9, section 321.40, subsection 6, sections 321.120, 421.19, 421.28, 422.72, and 452A.63, ~~and~~ this section, or another provision of law, a tax return, return information, or investigative or audit information shall not be divulged to any person or entity, other than the taxpayer, the department, or internal revenue service for use in a matter unrelated to tax administration.

Sec. 5. Section 422.35, subsection 2, Code 2013, is amended to read as follows:

2. Add interest and dividends from foreign securities, from securities of state and other political subdivisions, and from regulated investment companies exempt from federal income tax under the Internal Revenue Code, except for those securities the interest and dividends from which are exempt from taxation by the state of Iowa as otherwise provided by law, including those set forth in section 422.7, subsection 2.

Sec. 6. Section 422.35, subsection 13, Code 2013, is amended by striking the subsection.

Sec. 7. Section 422.61, subsection 3, paragraph b, Code 2013, is amended to read as follows:

b. Notwithstanding ~~sections 262.41 and 262.51~~ section 422.35, subsection 2, or any other provisions of law, income from obligations of the state and its political subdivisions and franchise taxes paid or accrued under this division during the taxable year shall be added. Income from sales of obligations of the state and its political subdivisions and interest and dividend income from these obligations are exempt from the taxes imposed by this division only if the law authorizing the obligations specifically exempts the income from the sale and interest and dividend income from the state franchise tax.

Sec. 8. Section 422.72, subsection 3, paragraph a, Code 2013, is amended to read as follows:

a. Unless otherwise expressly permitted by section 8A.504, section 8G.4, section 11.41, section 96.11, subsection 6, section 421.17, subsections 22, 23, and 26, subsection 27, paragraph *"k"*, and subsection 31, section 252B.9, section 321.40, subsection 6, sections 321.120, 421.19, 421.28, 422.20, and 452A.63, ~~and~~ this section, or another provision of law, a tax return, return information, or investigative or audit information shall not be divulged to any person or entity, other than the taxpayer, the department, or internal revenue service for use in a matter unrelated to tax administration.

Sec. 9. EFFECTIVE UPON ENACTMENT. The following provision or provisions of this division of this Act, being deemed of immediate importance, take effect upon enactment:

1. The section of this division of this Act amending section 422.9.
2. The section of this division of this Act amending section 422.20.
3. The section of this division of this Act amending section 422.72.

DIVISION II
SALES AND USE TAXES

Sec. 10. Section 423.1, subsection 39, paragraphs b and c, Code 2013, are amended to read as follows:

b. The property is transferred to the user of the service in connection with the performance of the service in a form or quantity capable of a fixed or definite price value~~, or the property is entirely consumed in connection with the performance of an auto body repair service purchased by the ultimate user~~.

c. The sale is evidenced by a separate charge for the identifiable piece of property ~~unless the property is entirely consumed in connection with the performance of an auto body repair service purchased by the ultimate user~~.

Sec. 11. Section 423.2, subsection 11, paragraph b, subparagraph (5), Code 2013, is amended to read as follows:

(5) Subject to the limitation on the calculation and deposit of sales tax increment revenues in section 418.12, beginning the first day of the quarter following adoption of the resolution pursuant to section 418.4, subsection 3, paragraph *"d"*, transfer to the account created in the sales tax increment fund for each governmental entity approved to use sales tax increment revenues under chapter 418, that portion of the increase in sales tax revenue, determined in section 418.11, subsection 2, paragraph *"d"*, in the applicable area of the governmental entity, that remains after the ~~transfer~~ other transfers required under ~~subparagraph (3) of~~ this paragraph *"b"*.

Sec. 12. Section 423.3, subsection 18, paragraph c, Code 2013, is amended to read as follows:

c. Rehabilitation facilities that provide accredited rehabilitation services to persons with disabilities which are accredited by the commission on accreditation of rehabilitation facilities or the ~~accreditation council for services for persons with an intellectual disability and other persons with developmental disabilities~~ council on quality and leadership and adult day care services approved for reimbursement by the state department of human services.

Sec. 13. Section 423.3, subsection 44, Code 2013, is amended by striking the subsection.

Sec. 14. Section 423.3, subsection 58, Code 2013, is amended to read as follows:

58. The sales price from the sale of items purchased with coupons, food stamps, electronic benefits transfer cards, or other methods of payment authorized by the United States department of agriculture, and issued under the federal Food Stamp Act of 1977, 7 U.S.C. § 2011 et seq. or under the federal supplemental nutritional assistance program established in 7 U.S.C. § 2013.

Sec. 15. Section 423.3, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 99. *a.* The sales price from the sale of chemicals, solvents, sorbents, reagents, or other tangible personal property used in providing a vehicle repair service subject to section 423.2, subsection 6, if all of the following conditions are met:

(1) The chemicals, solvents, sorbents, reagents, or other tangible personal property are directly and primarily used in providing the vehicle repair service.

(2) The chemicals, solvents, sorbents, reagents, or other tangible personal property are consumed or dissipated in providing the vehicle repair service.

(3) The chemicals, solvents, sorbents, reagents, or other tangible personal property will come into physical contact with the vehicle upon which the vehicle repair service is performed.

b. The exemption under this subsection does not apply to tangible personal property that can be used to provide multiple vehicle repair services, including but not limited to machinery, tools, and equipment.

DIVISION III
MISCELLANEOUS

Sec. 16. Section 34A.7B, subsection 11, Code 2013, is amended to read as follows:

11. The audit, ~~and~~ appeal, collection, and enforcement procedures and other pertinent provisions applicable to the sales and use tax imposed under chapter 423 shall apply to prepaid wireless E911 surcharges.

Sec. 17. Section 421.7, subsection 5, Code 2013, is amended to read as follows:

5. As used in subsection ~~3~~ 2, the term *"prime rate"* means the prime rate charged by banks on short-term business loans, as determined by the board of governors of the federal reserve system and published in the federal reserve bulletin.

Sec. 18. Section 421.17, subsection 10, unnumbered paragraph 1, Code 2013, is amended to read as follows:

To require any board of review at any time after its adjournment to reconvene and to make such orders as the director shall determine are just and necessary; to direct and order any board of review to raise or lower the valuation of the property, real or personal, in any township, city, or taxing district, to order and direct any board of review to raise or lower the valuation of any class or classes of property in any township, city, or taxing district, and generally to make any order or direction to any board of review as to the valuation of any property, or any class of property, in any township, city, county, or taxing district, which in the judgment of the director may seem just and necessary, to the end that all property shall be valued and assessed in the manner and according to the real intent of the law. For the purpose of this ~~paragraph~~ subsection the words *"taxing district"* include drainage districts and levee districts.

Sec. 19. Section 421.17, subsection 10, paragraph b, Code 2013, is amended to read as follows:

b. The director may order made effective reassessments or revaluations in any taxing district for any taxing year or years and the director may in any year order uniform increases or decreases in valuation of all property or upon any class of property within any taxing district or any area within such taxing district, such orders to be effective in the year specified by the director. ~~For the purpose of this paragraph the words *"taxing district"* include drainage districts and levee districts.~~

Sec. 20. Section 421.17, subsection 27, paragraph e, Code 2013, is amended to read as follows:

e. All state agencies and local government agencies shall be given access, at the discretion of the director, to the centralized computer data bank and, notwithstanding any other provision of law to the contrary, may deny, revoke, or suspend any license or deny any renewal authorized by the laws of this state to any person who has defaulted on an obligation owed to or collected by the state. The confidentiality provisions of sections 422.20 and 422.72 do not apply to tax information contained in the centralized computer data bank. State agencies and local government agencies shall endeavor to obtain from all applicants the applicant's social security or federal tax identification number, or, if the applicant has neither, the applicant's state driver's license number ~~from all applicants~~.

Sec. 21. Section 432.12C, subsection 2, Code 2013, is amended to read as follows:

2. The taxes imposed under this ~~division~~ chapter shall be reduced by investment tax credits authorized pursuant to sections 15.333A and 15E.193B, subsection 6.

Sec. 22. Section 453A.45, subsection 5, paragraph b, Code 2013, is amended to read as follows:

b. The report shall be made on forms provided by the director ~~or the~~. The director may require by rule that the report be filed by electronic transmission.

Sec. 23. Section 453A.47, Code 2013, is amended to read as follows:

453A.47 Refunds, credits.

Where tobacco products upon which the tax imposed by this division has been reported and paid~~,~~ are shipped or transported by the distributor to consumers~~,~~ to be consumed without the state~~,~~ or to retailers or subjobbers without the state~~,~~ to be sold by those retailers~~,~~ or subjobbers without the state~~,~~ or are returned to the manufacturer by the distributor or destroyed by the distributor, refund of such tax or credit may be made to the distributor in accordance with regulations prescribed by the director. Any overpayment of the tax imposed under section 453A.43 may be made to the taxpayer in accordance with regulations prescribed by the director. The director shall cause any such refund of tax to be paid out of the general ~~revenue~~ fund of the state, and so much of said fund as may be necessary is hereby appropriated for that purpose.

Sec. 24. Section 453A.47A, subsection 7, paragraph b, Code 2013, is amended to read as follows:

b. If any permit is granted during the month of October, November, or December, the fee shall be three-fourths of the above maximum schedule; if granted during the month of January, February, or March, one-half of the maximum schedule~~,~~; and if granted during the month of April, May, or June, one-fourth of the maximum schedule.

Sec. 25. Section 533C.302, subsection 2, Code 2013, is amended to read as follows:

2. A nonrefundable application fee of one thousand dollars and the license fee must accompany an application for a license under this article. The license fee shall be the sum of ~~five~~ two hundred fifty dollars plus an additional ~~one hundred~~ fifty dollars for each location at which business is conducted, but not to exceed ~~two~~ one thousand dollars. Fees for locations added after the initial application shall be submitted with the quarterly reports pursuant to section 533C.503, subsection 2. The license fee must be refunded if the application is denied. A license under this article expires on the next ~~September 30 of an odd-ending year~~ December 31 after its issuance. The initial license fee is considered ~~a biennial~~ an annual fee and the superintendent shall prorate the license fee, refunding any amount due to a partial license period. However, no refund of a license fee shall be made when a license is suspended, revoked, or surrendered.

Sec. 26. Section 533C.304, subsections 1 and 3, Code 2013, are amended to read as follows:

1. A licensee under this article shall pay ~~a biennial~~ an annual renewal fee no later than ~~September~~ December 1 ~~of an odd-ending year~~. The ~~biennial~~ annual renewal fee shall be the sum of ~~five~~ two hundred fifty dollars plus an additional ~~one hundred~~ fifty dollars for each location at which business is conducted, but shall not exceed ~~two~~ one thousand dollars. Fees for locations added after the initial application shall be submitted with the quarterly reports pursuant to section 533C.503, subsection 2.

3. If a licensee does not file a renewal report and pay its renewal fee by ~~September~~ December 1 ~~of an odd-ending year~~, or any extension of time granted by the superintendent, the superintendent may assess a late fee of one hundred dollars per day.

Sec. 27. EFFECTIVE UPON ENACTMENT. The following provision or provisions of this division of this Act, being deemed of immediate importance, take effect upon enactment:

1. The section of this division of this Act amending section 34A.7B.

Sec. 28. RETROACTIVE APPLICABILITY. The following provision or provisions of this Act apply retroactively to January 1, 2013:

1. The section of this Act amending section 34A.7B.

Approved April 24, 2013

CHAPTER 71

ENTREPRENEURIAL EDUCATION FUNDS

H.F. 533

AN ACT providing for entrepreneurial education funds for student organizations and clubs and including effective date and applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 11.6, subsection 1, paragraph a, subparagraph (1), Code 2013, is amended to read as follows:

(1) Except for entities organized under chapter 28E having gross receipts of one hundred thousand dollars or less in a fiscal year, the financial condition and transactions of all government subdivisions shall be audited at least once each year, except that cities having a population of seven hundred or more but less than two thousand shall be examined at least once every four years, and cities having a population of less than seven hundred may be examined as otherwise provided in this section. The audit of school districts shall include an audit of all school funds including categorical funding provided by the state, the certified annual financial report, the certified enrollment as provided in section 257.6, supplementary weighting as provided in section 257.11, ~~and~~ the revenues and expenditures of any nonprofit school organization established pursuant to section 279.62, and entrepreneurial education funds established pursuant to section 298A.15. Differences in certified enrollment shall be reported to the department of management. The audit of school districts shall include at a minimum a determination that the laws of the state are being followed, that categorical funding is not used to supplant other funding except as otherwise provided, that supplementary weighting is pursuant to an eligible sharing condition, and that postsecondary courses provided in accordance with section 257.11 and chapter 261E supplement, rather than supplant, school district courses. The audit of a city that owns or operates a municipal utility providing local exchange services pursuant to chapter 476 shall include performing tests of the city's compliance with section 388.10. The audit of a city that owns or operates a municipal utility providing telecommunications services pursuant to section 388.10 shall include performing tests of the city's compliance with section 388.10.

Sec. 2. Section 12B.10, subsection 6, Code 2013, is amended by adding the following new paragraph:

NEW PARAGRAPH. *m.* Investments by a student organization or club of moneys from an entrepreneurial education fund governed by section 298A.15.

Sec. 3. NEW SECTION. **298A.15 Entrepreneurial education funds.**

1. *Funds established — purposes.* For the purposes of enhancing student learning by encouraging students to develop and practice entrepreneurial skills at an early age and of fostering a business-ready workforce in this state, a school corporation may establish an entrepreneurial education fund at the request of a student organization or club and upon approval by the school board. An entrepreneurial education fund is a special revenue fund and shall consist only of moneys earned through entrepreneurial activities or returns on investments made for entrepreneurial purposes by the student organization or club, private donations and private contributions, and any interest earned on such moneys, that are deposited in the fund. Moneys in the fund shall be used only for investments made, or activities undertaken, for entrepreneurial purposes in accordance with this section. The student organization or club may designate an entrepreneurial purpose for the use of moneys in the fund in accordance with this section. A school corporation may expend moneys in the fund for use by the student organization or club in accordance with this section upon approval of the designated entrepreneurial purpose by the school board. A school organization or club shall deposit any return on an investment made with moneys from the fund in the school corporation's entrepreneurial education fund. The school corporation shall not transfer or contribute to the fund any other moneys that are not moneys earned through entrepreneurial activities or returns on investments made for entrepreneurial purposes by the student organization or club.

2. *Funds transferred.* At the request of a student organization or club and upon approval by the school board, a school corporation shall transfer moneys in a student activity fund established under section 298A.8, for deposit by the student organization or club in an entrepreneurial education fund. However, a school corporation shall not transfer such moneys unless the moneys are attributable through appropriate documentation to the specific student organization or club and unless the student organization or club shows through appropriate documentation that the student organization or club earned the moneys through entrepreneurial activities as defined in subsection 5, paragraph "*a*".

3. *Conflicts of interest prohibited.* A student organization or club shall not invest moneys from an entrepreneurial education fund for an entrepreneurial purpose in which a member of the student organization or club, an advisor or supervisor of the student organization or club, or an immediate family member of such persons, has a financial interest. Sections 279.7A and 301.28 apply to this section.

4. *Fund closure.* A school corporation shall close an entrepreneurial education fund at the request of the student organization or club for which the school corporation established the fund. All moneys in the fund on the date of closure and any subsequent return on an investment made with moneys from the fund shall be deposited in the school corporation's student activity fund established under section 298A.8.

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

a. "*Entrepreneurial activities*" means starting, maintaining, or expanding a business venture, including a seasonal business venture, or rendering other labor or services in return for compensation. "*Entrepreneurial activities*" does not include charitable contributions or other donations or gifts received by the student organization or club for which no labor or services are rendered.

b. "*Entrepreneurial purpose*" means establishing or investing in a start-up company, early-stage company, or existing company developing a new product or new technology if the investment is in keeping with the education program of the school corporation; if the student organization or club or its members will, as a stated condition of the investment, take an active role in the company which active role directly relates to and furthers the educational purposes for which the student organization or club is established; and if a reasonable return upon the investment is expected.

c. "*Immediate family member*" means a spouse; natural or adoptive parent, child, or sibling; or stepparent, stepchild, or stepsibling.

Sec. 4. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 5. APPLICABILITY. Section 298A.15, subsection 2, as enacted in this Act, applies to moneys in a student activity fund established under section 298A.8, on and after the effective date of this Act, that are attributable through appropriate documentation to a specific student organization or club and that were earned by the student organization or club through entrepreneurial activities as defined in section 298A.15, subsection 5, paragraph "a".

Approved April 25, 2013

CHAPTER 72

WATERCRAFT REGISTRATION FEE INCREASES — USE — REPORTING

S.F. 146

AN ACT extending a provision relating to the use of certain increases in watercraft registration fees by the natural resource commission.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 462A.52, subsections 2 and 3, Code 2013, are amended to read as follows:

2. Notwithstanding subsection 1, any increase in revenues received on or after July 1, 2007, but on or before June 30, ~~2013~~ 2023, pursuant to this section as a result of fee increases pursuant to 2005 Iowa Acts, ch. 137, shall be used by the commission only for the administration and enforcement of programs to control aquatic invasive species and for the administration and enforcement of navigation laws and water safety upon the inland

waters of this state and shall be used in addition to funds already being expended by the commission each year for these purposes. The commission shall not reduce the amount of other funds being expended on an annual basis for these purposes as of July 1, 2005, during the period of the appropriation provided for in this subsection.

3. The commission shall submit a written report to the general assembly by December 31, 2007, and by December 31 of each year thereafter through December 31, ~~2013~~ 2023, summarizing the activities of the department in administering and enforcing programs to control aquatic invasive species and administering and enforcing navigation laws and water safety upon the inland waters of the state. The report shall include information concerning the amount of revenues collected pursuant to this section as a result of fee increases pursuant to 2005 Iowa Acts, ch. 137, and how the revenues were expended. The report shall also include information concerning the amount and source of all other funds expended by the commission during the year for the purposes of administering and enforcing programs to control aquatic invasive species and administering and enforcing navigation laws and water safety upon the inland waters of the state and how the funds were expended.

Approved April 26, 2013

CHAPTER 73

UNIFORM COMMERCIAL CODE — FUNDS TRANSFERS

S.F. 186

AN ACT relating to funds transfers under the uniform commercial code, and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 554.12108, Code 2013, is amended to read as follows:

554.12108 ~~Exclusion of consumer transactions governed by federal law~~ Relationship to Electronic Fund Transfer Act.

1. ~~This~~ Except as provided in subsection 2, this article does not apply to a funds transfer any part of which is governed by the Electronic Fund Transfer Act of 1978, 15 U.S.C. § 1693 et seq.

2. This article applies to a funds transfer that is a remittance transfer as defined in the Electronic Fund Transfer Act, 15 U.S.C. § 1693o-1, unless the remittance transfer is an electronic fund transfer as defined in the Electronic Fund Transfer Act, 15 U.S.C. § 1693a.

3. In a funds transfer to which this article applies, in the event of an inconsistency between an applicable provision of this article and an applicable provision of the Electronic Fund Transfer Act, the provision of the Electronic Fund Transfer Act governs to the extent of the inconsistency.

Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 26, 2013

CHAPTER 74

REGULATION OF INVASIVE PLANTS — GARLIC MUSTARD, ORIENTAL BITTERSWEET, JAPANESE KNOTWEED, AND JAPANESE HOP

S.F. 317

AN ACT prohibiting the disbursement of a certain plant, including its seeds, commonly classified as garlic mustard, oriental bittersweet, Japanese knotweed, and Japanese hop within this state, and making penalties applicable.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 317.25, Code 2013, is amended to read as follows:

317.25 ~~Teasel,~~ Invasive plants prohibited — teasel, multiflora rose, ~~and~~ purple loosestrife ~~prohibited — exceptions~~, and oriental bittersweet exception — penalty.

1. A person shall not import, sell, offer for sale, or distribute teasel (Dipsacus) biennial, the multiflora rose (Rosa multiflora), purple loosestrife (Lythrum salicaria), purple loosestrife (Lythrum virgatum), ~~or~~ garlic mustard (Alliaria petiolata), oriental bittersweet (Celastrus orbiculatus), Japanese knotweed (Fallopia japonica), or Japanese hop (Humulus japonicus), including the seeds of ~~them~~ those plants, in any form in this state. However, this ~~section~~ subsection does not prohibit the sale, offer for sale, or distribution of the multiflora rose (Rosa multiflora) used for understock for either cultivated roses or ornamental shrubs in gardens.

2. Any person violating ~~the provisions of this section~~ subsection 1 is subject to a fine ~~of~~ not ~~exceeding~~ to exceed one hundred dollars.

Approved April 26, 2013

CHAPTER 75

HUNTER SAFETY AND ETHICS EDUCATION COURSE REQUIREMENTS

S.F. 389

AN ACT relating to hunter safety and ethics education course requirements.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 483A.27, subsection 2, Code 2013, is amended to read as follows:

2. *a.* A certificate of completion shall not be issued to a person who has not satisfactorily completed a minimum of ten hours of training in an approved hunter safety and ethics education course. The department shall establish the curriculum for the first ten hours of an approved hunter safety and ethics education course offered in this state. Upon completion of the ten-hour curriculum, each person shall pass an individual oral test or a written test provided by the department. The department shall establish the criteria for successfully passing the tests. Based on the results of the test and demonstrated safe handling of a firearm, the instructor shall determine the persons who shall be issued a certificate of completion.

b. Notwithstanding paragraph "*a*", a resident who is eighteen years of age or older may obtain a certificate of completion without demonstrating the safe handling of a firearm.

Approved April 26, 2013

CHAPTER 76

VISION SCREENING FOR SCHOOL CHILDREN

S.F. 419

AN ACT providing for vision screening for school children.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. **135.39D Vision screening.**

1. The parent or guardian of a child to be enrolled in a public or accredited nonpublic elementary school shall ensure that the child is screened for vision impairment at least once before enrollment in kindergarten and again before enrollment in grade three. The parent or guardian of the child shall ensure that evidence of the vision screening is provided to the school district or accredited nonpublic school in which the child is enrolled. Evidence of the vision screening may be provided either directly from the parent or guardian or from a vision screening provider referred to in subsection 2, and may be provided in either written or electronic form.

2. The requirement for vision screening may be satisfied by any of the following:

a. A vision screening or comprehensive eye examination by a licensed ophthalmologist or licensed optometrist.

b. A vision screening conducted at a pediatrician's or family practice physician's office, a free clinic, a child care center, a local public health department, a public or accredited nonpublic school, or a community-based organization, or by an advanced registered nurse practitioner or physician assistant.

c. An online vision screening, which may be conducted by a child's parent or guardian.

d. A photoscreening vision screening, including a vision screening by Iowa kidsight.

3. All vision screening methods pursuant to subsection 2, including emerging vision screening technologies, shall be age-appropriate and shall be approved by the department in consultation with leading vision organizations in the state, licensed ophthalmologists, and licensed optometrists.

4. A person who performs a vision screening required pursuant to this section shall report the results of the vision screening to the department. The department may collect and maintain such reports through the statewide immunization registry or a private contractor.

5. Each public and accredited nonpublic elementary school shall, in collaboration with the department, do the following:

a. Provide the parents or guardians of students with vision screening referral resources.

b. Arrange for evidence of vision screenings provided pursuant to subsection 1 to be forwarded to the department.

6. A child shall not be prohibited from attending school based upon the failure of a parent or guardian to ensure that the child has received the vision screening required by this section.

7. If a vision screening required pursuant to this section identifies potential vision impairment in a child, the person who performed the vision screening shall, if the person is not a licensed ophthalmologist or licensed optometrist, refer the child to a licensed ophthalmologist or licensed optometrist for a comprehensive eye examination.

8. The department shall establish procedures to contact parents or guardians of children identified as having potential vision impairment based on the results of a vision screening required pursuant to subsection 1 or a comprehensive eye examination required pursuant to subsection 7 in order to provide information on obtaining necessary vision correction.

9. The department may share information with licensed health care providers, agencies, and other persons involved with vision screenings, eye examinations, follow-up services, and intervention services as necessary to administer this section. The department shall adopt rules to protect the confidentiality of the individuals involved.

10. The vision screening requirement shall not apply if the vision screening conflicts with a parent's or guardian's genuine and sincere religious belief.

11. A person who acts in good faith in complying with this section shall not be civilly or criminally liable for reporting the information required to be reported by this section.

12. The department shall adopt rules necessary to administer this section.

Approved April 26, 2013

CHAPTER 77

REGULATION OF PLUMBING AND MECHANICAL SYSTEMS AND CONTRACTORS

S.F. 427

AN ACT relating to the licensing of plumbing, mechanical, HVAC-refrigeration, sheet metal, or hydronic professionals, including transition provisions, including effective date provisions, and making penalties applicable.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 91C.1, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 3. The labor services division of the Iowa department of workforce development and the Iowa department of public health will work with stakeholders to develop a plan to combine the contractor registration and contractor licensing application process for contractors licensed under chapter 105, to be implemented in time for licensing renewals due July 1, 2017. The department of public health shall transfer to the labor services division a portion of each contractor license fee equal to three times the current contractor registration fee. Effective July 1, 2017, a contractor licensed under chapter 105 shall register as a contractor under this chapter in conjunction with the contractor licensing process. At no cost to the labor services division, the department of public health shall collect both the registration and licensing applications as part of one combined application. The labor commissioner shall design the contractor registration application form to exclude from the division of labor's contractor registration application process those contractors who are also covered by chapter 105. The labor commissioner is authorized to adopt rules as needed to accomplish a merger of the application systems including transitional registration periods and fees.

Sec. 2. Section 105.2, subsections 1, 3, 6, 9, 10, 11, 12, and 17, Code 2013, are amended to read as follows:

1. *"Apprentice"* means any person, other than a helper, journeyperson, or master, who, as a principal occupation, is engaged in working as an employee of a plumbing, ~~HVAC, refrigeration,~~ mechanical, HVAC-refrigeration, sheet metal, or hydronic systems contractor under the supervision of either a master or a journeyperson and is progressing toward completion of an apprenticeship training program registered by the office of apprenticeship of the United States department of labor while learning and assisting in the design, installation, and repair of plumbing, HVAC, refrigeration, sheet metal, or hydronic systems, as applicable.

3. *"Contractor"* means a person or entity that provides plumbing, mechanical, HVAC, refrigeration, sheet metal, or hydronic systems services on a contractual basis and who is paid a predetermined amount under that contract for rendering those services.

6. *"Helper"* means a person engaged in general manual labor activities who provides assistance to an apprentice, journeyperson, or master while under the supervision of a journeyperson or master.

9. *"Journeyperson"* means any person, other than a master, who, as a principal occupation, is engaged as an employee of, or otherwise working under the direction of, a master in the design, installation, and repair of plumbing, mechanical, HVAC, refrigeration, sheet metal, or hydronic systems, as applicable.

10. *"Master"* means any person who works in the planning or superintending of the design, installation, or repair of plumbing, mechanical, HVAC, refrigeration, sheet metal, or hydronic

systems and is otherwise lawfully qualified to conduct the business of plumbing, mechanical, HVAC, refrigeration, sheet metal, or hydronic systems, and who is familiar with the laws and rules governing the same.

11. *"Mechanical professional"* means a person engaged in the HVAC, refrigeration, sheet metal, or hydronic industry.

12. *"Mechanical systems"* means HVAC, refrigeration, sheet metal, and hydronic systems.

17. *"Routine maintenance"* means the maintenance, repair, or replacement of existing fixtures or parts of plumbing, mechanical, HVAC, refrigeration, sheet metal, or hydronic systems in which no changes in original design are made. Fixtures or parts do not include smoke and fire dampers, or water, gas, or steam piping permanent repairs except for traps or strainers. *"Routine maintenance"* shall include emergency repairs, and the board shall define the term *"emergency repairs"* to include the repair of water pipes to prevent imminent damage to property. *"Routine maintenance"* does not include the replacement of furnaces, boilers, cooling appliances, or water heaters more than one hundred gallons in size.

Sec. 3. Section 105.2, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 18. *"Sheet metal"* means heating, ventilation, air conditioning, pollution control, fume hood systems and related ducted systems or installation of equipment associated with any component of a sheet metal system. *"Sheet metal"* excludes refrigeration and electrical lines and all natural gas, propane, liquid propane, or other gas lines associated with any component of a sheet metal system.

Sec. 4. Section 105.3, subsection 7, Code 2013, is amended to read as follows:

7. The board may maintain a membership in any national organization of state boards for the professions of plumbing, mechanical, HVAC, refrigeration, sheet metal, or hydronic professionals, with all membership fees to be paid from funds appropriated to the board.

Sec. 5. Section 105.4, subsection 1, Code 2013, is amended to read as follows:

1. *a.* The board shall establish by rule a plumbing installation code governing the installation of plumbing in this state. Consistent with fire safety rules and standards promulgated by the state fire marshal, the board shall adopt the most current version of the uniform plumbing code and the international mechanical code, as the state plumbing code and the state mechanical code, to govern the installation of plumbing and mechanical systems in this state. The board shall adopt the current version of each code within six months of its being released. The board may adopt amendments to each code by rule. The board shall work in consultation with the state fire marshal to ensure that proposed amendments do not conflict with the fire safety rules and standards promulgated by the state fire marshal. The state plumbing code and the state mechanical code shall be applicable to all buildings and structures owned by the state or an agency of the state and in each local jurisdiction.

b. Except as provided in paragraph *"c"*, a local jurisdiction is not required to adopt by ordinance the state plumbing code or the state mechanical code. However, a local jurisdiction that adopts by ordinance the state plumbing code or the state mechanical code may adopt standards that are more restrictive. A local jurisdiction that adopts standards that are more restrictive than the state plumbing code or the state mechanical code shall promptly provide copies of those standards to the board. The board shall maintain on its internet site the text of all local jurisdiction standards that differ from the applicable statewide code. Local jurisdictions shall not be required to conduct inspections or take any other enforcement action under the state plumbing code and state mechanical code regardless of whether the local jurisdiction has adopted by ordinance the state plumbing code or the state mechanical code.

c. A local jurisdiction with a population of more than fifteen thousand that has not adopted by ordinance the state plumbing code and state mechanical code shall have until December 31, 2016, to do so. Cities that have adopted a plumbing code or mechanical code as of the effective date of this Act shall have until December 31, 2016, to adopt the state plumbing code or the state mechanical code in lieu thereof.

Sec. 6. Section 105.5, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The board shall adopt an industry standardized examination for each license type. If a standardized examination is not available for a specified license type,

the board shall work with the appropriate testing vendor to create an examination for the specified license type.

Sec. 7. Section 105.9, subsections 6, 7, 8, and 10, Code 2013, are amended by striking the subsections.

Sec. 8. Section 105.9, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 11. *a.* Licenses issued under this chapter on or after July 1, 2014, shall expire on the same renewal date every three years, beginning with June 30, 2017.

b. New licenses issued after the July 1 beginning of each three-year renewal cycle shall be prorated using a one-sixth deduction for each six-month period of the renewal cycle.

Sec. 9. Section 105.10, subsections 1 and 2, Code 2013, are amended to read as follows:

1. Except as provided in section 105.11, a person shall not operate as a contractor or install or repair plumbing, mechanical, HVAC, refrigeration, sheet metal, or hydronic systems without obtaining a license issued by the board, or install or repair medical gas piping systems without obtaining a valid certification approved by the board.

2. Except as provided in section 105.11, a person shall not engage in the business of designing, installing, or repairing plumbing, mechanical, HVAC, refrigeration, sheet metal, or hydronic systems unless at all times a licensed master, who shall be responsible for the proper designing, installing, and repairing of the HVAC, refrigeration, sheet metal, or hydronic system, is employed by the person and is actively in charge of the plumbing, mechanical, HVAC, refrigeration, sheet metal, or hydronic work of the person. An individual who performs such work pursuant to a business operated as a sole proprietorship shall be a licensed master in the applicable discipline.

Sec. 10. Section 105.10, subsection 3, Code 2013, is amended by striking the subsection and inserting in lieu thereof the following:

3. An individual holding a master mechanical license shall not be required to get an HVAC-refrigeration, sheet metal, or hydronic license in order to design, install, or repair the work defined in this chapter as mechanical, HVAC-refrigeration, sheet metal, or hydronic work. An individual holding a journey mechanical license shall not be required to get an HVAC-refrigeration, sheet metal, or hydronic license in order to install and repair the work defined in this chapter as mechanical, HVAC-refrigeration, sheet metal, or hydronic work. An individual holding a master or journey mechanical license shall also not be required to obtain a special, restricted license that is designated as a sublicense of the mechanical, HVAC-refrigeration, sheet metal, or hydronic licenses. [1]

Sec. 11. Section 105.10, subsection 5, Code 2013, is amended by striking the subsection.

Sec. 12. Section 105.11, subsections 1, 7, and 10, Code 2013, are amended to read as follows:

1. Apply to a person licensed as an engineer pursuant to chapter 542B, licensed as a manufactured home retailer or certified as a manufactured home installer pursuant to chapter 103A, registered as an architect pursuant to chapter 544A, or licensed as a landscape architect pursuant to chapter 544B who provides consultations or develops plans or other work concerning plumbing, HVAC, refrigeration, sheet metal, or hydronic work and who is exclusively engaged in the practice of the person's profession.

7. Require a helper engaged in general manual labor activities while providing assistance to an apprentice, journeyperson, or master to obtain a plumbing, ~~HVAC, refrigeration,~~ mechanical, HVAC-refrigeration, sheet metal, or hydronic license. Experience as a helper shall not be considered as practical experience for a journeyperson license.

10. Apply to the employees of manufacturers, manufacturer representatives, or wholesale suppliers who provide consultation or develop plans concerning plumbing, HVAC, refrigeration, sheet metal, or hydronic work, or who assist a person licensed under this chapter in the installation of mechanical or plumbing systems.

[1] See chapter 140, §56 herein

Sec. 13. Section 105.12, subsection 1, Code 2013, is amended to read as follows:

1. A contracting, plumbing, ~~HVAC, refrigeration,~~ mechanical, HVAC-refrigeration, sheet metal, or hydronic license shall be in the form of a certificate under the seal of the department, signed by the director of public health, and shall be issued in the name of the board. The license number shall be noted on the face of the license.

Sec. 14. Section 105.15, Code 2013, is amended to read as follows:

105.15 Registry of licenses.

The name, location, license number, and date of issuance of the license of each person to whom a license has been issued shall be entered in a registry kept in the office of the department to be known as the plumbing, ~~HVAC, refrigeration,~~ mechanical, HVAC-refrigeration, sheet metal, or hydronic registry. The registry may be electronic and shall be open to public inspection~~; however~~. However, the licensee's home address, home telephone number, and other personal information as determined by rule shall be confidential.

Sec. 15. Section 105.16, Code 2013, is amended to read as follows:

105.16 Change of residence.

If a person licensed to practice as a contractor or a plumbing, ~~HVAC, refrigeration,~~ mechanical, HVAC-refrigeration, sheet metal, or hydronic professional under this chapter changes the person's residence or place of practice, the person shall so notify the board.

Sec. 16. Section 105.17, Code 2013, is amended to read as follows:

105.17 Preemption of local licensing requirements.

1. The provisions of this chapter regarding the licensing of plumbing, ~~HVAC, refrigeration,~~ mechanical, HVAC-refrigeration, sheet metal, and hydronic professionals and contractors shall supersede and preempt all plumbing, ~~HVAC, refrigeration,~~ mechanical, HVAC-refrigeration, sheet metal, hydronic, and contracting licensing provisions of all governmental subdivisions.

a. ~~A governmental subdivision that issues licenses on July 1, 2008, shall continue to issue licenses until June 30, 2009.~~ On July 1, 2009, all plumbing and mechanical licensing provisions promulgated by any governmental subdivision shall be null and void, except reciprocal licenses as provided in section 105.21, and of no further force and effect.

b. On and after July 1, 2008, a governmental subdivision shall not prohibit a contractor or a plumbing, ~~HVAC, refrigeration,~~ mechanical, HVAC-refrigeration, sheet metal, or hydronic professional licensed pursuant to this chapter from performing services for which that person is licensed pursuant to this chapter or enforce any plumbing and mechanical licensing provisions promulgated by the governmental subdivision against a person licensed pursuant to this chapter.

2. Nothing in this chapter shall prohibit a governmental subdivision from assessing and collecting permit fees or inspection fees related to work performed by ~~plumbers and mechanical~~ plumbing, mechanical, HVAC-refrigeration, sheet metal, or hydronic professionals.

Sec. 17. Section 105.18, subsection 2, unnumbered paragraph 1, Code 2013, is amended to read as follows:

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

Sec. 18. Section 105.18, subsection 2, paragraph b, Code 2013, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (3) An individual who has passed both the journeyperson HVAC-refrigeration examination and the journeyperson hydronic examination separately shall be qualified to be issued a journeyperson mechanical license without having to pass the journeyperson mechanical examination.

Sec. 19. Section 105.18, subsection 2, paragraph c, Code 2013, is amended to read as follows:

c. *Master license.* (1) In order to be licensed by the board as a master, a person shall do all of the following:

~~(1)~~ (a) File an application and pay application fees as established by the board, which application shall establish that the person meets the minimum educational and experience requirements adopted by the board.

~~(2)~~ (b) Pass the state master licensing examination for the applicable discipline.

~~(3)~~ (c) Provide evidence to the board that the person has previously been a licensed journeyperson or master in the applicable discipline.

(2) An individual who has passed both the master HVAC-refrigeration examination and the master hydronic examination separately shall be qualified to be issued a master mechanical license without having to pass the master mechanical examination.

Sec. 20. Section 105.18, subsection 2, paragraph d, subparagraph (1), Code 2013, is amended by striking the subparagraph and inserting in lieu thereof the following:

(1) File an application and pay application fees as established by the board and establish that the person meets the minimum requirements adopted by the board. Through June 30, 2017, the application shall include the person's state contractor registration number. After July 1, 2017, the application shall include proof of workers compensation insurance coverage, proof of unemployment insurance compliance, and, for out-of-state contractors, a bond as described in chapter 91C.

Sec. 21. Section 105.18, subsection 3, paragraph b, Code 2013, is amended to read as follows:

b. *Special, restricted license.* The board may by rule provide for the issuance of special plumbing and mechanical professional licenses authorizing the licensee to engage in a limited class or classes of plumbing or mechanical professional work, which class or classes shall be specified on the license. Each licensee shall have experience, acceptable to the board, in each such limited class for which the person is licensed. The board shall designate each special, restricted license to be a sublicense of either a plumbing, ~~HVAC, refrigeration,~~ mechanical, HVAC-refrigeration, sheet metal, or hydronic license. A special, restricted license may be a sublicense of multiple types of licenses. An individual holding a master or journeyperson, plumbing, ~~HVAC, refrigeration,~~ mechanical, HVAC-refrigeration, sheet metal, or hydronic license shall not be required to obtain any special, restricted license which is a sublicense of the license that the individual holds. Special plumbing and mechanical professional licenses shall be issued to employees of a rate-regulated gas or electric public utility who conduct the repair of appliances. *"Repair of appliances"* means the repair or replacement of mechanical connections between the appliance shutoff valve and the appliance and repair of or replacement of parts to the appliance. Such special, restricted license shall require certification pursuant to industry-accredited certification standards.

Sec. 22. Section 105.18, subsection 3, paragraph d, Code 2013, is amended to read as follows:

d. An individual that holds either a master or journeyperson ~~HVAC license or a master or journeyperson refrigeration~~ mechanical license or a master or journeyperson HVAC-refrigeration license shall be exempt from having to obtain a special electrician's license pursuant to chapter 103 in order to perform disconnect and reconnect of existing air conditioning and refrigeration systems.

Sec. 23. Section 105.18, subsection 4, Code 2013, is amended by striking the subsection.

Sec. 24. Section 105.19, subsections 2 and 3, Code 2013, are amended to read as follows:

2. If the applicant is engaged in plumbing, mechanical, HVAC, refrigeration, sheet metal, or hydronic work individually through a business conducted as a sole proprietorship, the applicant shall personally obtain the insurance and surety bond required by this section. If the applicant is engaged in the plumbing, mechanical, HVAC, refrigeration, sheet metal, or hydronic business as an employee or owner of a legal entity, then the insurance and surety bond required by this section shall be obtained by the entity and shall cover all plumbing or mechanical work performed by the entity.

3. The insurance and surety bond shall be written by an entity licensed to do business in this state and each licensed contractor shall maintain on file with the board a certificate evidencing the insurance providing that the insurance or surety bond shall not be canceled without the entity first giving ~~fifteen~~ ten days' written notice to the board.

Sec. 25. Section 105.20, subsection 3, Code 2013, is amended to read as follows:

3. *a.* The board shall notify each licensee by mail at least sixty days prior to the expiration of a license.

b. This subsection is repealed effective December 31, 2016.

Sec. 26. Section 105.21, Code 2013, is amended to read as follows:

105.21 Reciprocal licenses.

The board may license without examination a nonresident applicant who is licensed under plumbing, ~~HVAC, refrigeration,~~ mechanical, HVAC-refrigeration, sheet metal, or hydronic professional licensing statutes of another state having similar licensing requirements as those set forth in this chapter and the rules adopted under this chapter if the other state grants the same reciprocal licensing privileges to residents of Iowa who have obtained Iowa plumbing or mechanical professional licenses under this chapter. The board shall adopt the necessary rules, not inconsistent with the law, for carrying out the reciprocal relations with other states which are authorized by this chapter.

Sec. 27. Section 105.22, unnumbered paragraph 1, Code 2013, is amended to read as follows:

A license to practice as a contractor or as a plumbing, ~~HVAC, refrigeration,~~ mechanical, HVAC-refrigeration, sheet metal, or hydronic professional may be revoked or suspended, or an application for licensure may be denied pursuant to procedures established pursuant to chapter 272C by the board, or the licensee may be otherwise disciplined in accordance with that chapter, when the licensee commits any of the following acts or offenses:

Sec. 28. Section 105.22, subsection 8, Code 2013, is amended to read as follows:

8. Aiding and abetting a person who is not licensed pursuant to this chapter in that person's pursuit of an unauthorized and unlicensed plumbing, mechanical, HVAC, refrigeration, sheet metal, or hydronic professional practice.

Sec. 29. Section 105.25, Code 2013, is amended to read as follows:

105.25 Advertising — violations — penalties.

1. Only a person who is duly licensed pursuant to this chapter may advertise the fact that the person is licensed as a contractor or as a plumbing, ~~HVAC, refrigeration,~~ mechanical, HVAC-refrigeration, sheet metal, or hydronic professional by the state of Iowa.

2. All written advertisements distributed in this state by a person who is engaged in the business of designing, installing, or repairing plumbing, HVAC, refrigeration, sheet metal, or hydronic systems shall include the listing of ~~at least one master~~ the contractor license number, as applicable. ~~A master plumbing, HVAC, refrigeration, or hydronic professional shall not allow the master's license number to be used in connection with the advertising for more than one person engaged in the business of designing, installing, or repairing plumbing, HVAC, refrigeration, or hydronic systems.~~

3. A person who fraudulently claims to be a licensed contractor or a licensed plumbing, ~~HVAC, refrigeration,~~ mechanical, HVAC-refrigeration, sheet metal, or hydronic professional pursuant to this chapter, either in writing, cards, signs, circulars, advertisements, or other communications, is guilty of a simple misdemeanor.

4. ~~A person who fraudulently lists a contractor or a master plumbing, HVAC, refrigeration, or hydronic license number in connection with that person's advertising or falsely displays a contractor or a master plumbing, HVAC, refrigeration, or hydronic professional license number is guilty of a simple misdemeanor. In order to be entitled to use a license number of a master plumbing, HVAC, refrigeration, or hydronic professional, the master plumbing, HVAC, refrigeration, or hydronic professional must be employed by the person in whose name the business of designing, installing, or repairing plumbing or mechanical systems is being conducted.~~ A person who fraudulently lists a license number in connection with that person's advertising or falsely displays a license number is guilty of a simple misdemeanor.

Sec. 30. Section 105.29, Code 2013, is amended to read as follows:

105.29 Report of violators.

Every licensee and every member of the board shall report to the board the name of every person who is practicing as a contractor or as a ~~plumber or~~ plumbing, mechanical, HVAC-refrigeration, sheet metal, or hydronic professional without a license issued pursuant to this chapter pursuant to the knowledge or reasonable belief of the person making the report. The opening of an office or place of business for the purpose of providing any services for which a license is required by this chapter, the announcing to the public in any way the intention to provide any such service, the use of any professional designation, or the use of any sign, card, circular, device, vehicle, or advertisement, as a provider of any such services shall be prima facie evidence of engaging in the practice of a contractor or a ~~plumber or~~ plumbing, mechanical, HVAC-refrigeration, sheet metal, or hydronic professional.

Sec. 31. NEW SECTION. **105.31 Licenses.**

1. *License expiration.*

a. All licenses that currently possess an expiration date prior to June 30, 2014, shall be granted a one-time extension of the expiration date to June 30, 2014, at no additional charge or continuing education requirements. The licensees of these licenses shall pay a full renewal fee upon renewal and shall be issued a license with an expiration date of June 30, 2017. Applicable late renewal fees shall apply during this period.

b. Licenses with an expiration date of July 1, 2014, or later shall have the license renewal fee prorated using a one-sixth deduction for each six-month period following July 1, 2014. Applicable late renewal fees shall apply during this period. Licenses renewed through June 29, 2017, shall be issued with an expiration date of June 30, 2017.

2. *License reissue.* A license reissued pursuant to this subsection shall be for the same level of license held by the licensee on the effective date of this Act, but may be for a class described in paragraphs "*a*" through "*e*", if applicable. A license shall be reissued at the date of the first renewal.

a. An individual with either an HVAC or a refrigeration license will be issued an HVAC-refrigeration license.

b. An individual who holds an HVAC and a hydronic license will be issued a mechanical license at the first renewal.

c. An individual who holds a refrigeration and a hydronic license will be issued a mechanical license.

d. An individual who holds only a hydronic license will be issued a hydronic license.

e. An individual who holds an HVAC or a refrigeration license may take the hydronic test before June 30, 2014, in order to be issued a mechanical license at the time of renewal.

Sec. 32. NEW SECTION. **105.32 Transition provisions.**

A licensee whose license expires between June 30, 2014, and July 1, 2017, may voluntarily renew their license early so they may have an expiration date of June 30, 2017. This voluntary early renewal may happen at any time on or after July 1, 2014. The department shall promulgate rules that allow for this one-time early renewal process, including fees and continuing education requirements. [2]

[2] See chapter 140, §57 herein

Sec. 33. Section 331.301, subsection 6, paragraph b, Code 2013, is amended to read as follows:

b. A county shall not impose any fee or charge on any individual or business licensed by the board for the right to perform plumbing, mechanical, HVAC, refrigeration, sheet metal or hydronic systems work within the scope of the license. This paragraph does not prohibit a county from charging fees for the issuance of permits for, and inspections of, work performed in its jurisdiction.

Sec. 34. Section 364.3, subsection 3, paragraph b, Code 2013, is amended to read as follows:

b. A city shall not impose any fee or charge on any individual or business licensed by the board for the right to perform plumbing, mechanical, HVAC, refrigeration, sheet metal or hydronic systems work within the scope of the license. This paragraph does not prohibit a city from charging fees for the issuance of permits for, and inspections of, work performed in its jurisdiction.

Sec. 35. ADMINISTRATIVE RULES. The department[3] shall adopt all initial rules, and amendments to existing rules, necessary for the implementation of this Act.

Sec. 36. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 26, 2013

CHAPTER 78

STATEWIDE PRESCHOOL PROGRAM ENROLLEES — COMPULSORY ATTENDANCE

H.F. 351

AN ACT providing that children who are enrolled in the statewide preschool program are of compulsory attendance age.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 256C.3, subsection 1, Code 2013, is amended to read as follows:

1. *Eligible children.*

a. A child who is a resident of Iowa and is four years of age on or before September 15 of a school year shall be eligible to enroll in the preschool program under this chapter. If such a child is enrolled under this chapter, the child shall be considered to be of compulsory attendance age as provided in section 299.1A, subsection 3.

b. If space and funding are available, a school district approved to participate in the preschool program may enroll a younger or older child in the preschool program; however, the child shall not be counted for state funding purposes.

Sec. 2. Section 299.1A, subsection 1, Code 2013, is amended to read as follows:

1. Except as provided in ~~subsection~~ subsections 2 and 3, a child who has reached the age of six and is under sixteen years of age by September 15 is of compulsory attendance age. However, if a child enrolled in a school district or accredited nonpublic school reaches the age of sixteen on or after September 15, the child remains of compulsory age until the end of the regular school calendar.

[3] See chapter 140, §83 herein

Sec. 3. Section 299.1A, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 3. A child who has reached the age of four by September 15 and who is enrolled in the statewide preschool program under chapter 256C shall be considered to be of compulsory attendance age unless the parent or guardian of the child submits written notice to the school district implementing the program of the parent's or guardian's intent to remove the child from enrollment in the preschool program.

Approved April 26, 2013

CHAPTER 79

BOARD OF PAROLE — ALTERNATE MEMBERS

H.F. 538

AN ACT authorizing alternate members of the board of parole.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. **904A.2A Board of parole — alternate members.**

1. The board of parole shall have a pool of three alternate members to substitute for board members who are disqualified or become unavailable for any other reason for hearings. The pool of alternate members shall be deemed a separate appointive board for purposes of complying with the requirements of sections 69.16 and 69.16A. Each alternate member shall serve a term of four years beginning and ending as provided by section 69.19, except for alternate members appointed to fill vacancies who shall serve for the balance of the unexpired term.

2. A person who serves as an alternate member may later be appointed to the board and may serve four years, in accordance with section 904A.1. A former board of parole member may serve in the pool of alternate members.

3. When a sufficient number of board of parole members are unavailable to hear a case, the board of parole may request alternate members to serve.

4. Notwithstanding section 904A.1:

a. An alternate member is deemed a member of the board of parole only for the hearing panel for which the alternate member serves.

b. At least one member of a hearing panel containing alternate members shall be a member of the board.

c. A decision of a hearing panel containing alternate members is considered a final decision of the board.

5. An alternate member shall not receive compensation in excess of that authorized by law for a board of parole member who is not the chairperson or vice chairperson of the board of parole.

Sec. 2. Section 904A.3, Code 2013, is amended to read as follows:

904A.3 Appointment to board of parole.

The governor shall appoint the chairperson and other members of the board of parole, including alternate members, subject to confirmation by the senate. The chairperson shall serve at the pleasure of the governor. Vacancies shall be filled in the same manner as regular appointments are made.

Approved April 26, 2013

CHAPTER 80

INTERMEDIATE AND SPECIAL MINOR'S DRIVER'S LICENSES

S.F. 115

AN ACT relating to intermediate driver's licenses and special minor's licenses, making a penalty applicable, and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 321.180B, subsection 2, Code 2013, is amended to read as follows:

2. *Intermediate license.*

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

b. Except as otherwise provided, a person issued an intermediate license under this subsection who is operating a motor vehicle between the hours of 12:30 a.m. and 5:00 a.m. must be accompanied by a person issued a driver's license valid for the vehicle operated who is the parent, guardian, or custodian of the ~~permittee~~ intermediate licensee, a member of the ~~permittee's~~ intermediate licensee's immediate family if the family member is at least twenty-one years of age, an approved driver education instructor, a prospective driver education instructor who is enrolled in a practitioner preparation program with a safety education program approved by the state board of education, or a person at least twenty-five years of age if written permission is granted by the parent, guardian, or custodian, and who is actually occupying a seat beside the driver. However, a licensee may operate a vehicle to and from school-related extracurricular activities and work without an accompanying driver between the hours of 12:30 a.m. and 5:00 a.m. if ~~such~~ the licensee possesses a waiver on a form to be provided by the department. An accompanying driver is not required between the hours of 5:00 a.m. and 12:30 a.m.

Sec. 2. Section 321.194, subsection 1, Code 2013, is amended by adding the following new paragraph:

NEW PARAGRAPH. *0b*. Unless accompanied in accordance with section 321.180B, subsection 1, a person issued a driver's license pursuant to this section must limit the number of unrelated minor passengers in the motor vehicle when the licensee is operating the motor vehicle to one. For purposes of this section, *"unrelated minor passenger"* means a passenger who is under eighteen years of age and who is not a sibling of the driver, a stepsibling of the driver, or a child who resides in the same household as the driver.

Sec. 3. EFFECTIVE DATE. This Act takes effect January 1, 2014.

Approved May 1, 2013

CHAPTER 81

PUBLIC HEALTH PROGRAMS AND SERVICES

S.F. 202

AN ACT relating to programs and services under the purview of the department of public health.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I
TRAUMA SYSTEM QUALITY IMPROVEMENT

Section 1. Section 147A.25, subsection 1, paragraph h, Code 2013, is amended to read as follows:

h. ~~Iowa foundation of medical care director~~ A representative of the state's Medicare quality improvement organization.

DIVISION II
REIMBURSEMENT FOR CERTAIN AUTOPSIES

Sec. 2. Section 331.802, subsection 2, paragraph c, Code 2013, is amended to read as follows:

c. The fee and expenses of the county medical examiner who performs an autopsy or conducts an investigation of a person who dies after being brought into this state for emergency medical treatment by or at the direction of an out-of-state law enforcement officer or public authority shall be paid by the state. A claim for payment shall be filed with ~~the Iowa department of public health. If moneys are not appropriated to the Iowa department of public health for the payment of autopsies under this paragraph, claims for payment shall be forwarded to~~ the state appeal board and, if authorized by the board, shall be paid out of moneys in the general fund of the state not otherwise appropriated.

Sec. 3. Section 331.802, subsection 4, Code 2013, is amended to read as follows:

4. The county medical examiner shall conduct the investigation in the manner required by the state medical examiner and shall determine whether the public interest requires an autopsy or other special investigation. However, if the death occurred in the manner specified in subsection 3, paragraph *"j"*, the county medical examiner shall order an autopsy, claims for the ~~expense~~ payment of which shall be ~~reimbursed by the Iowa department of public health~~ filed with the state appeal board and, if authorized by the board, shall be paid out of moneys in the general fund of the state not otherwise appropriated. In determining the need for an autopsy, the county medical examiner may consider the request for an autopsy from a public

official or private person, but the state medical examiner or the county attorney of the county where the death occurred may require an autopsy.

DIVISION III
HIV HOME TEST KITS

Sec. 4. REPEAL. Section 126.25, Code 2013, is repealed.

DIVISION IV
TOBACCO CESSATION SERVICES — MINORS

Sec. 5. NEW SECTION. **142A.11 Application for services — minors.**
A minor who is twelve years of age or older shall have the legal capacity to act and give consent to the provision of tobacco cessation coaching services pursuant to a tobacco cessation telephone and internet-based program approved by the department. Consent shall not be subject to later disaffirmance by reason of such minority. The consent of another person, including but not limited to the consent of a spouse, parent, custodian, or guardian, shall not be necessary.

Approved May 1, 2013

CHAPTER 82

DRIVER'S LICENSES AND NONOPERATOR'S IDENTIFICATION CARDS — EXPIRATION — REPLACEMENT

S.F. 224

AN ACT relating to the period of validity of driver's licenses and nonoperator's identification cards, the fee charged for the issuance of duplicate driver's licenses and nonoperator's identification cards, and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 321.189, subsection 8, Code 2013, is amended to read as follows:
8. *Veterans status.* ~~Beginning no later than July 1, 2013, a~~ A licensee who is an honorably discharged veteran of the armed forces of the United States ~~seeking to obtain a license, other than a replacement license, pursuant to this section~~ may request that ~~such a~~ the license be marked to reflect the licensee's veteran status. Upon such a request, the word "VETERAN" shall be marked prominently on the face of the license. Such a license shall be issued only upon receipt of satisfactory proof of veteran status pursuant to procedures established by the department in consultation with the department of veterans affairs. ~~This subsection shall not apply to duplicate or substitute licenses or nonoperator identification cards obtained pursuant to section 321.195.~~

Sec. 2. Section 321.190, subsection 1, paragraph d, Code 2013, is amended to read as follows:
d. The fee for a nonoperator's identification card shall be ~~five~~ eight dollars and the card shall be valid for a period of ~~five~~ eight years from the date of issuance. ~~A nonoperator's identification card shall be issued without expiration to anyone age seventy or over.~~ If an applicant for a nonoperator's identification card is a foreign national who is temporarily present in this state, the nonoperator's identification card shall be issued only for the length of time the foreign national is authorized to be present as determined by the department, not to exceed two years. An issuance fee shall not be charged for a person whose driver's license or driving privilege has been suspended under section 321.210, subsection 1, paragraph

"a", subparagraph (3), or voluntarily surrendered by the person in lieu of suspension under section 321.210, subsection 1, paragraph *"a"*.

Sec. 3. Section 321.195, Code 2013, is amended to read as follows:

321.195 ~~Duplicate~~ Replacement of driver's licenses and nonoperator's identification cards.

A fee of ten dollars shall be charged for the replacement of a driver's license or nonoperator's identification card. If a driver's license or nonoperator's identification card issued under this chapter is lost or destroyed, the person to whom the license or card was issued ~~may, upon payment of a fee of three dollars for a driver's license or nonoperator's identification card, obtain a duplicate, or substitute, upon furnishing~~ must furnish proof satisfactory to the department that the driver's license or nonoperator's identification card has been lost or destroyed in order to obtain a replacement. ~~A fee of one dollar shall be charged for the voluntary replacement of a driver's license or nonoperator's identification card.~~

Sec. 4. Section 321.196, subsection 1, Code 2013, is amended to read as follows:

1. Except as otherwise provided, if the licensee is between the ages of seventeen years eleven months and seventy-two years on the date of issuance of the license, a driver's license, other than an instruction permit, chauffeur's instruction permit, or commercial driver's instruction permit issued under section 321.180, expires ~~five~~ eight years from the licensee's birthday anniversary occurring in the year of issuance ~~if the licensee is between the ages of seventeen years eleven months and seventy years on the date of issuance of the license~~, but not to exceed the licensee's seventy-fourth birthday. If the licensee is under the age of seventeen years eleven months or age ~~seventy~~ seventy-two or over, the license is effective for a period of two years from the licensee's birthday anniversary occurring in the year of issuance. A licensee whose license is restricted due to vision or other physical deficiencies may be required to renew the license every two years. If a licensee is a foreign national who is temporarily present in this state, the license shall be issued only for the length of time the foreign national is authorized to be present as verified by the department, not to exceed two years.

Sec. 5. EFFECTIVE UPON ENACTMENT. The following provision or provisions of this Act, being deemed of immediate importance, take effect upon enactment:

1. The section of this Act amending section 321.190, subsection 1, paragraph "d".
2. The section of this Act amending section 321.196, subsection 1.[1]

Approved May 1, 2013

CHAPTER 83

LIMITATIONS ON CLAIMS AGAINST REAL ESTATE

S.F. 358

AN ACT concerning title to real estate.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 558.5, Code 2013, is amended to read as follows:

558.5 Contract for deed — presumption of abandonment.

1. When the record shows that a contract or bond for a deed ~~has been~~ was executed more than ten years earlier, ~~and the record discloses no performance of the same and that more~~

[1] See chapter 104, §2, 4 herein

~~than ten years have elapsed since the contract by its terms was to be performed,~~ the contract or bond shall be deemed abandoned by the vendee and ~~of no effect~~ void and the land shall be freed from any lien or defect on account of the contract or bond in any of the following situations:

a. The record does not indicate the contract or bond has been performed and more than ten years have elapsed since the contract or bond by its terms was to be performed.

b. A performance date for the contract or bond is not stated in the contract or bond or any extensions thereof and more than twenty years have elapsed from the date the contract or bond was executed.

2. ~~On and after July 1, 1992, this~~ This section shall apply to a contract or bond described in this section, if the contract or bond is not filed of record but is referred to in another instrument which is filed of record. The contract or bond shall be deemed abandoned by the vendee ten years from the date that the contract or bond is to be performed according to the recorded instrument. However, if the recorded instrument does not refer to a performance date for the contract or bond, the contract or bond shall be deemed abandoned ~~ten~~ twenty years after the date that the instrument containing the reference is recorded.

3. This section shall not apply to a vendee or a vendee's successor in interest if the vendee or the vendee's successor in interest is in possession of the property or has been continuously paying the total amount due, as defined in section 445.1, of the taxes levied against the property for the preceding five years.

Sec. 2. Section 614.21, Code 2013, is amended to read as follows:

614.21 Foreclosure of ancient mortgages.

1. ~~No~~ An action ~~shall be maintained~~ to foreclose or enforce any real estate mortgage, bond for deed, trust deed, or contract for the sale or conveyance of real estate, after twenty years from the date thereof, as shown by the record of such instrument, shall be barred, unless ~~the~~ either of the following:

a. The record of such instrument shows that less than ten years have elapsed since the date of maturity of the indebtedness or part thereof, secured thereby, or since the right of action has accrued ~~thereon, or unless the~~.

b. The record shows an extension of the maturity of the instrument or of the debt or a part thereof, and that ten years from the expiration of the time of such extension have not yet expired.

2. The date of maturity, when different than as appears by the record of the instrument, and the date of maturity of any extension of said indebtedness or part thereof, may be shown at any time prior to the expiration of the ~~above~~ periods of limitation specified in subsection 1 by the holder of the debt or the owner or assignee of the instrument filing an extension agreement, duly acknowledged as the original instrument was required to be acknowledged, in the office of the recorder where the instrument is recorded.

3. ~~From and after July 4, 1946, this~~ This section shall also apply to any instrument ~~of the kind~~ described in this section which is not of record but which is described or referred to in any other instrument which is filed of record ~~and the~~. The limitation shall be ten years from the due date of the instrument referred to if disclosed in the record and, if not so disclosed, then within ten years from the date ~~of the record of~~ the instrument containing such reference is recorded.

4. *a.* A vendee of a real estate contract or bond for deed, the vendor of which is barred by this section from maintaining an action to foreclose or enforce the contract or bond, or a vendee who is entitled to immediate issuance of a deed in fulfillment of contract or bond and who is in physical possession of the property, may serve the vendor with a demand for a deed as provided in the contract. For purposes of this subsection, *"vendee"* includes a vendee's successor in interest. The notice may be served personally or by publication, on the same conditions, and in the same manner as is provided for the service of original notices, except that when the notice is served by publication an affidavit shall not be required before publication. Service by publication shall be deemed complete on the day of the last publication. Service may be made on a judgment creditor of the deceased vendor or any other person who is, as a matter of record, interested in the estate of a deceased vendor, in the manner provided in section 654.4A, subsections 4 and 5.

b. The demand shall state that if a deed is not provided within forty-five days of service and an action to foreclose or forfeit the contract has not been commenced within such forty-five-day period, the vendee may file an affidavit showing service and compliance with this subsection whereupon the auditor shall correct the county records as provided in section 558.67 to indicate that the rights of the vendor have vested in the vendee.

Sec. 3. Section 656.3, Code 2013, is amended to read as follows:

656.3 Service.

1. ~~Said~~ The notice provided for in section 656.2 may be served personally or by publication, on the same conditions, and in the same manner as is provided for the service of original notices, except that when the notice is served by publication ~~no~~ an affidavit ~~therefor~~ shall not be required before publication. Service by publication shall be deemed complete on the day of the last publication.

2. The notice provided for in section 656.2 may be served on a judgment creditor of a deceased vendor or on any other person who is, as a matter of record, interested in the estate of a deceased vendor in the manner provided in section 654.4A, subsections 4 and 5.

Sec. 4. Section 656.9, Code 2013, is amended to read as follows:

656.9 Defect in forfeiture proceedings — limitation of actions.

1. An action shall not be commenced after July 1, 1992, ~~which~~ that asserts a claim against real estate previously subject to a forfeiture proceeding, and such claim is based upon a defect in the forfeiture proceeding, in which the proof and record of service of notice of forfeiture required by section 656.5 has been filed for record in the office of the county recorder prior to July 1, 1991.

2. *a.* An action shall not be commenced by a vendee who is not in possession of the property, or by a party to the forfeiture proceeding who is other than a vendee or vendor, that asserts a claim against real estate previously subject to a forfeiture proceeding, and such claim is based upon a defect in the forfeiture proceeding, in which the proof and record of service of notice of forfeiture required by section 656.6 has been filed of record for more than ten years.

b. A vendee who is not in possession of the property, or a party to the forfeiture proceeding who is other than the vendee or vendor, may commence an action described in paragraph "*a*" at any time prior to July 1, 2014, if, as of June 30, 2013, more than nine years but ten years or less have elapsed since the proof and record of service of notice of forfeiture required by section 656.6 was filed of record.

c. Subsection 1 and subsection 2, paragraph "*b*", and this paragraph "*c*" are repealed July 1, 2014.

Approved May 1, 2013

CHAPTER 84

CONSUMER CREDIT CODE — TRUTH IN LENDING ACT DEFINITION

S.F. 368

AN ACT relating to the consumer credit code by modifying a reference to the federal Truth in Lending Act.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 537.1302, Code 2013, is amended to read as follows:

537.1302 Definition — Truth in Lending Act.

As used in this chapter, *"Truth in Lending Act"* means Tit. 1 of the Consumer Credit Protection Act, in subch. 1 of 15 U.S.C. ch. 41, as amended ~~to and including July 1, 2010~~,

and includes regulations issued pursuant to that Act ~~prior to July 1, 2010~~.

Approved May 1, 2013

CHAPTER 85

REAL ESTATE TRANSFERS — MORTGAGE RELEASE CERTIFICATE

S.F. 445

AN ACT relating to the transfer of real estate and the filing of a mortgage release certificate, providing for a fee and making remedies applicable, and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 16.92, Code 2013, is amended by striking the section and inserting in lieu thereof the following:

16.92 Real estate transfer — mortgage release certificate.

1. *Definitions.* As used in this section, unless the context otherwise requires:

a. "Applicant" means a person authorized to regularly lend moneys to be secured by a mortgage on real property in this state, a licensed real estate broker, a licensed attorney, a participating abstractor, or a licensed closing agent.

b. "Closing agent" means a closing agent subject to the licensing requirements of chapter 535B.

c. "Division" means the title guaranty division in the Iowa finance authority, the director of the division, or a designee of the director.

d. "Division board" means the board of directors of the title guaranty division of the Iowa finance authority.

e. "Mortgage" means a mortgage or mortgage lien on an interest in real property in this state given to secure a loan in an original principal amount equal to or less than the maximum principal amount as determined by the division board and adopted by the Iowa finance authority pursuant to chapter 17A.

f. "Mortgage servicer" means the mortgagee or a person other than the mortgagee to whom a mortgagor or the mortgagor's successor in interest is instructed by the mortgagee to send payments on a loan secured by the mortgage. A person transmitting a payoff statement for a mortgage is a mortgage servicer for purposes of such mortgage and this chapter.

g. "Mortgagee" means the grantee of a mortgage. If a mortgage has been assigned of record, the mortgagee is the last person to whom the mortgage is assigned of record.

h. "Mortgagor" means the grantor of a mortgage.

i. "Participating abstractor" means an abstractor participating in the title guaranty program.

j. "Payoff statement" means a written statement furnished by the mortgage servicer which sets forth all of the following:

(1) The unpaid balance of the loan secured by a mortgage, including principal, interest, and any other charges properly due under or secured by the mortgage, or the amount required to be paid in order to release or partially release the mortgage.

(2) The address where payment is to be sent or other specific instructions for making a payment.

(3) The legal description, street address, or other description sufficient to identify the property that will be released from the mortgage.

2. *Application.* The division may execute and record a certificate of release on behalf of the division in the real property records of each county in which a mortgage is recorded as provided in this section if all of the following are satisfied:

a. The applicant submits all of the following in writing to the division:

(1) A payoff statement or other documentation of the amount due, acceptable to the division, as evidence that the mortgage does not continue to secure an unpaid obligation due the mortgagee or an unfunded commitment by the mortgagor to the mortgagee.

(2) Evidence that payment was made, including, if available, a statement as to the date the payment was received by the mortgagee or mortgage servicer, with supporting documentation, as evidenced by one or more of the following:

(a) A bank check, certified check, escrow account check, real estate broker trust account check, attorney trust account check, or wire receipt, that was negotiated by the mortgagee or mortgage servicer.

(b) Other documentary evidence, acceptable to the division, of payment to the mortgagee or mortgage servicer.

b. The applicant confirms in writing to the division all of the following:

(1) More than thirty days have elapsed since the date the payment was sent.

(2) An effective satisfaction or release of the mortgage has not been executed and recorded within thirty days after the date of payment.

3. *Notice.*

a. Prior to the execution and filing of a certificate of release pursuant to this section, the division shall notify the mortgage servicer in writing of all of the following:

(1) The mortgage has not been released.

(2) The division's intention to execute and record a certificate of release pursuant to this section after expiration of the thirty-day period following the sending of the notice.

b. The notice shall include instructions to notify the division in writing within thirty days of the effective date of the notice of any reason why the certificate of release should not be executed and recorded.

c. For purposes of this section, notice may be served by any of the following methods:

(1) By certified mail or any commercial delivery service, properly addressed with postage or cost of delivery provided for.

(2) By facsimile transmission or electronic mail to an address provided by the mortgage servicer, but only if the mortgage servicer agrees to receive notice in that manner.

(3) By publication in a newspaper of general circulation published in each county where the mortgage is recorded once each week for three consecutive weeks after receiving an affidavit by the applicant that service in accordance with the provisions of subparagraph (1) or (2) cannot be made on the mortgage servicer.

(4) By otherwise causing the notice to be received by the mortgage servicer within the time it would have been received if notice had been served by certified mail or commercial delivery service.

d. For purposes of this section, notice is effective under any of the following circumstances:

(1) The day after the notice is deposited with a commercial delivery service for overnight delivery.

(2) Three days after the notice is deposited with the United States postal service, or with a commercial delivery service for delivery other than by overnight delivery.

(3) The day the notice is transmitted, if served pursuant to paragraph "*c*", subparagraph (2).

(4) On the last day of publication, if published pursuant to paragraph "*c*", subparagraph (3).

(5) The day the notice is received, if served by a method other than as provided in paragraph "*c*", subparagraph (1), (2), or (3).

e. If, prior to executing and recording the certificate of release, the division receives a written notification setting forth a reason that is satisfactory to the division as to why the certificate of release should not be executed, the division shall not execute and record the certificate of release.

4. *Contents.* A certificate of release executed under this section must contain substantially the information set forth as follows:

a. The name of the mortgagor.

b. The name of the original mortgagee.

c. The date of the mortgage.

d. The date of recording, including the volume and page or other applicable recording information in the real property records of each county where the mortgage is recorded.

e. A statement that the release was prepared in accordance with this section.

5. *Execution.* A certificate of release under this section shall be executed and acknowledged in the same manner as required by law for the execution of a deed.

6. *Recording.* The certificate of release or partial release shall be recorded in each county where the mortgage is recorded.

7. *Effect.*

a. For purposes of a release or partial release of a mortgage, a certificate of release executed under this section that contains the information and statements required under subsection 4 is prima facie evidence of the facts contained in such release or partial release, is entitled to be recorded with the county recorder where the mortgage is recorded, operates as a release or partial release of the mortgage described in the certificate of release, and may be relied upon by any person who owns or subsequently acquires an interest in the property released from the mortgage. The county recorder shall rely upon the certificate of release to release the mortgage.

b. Recording of a wrongful or erroneous certificate of release by the division shall not relieve the mortgagor, or the mortgagor's successors or assigns on the debt, from personal liability on the loan or on other obligations secured by the mortgage.

c. In addition to any other remedy provided by law, if the division through an act of negligence wrongfully or erroneously records a certificate of release under this section, the division is liable to the mortgagee and mortgage servicer for actual damages sustained due to the recording of the certificate of release.

d. Upon payment of a claim relating to the recording of a certificate of release, the division is subrogated to the rights of the claimant against all persons relating to the claim.

8. *Fee.* The division may charge a fee for services under this section.

Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 1, 2013

CHAPTER 86

DRAINAGE AND LEVEE DISTRICTS

H.F. 152

AN ACT relating to drainage or levee districts by providing for agreements with owners of land located within districts, providing for the management of districts by a board of trustees, and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 468.187, Code 2013, is amended to read as follows:

468.187 Agreements with ~~outside~~ owners or other districts.

1. Levee and drainage districts are empowered to enter into agreements with the owners of lands lying inside or outside of said districts, or with other levee and drainage districts or municipalities, to provide levee protection or drainage for such lands on such terms as the board may agree and subject to the following terms and conditions:

~~1.~~ *a.* The facilities of the district furnishing the service shall not be overburdened.

~~2.~~ *b.* There shall be no additional cost to the district furnishing the service.

~~3.~~ *c.* The agreement shall be in writing, be made a part of the drainage records and shall include all of the following:

~~*a.*~~ (1) The description of the lands to be served~~;~~.

~~*b.*~~ (2) The location of tile lines constructed or to be constructed~~;~~.

~~*c.*~~ (3) The consideration to be paid to the district furnishing the service and the classification of the lands to be served~~; and~~.

~~*d.*~~ (4) Such other provisions as the board deems necessary.

2. The provisions in an agreement described in subsection 1 modify other provisions of this chapter applicable to such lands.

Sec. 2. Section 468.500, Code 2013, is amended to read as follows:

468.500 Trustees authorized.

1. *a.* In the manner provided in this subchapter, any drainage or levee district in which the original construction has been completed and paid for by bond issue or otherwise, may be placed under the control and management of a board of ~~three~~ trustees to be elected by the persons owning land in the district that has been assessed for benefits.

b. A drainage or levee district under the control of a city council as provided in subchapter II, part 3, may be placed under the control and management of a board of trustees by the city council following the procedures provided in ~~this subchapter~~ part 2 for the county board of supervisors.

2. An overlying drainage or levee district that controls and manages improvements and rights-of-way surrendered by a board of supervisors or board of trustees of a contained district, in accordance with sections 468.256 through 468.259, shall continue to be controlled and managed by a board of trustees as provided in part 3.

Sec. 3. NEW SECTION. **468.538 Scope.**

This part applies when the board of trustees of an overlying district accepts all improvements and rights-of-way surrendered by a board of supervisors or board of trustees of a contained district, in accordance with sections 468.256 through 468.259. In addition, after such acceptance, the overlying district must include at least thirty-five thousand acres with a pumping station, regardless of whether the drainage or levee district is located in more than one county. Such a district shall continue to be controlled and managed by a board of trustees elected as provided in this part.

Sec. 4. NEW SECTION. **468.539 Qualified application.**

Part 2 of this subchapter shall also apply to this part, except as follows:

1. The trustees of the overlying district serving on the board at the time of acceptance as described in section 468.538 shall be considered initially elected as the trustees of the drainage or levee district as provided in sections 468.502, 468.503, and 468.521.

2. *a.* The board of trustees described in subsection 1 shall do all of the following:

(1) Establish the overlying district as a new drainage or levee district, which must include all improvements and rights-of-way surrendered by a board of supervisors or board of trustees of the contained district.

(2) Divide the new drainage or levee district into three election districts in the same manner as a board of supervisors acting pursuant to sections 468.504 and 468.505.

b. The petition described in section 468.501 is not required to be filed or considered under this subsection.

3. Each of the three persons elected as trustee to serve on a new drainage or levee district established pursuant to an election held by the board of trustees described in subsection 1 shall hold office for a staggered term as provided in section 468.518. A person elected as a trustee of the new drainage or levee district shall be elected from a specified election district, unless the person is elected at large as provided in subsection 4.

4. The board of trustees described in subsection 1 or a subsequent board of trustees of the new drainage or levee district may provide for the election of two additional persons to serve as trustees. The two additional persons shall be elected at large by all qualified voters for the entire drainage or levee district. Of the five persons elected as trustees of the new drainage or levee district, not more than two persons shall be elected from the same specified election district. One person's initial term shall be for one year and the second person's initial term shall be for two years in the same manner as provided in section 468.518.

5. Votes shall be determined as provided pursuant to either section 468.510 or 468.511 in the same manner as was determined for the overlying district.

Sec. 5. DIVISION OF CHAPTER 468, SUBCHAPTER III. The Code editor shall codify section 468.500, as amended by this Act, as part 1 of chapter 468, subchapter III; sections 468.501 through 468.537 as part 2 of chapter 468, subchapter III; and sections 468.538 and 468.539 as part 3 of chapter 468, subchapter III.

Sec. 6. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 1, 2013

CHAPTER 87

IN-STATE CONSTRUCTION CONTRACTS — APPLICABLE LAW

H.F. 211

AN ACT requiring in-state construction contracts and disputes thereof to be governed by Iowa law and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. **537A.6 In-state construction contracts — Iowa law to govern.**

1. As used in this section, *"in-state construction contract"* means a public, private, foreign, or domestic agreement relating to construction, alteration, repair, or maintenance of any real property in this state and includes agreements for architectural services, demolition, design services, development, engineering services, excavation, or any other improvement to real property in this state, including buildings, shafts, wells, and structures, whether on, above, or under real property in this state. *"In-state construction contract"* does not include any agreement between this state and any other state.

2. A provision of an in-state construction contract is void and unenforceable as contrary to public policy if the provision does any of the following:

a. Makes the in-state construction contract subject to the laws of another state.

b. Requires any litigation, mediation, arbitration, or other dispute resolution proceeding arising from the in-state construction contract to be conducted in another state.

3. The laws of this state shall apply to every in-state construction contract.

4. Any litigation, mediation, arbitration, or other dispute resolution proceeding arising from or relating to an in-state construction contract shall be conducted in this state.

Sec. 2. EFFECTIVE DATE. This Act takes effect January 1, 2014.

Approved May 1, 2013

CHAPTER 88

EDUCATION — MISCELLANEOUS CHANGES

H.F. 454

AN ACT relating to education by modifying the duties and operations of the department of education, community colleges, the school budget review committee, and local school boards, and eliminating a reporting requirement relating to vocational education funds.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 256.5A, Code 2013, is amended to read as follows:

256.5A Nonvoting member.

1. *a.* The governor shall appoint the one nonvoting student member of the state board for a term of one year ~~beginning and ending~~ if the student is enrolled in grade eleven or for a term of two years if the student is enrolled in grade ten. The term shall begin and end as provided in section 69.19. The nonvoting student member shall be appointed from a list of names submitted by the state board of education. Students enrolled in either grade ten or eleven in a public school may apply to the state board to serve as a nonvoting student member.

b. The department shall develop an application process that requires the consent of the student's parent or guardian if the student is a minor, initial application approval by the school district in which the student applicant is enrolled, and submission of approved applications by a school district to the department.

2. The nonvoting student member's school district of enrollment shall notify the student's parents if the student's grade point average falls during the period in which the student is a member of the state board.

3. The state board shall adopt rules under chapter 17A specifying criteria for the selection of applicants whose names shall be submitted to the governor. Criteria shall include~~,~~ but are not limited to~~,~~ academic excellence, participation in extracurricular and community activities, and interest in serving on the board. Rules adopted by the state board shall also require, if the student is a minor, supervision of the student by the student's parent or guardian while the student is engaged in authorized state board business at a location other than the community in which the student resides, unless the student's parent or guardian submits to the state board a signed release indicating the parent or guardian has determined that supervision of the student by the parent or guardian is unnecessary.

4. The nonvoting student member appointment is not subject to section 69.16 or 69.16A.

5. The nonvoting student member shall have been enrolled in a public school in Iowa for at least one year prior to the member's appointment. ~~A nonvoting student member who will not graduate from high school prior to the end of a second term may apply to the state board for submission of candidacy to the governor for a second one-year term.~~

6. A nonvoting student member shall be paid a per diem as provided in section 7E.6 and the student and the student's parent or guardian shall be reimbursed for actual and necessary expenses incurred in the performance of the student's duties as a nonvoting member of the state board.

7. A vacancy in the membership of the nonvoting student member shall not be filled until the expiration of the term.

Sec. 2. Section 256.30, Code 2013, is amended to read as follows:

256.30 Educational expenses for American Indians.

1. For the fiscal year beginning July 1, 2011, and ending June 30, 2012, and for each succeeding fiscal year, there is appropriated from the general fund of the state to the department the sum of one hundred thousand dollars. The department shall distribute the appropriation to the tribal council of the Sac and Fox Indian settlement for expenses of educating American Indian children residing in the Sac and Fox Indian settlement on land held in trust by the secretary of the interior of the United States in excess of federal moneys paid to the tribal council for educating the American Indian children ~~when moneys are appropriated for that purpose~~. ~~The tribal council shall administer the moneys distributed~~

~~pursuant to this section and shall submit an annual report and other reports as required by the department to the department on the expenditure of the moneys.~~

2. The tribal council shall administer the moneys distributed by the department pursuant to subsection 1 and shall first use moneys distributed ~~to it by the department of education for the purposes of this section~~ to pay the additional costs of salaries for licensed instructional staff for educational attainment and full-time equivalent years of experience to equal the salaries listed on the proposed salary schedule for the school at the Sac and Fox Indian settlement for that school year, but the salary for a licensed instructional staff member employed on a full-time basis shall not be less than eighteen thousand dollars. The department of management shall approve allotments of moneys appropriated in and distributed pursuant to this section ~~when the department of education certifies to the department of management that the requirements of this section have been met~~.

Sec. 3. Section 256B.7, Code 2013, is amended to read as follows:

256B.7 Examinations of children.

In order to render proper instruction to each child requiring special education, the school districts shall certify children requiring special education for special instruction in accordance with the requirements set up by the division of special education and shall provide examinations for children preliminary to making certification. The examinations necessary for the certification of children requiring special education shall be prescribed by the state division of special education. ~~Final decision in case of disagreement or appeal is the responsibility of the director of the department of education, who may secure the advice of competent medical and educational authorities including the Iowa department of public health, the university hospitals, the department of human services, the superintendent of the state school for the deaf, and the superintendent of the Iowa braille and sight saving school~~ Disputes concerning a child's eligibility for special education shall be addressed under rules and procedures adopted by the state board of education pursuant to section 256B.6 and consistent with the federal Individuals with Disabilities Education Act of 2004, 20 U.S.C. § 1400 et seq.

Sec. 4. Section 257.6, subsection 1, paragraph a, subparagraph (3), Code 2013, is amended to read as follows:

(3) Shared-time and part-time pupils of school age enrolled in public schools within the district, irrespective of the districts in which the pupils reside, in the proportion that the time for which they are enrolled or receive instruction for the school year is to the time that full-time pupils carrying a normal course schedule, at the same grade level, in the same school district, for the same school year, are enrolled and receive instruction. Tuition charges to the parent or guardian of a shared-time or part-time nonresident pupil shall be reduced by the amount of any increased state aid received by the district by the counting of the pupil. This subparagraph applies to pupils enrolled in grades nine through twelve under section 299A.8 and to pupils from accredited nonpublic schools accessing classes or services on the accredited nonpublic school premises or the school district site, but excludes accredited nonpublic school pupils receiving classes or services funded entirely by federal grants or allocations.

Sec. 5. Section 257.11, subsection 3, paragraph c, Code 2013, is amended by striking the paragraph.

Sec. 6. Section 257.11, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 7A. *District to community college innovative sharing project.* A school district that collaborates with a community college to provide pupils enrolled in the school district's high school with a class that uses an activities-based, project-based, and problem-based learning approach that is offered through a partnership with a nationally recognized provider of rigorous and innovative science, technology, engineering, and mathematics curriculum for schools, which provider is exempt from taxation under section 501(c)(3) of the Internal Revenue Code, is eligible to assign its resident pupils attending the class an additional weighting of the percentage of the pupil's school day during which the pupil attends a class described in this subsection times seventy hundredths. To qualify for

additional weighting, the class must supplement, not supplant, high school courses required to be offered pursuant to section 256.11, subsection 5.

Sec. 7. Section 257.37, subsection 4, Code 2013, is amended to read as follows:

4. *"Enrollment served"* means the basic enrollment plus the number of nonpublic school pupils served with media services or educational services, as applicable, except that if a nonpublic school pupil or a pupil attending another district under a whole grade sharing agreement or open enrollment receives services through an area other than the area of the pupil's residence, the pupil shall be deemed to be served by the area of the pupil's residence, which shall by contractual arrangement reimburse the area through which the pupil actually receives services. Each school district shall include in the enrollment report submitted pursuant to section 257.6, subsection 1, the number of nonpublic school pupils within each school district for media and educational services served by the area. However, the school district shall not include in the enrollment report nonpublic school pupils receiving classes or services funded entirely by federal grants or allocations.

Sec. 8. Section 258.12, Code 2013, is amended to read as follows:

258.12 Custodian of funds — reports.

The treasurer of state shall be custodian of the funds paid to the state from the appropriations made under said Act of Congress, and shall disburse the same on vouchers audited as provided by law. ~~The treasurer of state shall report the receipts and disbursements of said funds to the general assembly at each biennial session.~~

Sec. 9. Section 259A.1, Code 2013, is amended to read as follows:

259A.1 Tests.

The department of education shall cause to be made available for qualified individuals a high school equivalency diploma. The diploma shall be issued on the basis of satisfactory competence as shown by tests covering all of the following: reading, ~~arts,~~ language arts, ~~writing~~ literacy, mathematics, science, and social studies.

Sec. 10. Section 259A.2, unnumbered paragraph 2, Code 2013, is amended to read as follows:

Application shall be made to a testing center approved by the department of education, accompanied by an application fee in an amount prescribed by the department. The test scores shall be forwarded by the ~~testing center~~ scorer of the test to the department.

Sec. 11. Section 273.3, subsection 12, Code 2013, is amended to read as follows:

12. Prepare an annual budget estimating income and expenditures for programs and services as provided in sections 273.1, 273.2, this section, sections 273.4 to 273.9, and chapter 256B within the limits of funds provided under section 256B.9 and chapter 257. The board shall give notice of a public hearing on the proposed budget by publication in an official county newspaper in each county in the territory of the area education agency in which the principal place of business of a school district that is a part of the area education agency is located. The notice shall specify the date, which shall be not later than March 1 of each year, the time, and the location of the public hearing. The proposed budget as approved by the board shall then be submitted to the state board of education, on forms provided by the department, no later than March 15 preceding the next fiscal year for approval. The state board shall review the proposed budget of each area education agency and shall before ~~April~~ May 1, either grant approval or return the budget without approval with comments of the state board included. An unapproved budget shall be resubmitted to the state board for final approval not later than ~~April~~ May 15. ~~For the fiscal year beginning July 1, 1999, and each succeeding fiscal year, the~~ The state board shall give final approval only to budgets submitted by area education agencies accredited by the state board or that have been given conditional accreditation by the state board.

Sec. 12. Section 273.13, Code 2013, is amended to read as follows:

273.13 Administrative expenditures.

~~During the budget year beginning July 1, 1989, and the three succeeding budget years, the~~

~~board of directors of an area education agency in which the~~ The administrative expenditures as a percent of ~~the~~ an area education agency's ~~operating~~ general fund for a base year shall not exceed five percent ~~shall reduce its administrative expenditures to five percent of the area education agency's operating fund~~. ~~During each of the four years, the board of directors shall reduce administrative expenditures by twenty-five percent of the reduction in administrative expenditure required by this section. Thereafter, the administrative expenditures shall not exceed five percent of the operating fund.~~ Annually, the board of directors shall certify to the department of education the amounts of the area education agency's expenditures and its ~~operating~~ general fund. For the purposes of this section, "*base year*" ~~and "*budget year*" mean~~ means the same as defined in ~~section 442.6, Code 1989, and~~ section 257.2, and "*administrative expenditures*" means expenditures for executive administration.

Sec. 13. Section 273.23, subsection 5, Code 2013, is amended to read as follows:

5. The initial board, or new board if established in time under subsection 3, of the newly formed agency shall prepare an annual budget estimating income and expenditures for programs and services as provided in sections 273.1 through 273.9 and chapter 256B within the limits of funds provided under section 256B.9 and chapter 257. The board shall give notice of a public hearing on the proposed budget by publication in an official county newspaper in each county in the territory of the area education agency in which the principal place of business of a school district that is a part of the area education agency is located. The notice shall specify the date, which shall not be later than March 1, the time, and the location of the public hearing. The proposed budget as approved by the board shall be submitted to the state board, on forms provided by the department, no later than March 15 for approval. The state board shall review the proposed budget of the newly formed area education agency and shall, before ~~April~~ May 1, either grant approval or return the budget without approval with comments of the state board included. An unapproved budget shall be resubmitted to the state board for final approval not later than ~~April~~ May 15. The state board shall give final approval only to budgets submitted by area education agencies accredited by the state board or that have been given conditional accreditation by the state board.

Sec. 14. Section 275.23A, subsection 2, Code 2013, is amended to read as follows:

2. Following each federal decennial census the school board shall determine whether the existing director district boundaries meet the standards in subsection 1 according to the most recent federal decennial census. In addition to the authority granted to voters to change the number of directors or method of election as provided in sections 275.35, 275.36, and 278.1, the board of directors of a school district may, following a federal decennial census, by resolution and in accordance with this section, authorize a change in the method of election as set forth in section 275.12, subsection 2, or a change to either five or seven directors after the board conducts a hearing on the resolution. If the board proposes to change the number of directors from seven to five directors, the resolution shall include a plan for reducing the number of directors. If the board proposes to increase the number of directors to seven directors, two directors shall be added according to the procedure described in section 277.23, subsection 2. If necessary, the board of directors shall redraw the director district boundaries. The director district boundaries shall be described in the resolution adopted by the school board. The resolution shall be adopted no earlier than November 15 of the second year immediately following the year in which the federal decennial census is taken nor later than May 15 of the ~~second~~ third year immediately following the year in which the federal decennial census is taken. A copy of the plan shall be filed with the area education agency administrator of the area education agency in which the school's electors reside. If the board does not provide for an election as provided in sections 275.35, 275.36, and 278.1 and adopts a resolution to change the number of directors or method of election in accordance with this subsection, the district shall change the number of directors or method of election as provided unless, within twenty-eight days following the action of the board, the secretary of the board receives a petition containing the required number of signatures, asking that an election be called to approve or disapprove the action of the board in adopting the resolution. The petition must be signed by eligible electors equal in number to not less than one hundred or thirty percent of the number of voters at the last preceding

regular school election, whichever is greater. The board shall either rescind its action or direct the county commissioner of elections to submit the question to the registered voters of the school district at an election held on a date specified in section 39.2, subsection 4, paragraph "c". If a majority of those voting on the question at the election favors disapproval of the action of the board, the district shall not change the number of directors or method of election. If a majority of those voting on the question does not favor disapproval of the action, the board shall certify the results of the election to the department of management and the district shall change the number of directors or method of election as provided in this subsection. At the expiration of the twenty-eight-day period, if no petition is filed, the board shall certify its action to the department of management and the district shall change the number of directors or method of election as provided in this subsection.

Sec. 15. Section 278.1, subsection 1, paragraph e, Code 2013, is amended to read as follows:

e. Direct the transfer of any surplus in the debt service fund, physical plant and equipment levy fund~~,~~ or other capital ~~projects~~ project funds, or public education and recreation levy fund to the general fund.

Sec. 16. Section 279.30, Code 2013, is amended to read as follows:

279.30 Exceptions.

Each payment must be made payable to the person entitled to receive the money or deposited directly into an account at a financial institution, as defined in section 527.2, specified by the person entitled to receive the money. The board of directors of a school district or an area education agency may by resolution authorize the secretary, upon approval of the superintendent or designee, or administrator, in the case of an area education agency, to issue payments when the board of directors is not in session in payment of reasonable and necessary expenses, but only upon verified bills filed with the secretary or administrator, and for the payment of salaries pursuant to the terms of a written contract. Each payment must be made payable only to the person performing the service or presenting the verified bill, and must state the purpose for which the payment is issued. All bills and salaries for which payments are issued prior to audit and allowance by the board must be passed upon by the board of directors at the next meeting and be entered in the regular minutes of the secretary.

Sec. 17. Section 279.42, Code 2013, is amended to read as follows:

279.42 Gifts to schools.

The board of directors of a school district ~~which~~ that receives funds through ~~gifts, devises, and bequests~~ a gift, devise, or bequest shall deposit ~~these~~ the funds in a trust ~~and~~ fund, permanent fund, or agency fund and shall use ~~them~~ the funds in accordance with the terms of the gift, devise, or bequest.

Sec. 18. Section 279.45, Code 2013, is amended to read as follows:

279.45 Administrative expenditures.

~~For the budget year beginning July 1, 1989, and each of the following three budget years, the board of directors of a school district in which the~~ The administrative expenditures as a percent of ~~the~~ a school district's ~~operating~~ general fund for a base year shall not exceed five percent~~, shall reduce its administrative expenditures so that they are one-half percent less as a percent of the school district's operating fund than they were for the base year. However, a school district is not required to reduce its administrative expenditures below five percent of its operating fund. Thereafter, a school district shall not increase the percent of its administrative expenditures compared to its operating fund.~~ Annually, the board of directors shall certify to the department of education the amounts of the school district's administrative expenditures and its ~~operating~~ general fund. For the purposes of this section, *"base year"* ~~and *"budget year"* mean~~ means the same as defined in ~~section 442.6, Code 1989, and~~ section 257.2, and *"administrative expenditures"* means expenditures for executive administration.

Sec. 19. Section 282.10, subsection 4, Code 2013, is amended to read as follows:

4. A whole grade sharing agreement shall be signed by the boards of the districts involved in the agreement not later than February 1 of the school year preceding the school year for

which the agreement is to take effect. The boards of the districts shall negotiate as part of the new or existing agreement the disposition of ~~teacher quality~~ funding provided under chapter 284.

Sec. 20. Section 282.20, unnumbered paragraph 3, Code 2013, is amended to read as follows:

On or before February 15 and ~~June~~ July 15 of each year the secretary of the creditor district shall deliver to the secretary of the debtor district an itemized statement of such tuition fees.

Sec. 21. Section 291.1, Code 2013, is amended to read as follows:

291.1 President — duties.

The president of the board of directors shall preside at all of its meetings, sign all contracts made by the board, and appear ~~in~~ on behalf of the corporation in all actions brought by or against it, unless individually a party, in which case this duty shall be performed by the secretary. The president or the president's designee shall sign, using an original or facsimile signature, all school district ~~warrants~~ payments drawn and authorize electronic funds transfers as provided by law. The board of directors, by resolution, may designate an individual, who shall not be the secretary, to sign ~~warrants~~ payments or authorize electronic funds transfers on behalf of the president.

Sec. 22. Section 291.6, subsection 3, Code 2013, is amended by striking the subsection and inserting in lieu thereof the following:

3. *Accounting records.* Keep an accurate accounting record of each payment or electronic funds transfer from each fund which shall be provided monthly to the board of directors. The secretary of the creditor district shall prepare and deliver to debtor districts an itemized statement of tuition fees charged in accordance with sections 275.55A and 282.11, and section 282.24, subsection 1.

Sec. 23. Section 291.6, subsection 4, Code 2013, is amended to read as follows:

4. *Claims.* Keep an accurate ~~account~~ accounting of all expenses incurred by the corporation, and present the same to the board for audit and payment.

Sec. 24. Section 291.7, Code 2013, is amended to read as follows:

291.7 Monthly receipts, disbursements, and balances.

The secretary of each district shall file monthly with the board of directors a complete statement of all receipts and disbursements from ~~the various funds~~ each individual fund during the preceding month, and also the balance remaining on hand in ~~the various funds~~ each individual fund at the close of the period covered by the statement, which monthly statements shall be open to public inspection.

Sec. 25. Section 291.8, Code 2013, is amended by striking the section and inserting in lieu thereof the following:

291.8 Payments and electronic funds transfers.

The secretary shall make each authorized payment, countersign using an original or facsimile signature, and maintain accounting records of the payments or electronic funds transfers, showing the number, date, payee, originating fund, the purpose, and the amount, and shall provide to the board at each regular annual meeting a copy of the accounting records maintained by the secretary.

Sec. 26. Section 291.12, Code 2013, is amended to read as follows:

291.12 Duties of treasurer — ~~payment of warrants~~ receipts and expenditures.

The treasurer shall receive all moneys belonging to the corporation, pay the same out only upon the order of the president countersigned by the secretary, ~~keeping~~ and shall keep an accurate ~~account~~ accounting record of all receipts and expenditures ~~in a book provided for that purpose~~. The treasurer shall register all ~~orders drawn~~ payments and electronic funds transfers made and reported to the treasurer by the secretary, showing the number, date, to whom drawn, the fund ~~upon~~ from which ~~drawn~~ each payment and transfer was made, the purpose and amount.

Sec. 27. Section 291.14, Code 2013, is amended to read as follows:

291.14 Financial statement.

The treasurer shall render a statement of the finances of the corporation whenever required by the board, and the treasurer's ~~books~~ accounting records shall always be open for inspection.

Sec. 28. Section 298.2, subsections 1 and 5, Code 2013, are amended to read as follows:

1. A physical plant and equipment levy of not exceeding one dollar and sixty-seven cents per thousand dollars of assessed valuation in the district is established except as otherwise provided in this subsection. The physical plant and equipment levy consists of the regular physical plant and equipment levy of not exceeding thirty-three cents per thousand dollars of assessed valuation in the district and a voter-approved physical plant and equipment levy of not exceeding one dollar and thirty-four cents per thousand dollars of assessed valuation in the district. However, the voter-approved physical plant and equipment levy may consist of a combination of a physical plant and equipment property tax levy and a physical plant and equipment income surtax as provided in subsection 4 with the maximum amount levied and imposed limited to an amount that could be raised by a one dollar and thirty-four cent property tax levy. ~~The levy limitations of this subsection are subject to subsection 6.~~

5. *a.* The proposition to levy the voter-approved physical plant and equipment levy is not affected by a change in the boundaries of the school district, except as otherwise provided in this section. If each school district involved in a school reorganization under chapter 275 has adopted the voter-approved physical plant and equipment levy ~~or the sixty-seven and one-half cents per thousand dollars of assessed value schoolhouse levy under section 278.1, subsection 7, Code 1989, prior to July 1, 1991~~, and if the voters have not voted upon the proposition to levy the voter-approved physical plant and equipment levy in the reorganized district, the existing voter-approved physical plant and equipment levy ~~or the existing schoolhouse levy, as applicable,~~ is in effect for the reorganized district for the least amount and the shortest time for which it is in effect in any of the districts.

b. ~~Authorized levies~~ An authorized levy for the period of time approved ~~are~~ is not affected as a result of a failure of a proposition proposed to expand the purposes for which the funds may be expended.

Sec. 29. Section 298.2, subsection 6, Code 2013, is amended by striking the subsection.

Sec. 30. Section 298A.4, Code 2013, is amended to read as follows:

298A.4 Physical plant and equipment levy fund.

The physical plant and equipment levy fund is a ~~special revenue~~ capital project fund. A physical plant and equipment levy fund must be established in any school corporation which levies the tax authorized, whether regular or voter-approved, under section 298.2.

Sec. 31. Section 298A.9, Code 2013, is amended to read as follows:

298A.9 Capital project funds.

A capital project fund must be established in any school corporation which issues bonds or other authorized indebtedness for capital projects or which initiates a capital project, or which receives grants or other funds for capital projects. Boards are authorized to establish more than one capital project fund as necessary. Any balance remaining in a capital project fund after the capital project is completed may be retained for future capital projects in accordance with the original purpose of the bond issue or voter-approved levy; or may be transferred, by board resolution, to the debt service fund, to the physical plant and equipment levy fund or another capital project fund, or ~~other~~ to the fund from which the surplus originated; or transferred to the general fund in accordance with section 278.1, subsection 1, paragraph "*e*".

Sec. 32. Section 298A.13, Code 2013, is amended to read as follows:

298A.13 Trust, permanent, or agency funds.

Trust, permanent, or agency funds shall be established by any school corporation to account for gifts it receives to be used for a particular purpose or to account for money and property received and administered by the district as trustee or custodian or in the capacity of an agent. Boards may establish trust ~~and~~, permanent, or agency funds as necessary.

Sec. 33. Section 299A.4, subsection 6, Code 2013, is amended to read as follows:

6. ~~Except when a child has been enrolled in a public~~ A school district ~~under section 299A.8,~~ or area education agency shall, if requested, administer the annual achievement evaluation at no cost to the parent, guardian, or legal custodian of the child being evaluated ~~shall reimburse the entity conducting the evaluation for no more than the actual cost of evaluation required by this chapter. However~~, and, in addition, the parent, guardian, or legal custodian is not required to reimburse the evaluating entity for costs incurred as a result of evaluation under section 299A.9. The administration of the annual achievement evaluation shall not constitute a dual enrollment purpose under section 299A.8.

Sec. 34. Section 299A.8, Code 2013, is amended to read as follows:

299A.8 Dual enrollment.

1. If a parent, guardian, or legal custodian of a school-age child who is receiving competent private instruction under this chapter submits a request, the child shall also be registered in a public school for dual enrollment purposes. If the child is enrolled in a public school district for dual enrollment purposes, the child shall be permitted to participate in any academic activities in the district and shall also be permitted to participate on the same basis as public school children in any extracurricular activities available to children in the child's grade or group~~, and the parent, guardian, or legal custodian shall not be required to pay the costs of any annual evaluation under this chapter~~. Dual enrollment of a child solely for purposes of accessing the annual achievement evaluation shall not constitute a dual enrollment purpose.

2. If the child is enrolled for dual enrollment purposes, the child shall be included in the public school's basic enrollment under section 257.6. A pupil who is participating only in extracurricular activities shall be counted under section 257.6, subsection 1, paragraph "*a*", subparagraph (6). A pupil enrolled in grades nine through twelve under this section shall be counted in the same manner as a shared-time pupil under section 257.6, subsection 1, paragraph "*a*", subparagraph (3).

Sec. 35. Section 321.375, subsection 2, Code 2013, is amended to read as follows:

2. Prior to hiring an applicant for a school bus driver position, including a contract position, an employer shall have access to and shall review the information in the Iowa court information system available to the general public, the sex offender registry information under section 692A.121 available to the general public, the central registry for child abuse information established under section 235A.14, and the central registry for dependent adult abuse information established under section 235B.5 for information regarding the applicant. An employer shall follow the same procedure ~~every five years~~ upon the renewal of an employee's or contract employee's school bus driver's license issued by the department of transportation valid for the operation of a school bus. An employer shall pay for the cost of the registry checks conducted pursuant to this subsection. An employer shall maintain documentation demonstrating compliance with this subsection.

Sec. 36. Section 423F.3, subsection 1, paragraph d, Code 2013, is amended by striking the paragraph.

Sec. 37. REPEAL. Sections 256.20, 256.21, 256.22, 256.23, 256.38, 297.35, and 298A.5, Code 2013, are repealed.

Approved May 1, 2013

CHAPTER 89

CITY UTILITY AND ENTERPRISE SERVICES AND RENTAL PROPERTY — NOTICES

H.F. 524

AN ACT relating to city utilities and city enterprises by making changes to requirements related to commercial rental property.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 384.84, subsection 4, paragraph d, Code 2013, is amended to read as follows:

d. (1) Residential or commercial rental property where a charge for water service is separately metered and paid directly to the city utility or enterprise by the tenant is exempt from a lien for delinquent rates or charges associated with such water service if the landlord gives written notice to the city utility or enterprise that the property is residential or commercial rental property and that the tenant is liable for the rates or charges. A city utility or enterprise may require a deposit not exceeding the usual cost of ninety days of water service to be paid to the utility or enterprise. Upon receipt, the utility or enterprise shall acknowledge the notice and deposit. A written notice shall contain the name of the tenant responsible for charges, address of the residential or commercial rental property that the tenant is to occupy, and the date that the occupancy begins.

(2) A change in tenant for a residential rental property shall require a new written notice to be given to the city utility or enterprise within thirty business days of the change in tenant. A change in tenant for a commercial rental property shall require a new written notice to be given to the city utility or enterprise within ten business days of the change in tenant. When the tenant moves from the rental property, the city utility or enterprise shall return the deposit if the water service charges are paid in full.

(3) A change in the ownership of the residential rental property shall require written notice of such change to be given to the city utility or enterprise within thirty business days of the completion of the change of ownership. A change in the ownership of the commercial rental property shall require written notice of such change to be given to the city utility or enterprise within ten business days of the completion of the change of ownership.

(4) The lien exemption for rental property does not apply to charges for repairs to a water service if the repair charges become delinquent.

Approved May 1, 2013

CHAPTER 90

SUBSTANTIVE CODE CORRECTIONS

H.F. 556

AN ACT relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I
MISCELLANEOUS CHANGES

Section 1. Section 3.4, Code 2013, is amended to read as follows:

3.4 Bills — approval — passage over veto.

1. If the governor approves a bill, the governor shall sign and date it; if the governor returns ~~it~~ the bill with objections and it afterwards passes as provided in the Constitution, a certificate, signed by the presiding officer of each house in the following form, shall be endorsed ~~thereon~~ on or attached ~~thereto~~ to the bill:

~~"This~~ This bill (or this item of an appropriation bill, as the case may be), having been returned by the governor, with objections, to the house in which it originated, and, after reconsideration, having again passed both houses by yeas and nays by a vote of two-thirds of the members of each house, has become a law this ..... day of .....~~"~~.

2. An *"appropriation bill"* means a bill which has as its primary purpose the making of appropriations of money from the public treasury.

Sec. 2. Section 8A.402, subsection 2, paragraph g, subparagraph (1), subparagraph division (c), Code 2013, is amended to read as follows:

(c) In this paragraph *"g"*, executive branch agencies, except the department of public safety, shall not grant a supervisory employee ~~with~~ the right to replace or bump a junior employee not being laid off for a position for which the supervisory employee is qualified.

Sec. 3. Section 9I.12, Code 2013, is amended to read as follows:

9I.12 Penalty — failure to timely file.

A civil penalty of not more than two thousand dollars shall be imposed, for each offense, upon a nonresident alien, foreign business or foreign government, or an agent, trustee or other fiduciary thereof, who fails to timely file the registration as required by section 9I.7, or who fails to timely file a report required by section 9I.8 ~~shall, for each offense, be punished by a fine of not more than two thousand dollars~~.

Sec. 4. Section 10B.4, subsection 2, paragraph g, Code 2013, is amended to read as follows:

g. If the reporting entity is a life science enterprise, as provided in chapter 10C, Code ~~2011, as that chapter exists on or before June 30,~~ 2005, the total amount of commercial sale of life science products and products other than life science products which are produced from the agricultural land held by the life science enterprise.

Sec. 5. Section 11.41, subsection 1, Code 2013, is amended to read as follows:

1. The auditor of state, when conducting any audit or ~~review~~ examination required or permitted by this chapter, shall at all times have access to all information, records, instrumentalities, and properties used in the performance of the audited or ~~reviewed~~ examined entities' statutory duties or contractual responsibilities. All audited or ~~reviewed~~ examined entities shall cooperate with the auditor of state in the performance of the audit or ~~review~~ examination and make available the information, records, instrumentalities, and properties upon the request of the auditor of state.

Sec. 6. Section 15.330, subsection 9, Code 2013, is amended to read as follows:

9. A report submitted to the authority by a business together with its application describing all violations of environmental law or worker safety law within the last five years. If, upon review of the application, the authority finds that ~~a~~ the business has a record of violations of the law, statutes, rules, or regulations that tends to show a consistent pattern, the authority shall not provide incentives or assistance to the business unless the authority finds either that the violations did not seriously affect public health, public safety, or the environment, or, if such violations did seriously affect public health, public safety, or the environment, that mitigating circumstances were present.

Sec. 7. NEW SECTION. **15.410 Definitions.**

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

1. *"Innovative business"* means the same as defined in section 15E.52.

2. *"Internship"* means temporary employment of a student that focuses on providing the student with work experience in the student's field of study.

Sec. 8. Section 15.411, subsection 1, Code 2013, is amended by striking the subsection.

Sec. 9. Section 15E.232, subsection 1, paragraph a, Code 2013, is amended to read as follows:

a. The ability to provide matching moneys on a basis of a one dollar contribution of local matching moneys for every two dollars received from ~~the economic development~~ a fund established pursuant to section 15.335B.

Sec. 10. Section 15E.232, subsections 3 and 4, Code 2013, are amended to read as follows:

3. An economic development region may apply for financial assistance from a fund established pursuant to section 15.335B to assist an existing business threatened with closure due to a potential consolidation to an out-of-state location. The economic development region may apply for financial assistance from ~~the economic development~~ a fund established pursuant to section 15.335B for the purchase, rehabilitation, or marketing of a building that has become available due to the closing of an existing business due to a consolidation to an out-of-state location. In order to receive financial assistance under this subsection, an economic development region must demonstrate the ability to provide local matching moneys on a basis of a one dollar contribution of local moneys for every three dollars received from ~~the economic development~~ a fund established pursuant to section 15.335B.

4. An economic development region may apply for financial assistance from a fund established pursuant to section 15.335B to establish and operate an entrepreneurial initiative. In order to receive financial assistance under this subsection, an economic development region must demonstrate the ability to provide local matching moneys on a basis of a one dollar contribution of local moneys for every two dollars received from ~~the economic development~~ a fund established pursuant to section 15.335B.

Sec. 11. Section 15E.232, subsection 5, paragraph b, Code 2013, is amended to read as follows:

b. In order to receive financial assistance under this subsection, an economic development region must demonstrate the ability to provide local matching moneys on a basis of a one dollar contribution of local moneys for every two dollars received from ~~the economic development~~ a fund established pursuant to section 15.335B.

Sec. 12. Section 15E.233, subsection 2, paragraph a, unnumbered paragraph 1, Code 2013, is amended to read as follows:

An approved economic enterprise area may apply to the authority for financial assistance from ~~the economic development~~ a fund established pursuant to 15.335B for up to seventy-five thousand dollars each fiscal year during the fiscal period beginning July 1, 2005, and ending June 30, 2015, for any of the following purposes:

Sec. 13. Section 15E.233, subsection 2, paragraph b, Code 2013, is amended to read as follows:

b. In order to receive financial assistance under this subsection, an economic enterprise area must demonstrate the ability to provide local matching moneys on a basis of a one dollar contribution of local moneys for every three dollars received from ~~the economic development~~ a fund established pursuant to section 15.335B.

Sec. 14. Section 16.195, Code 2013, is amended to read as follows:

16.195 Iowa jobs and Iowa jobs II program application review.

1. Applications for assistance under the Iowa jobs program and Iowa jobs II program shall be submitted to the Iowa finance authority. The authority shall provide a staff review and evaluation of applications to the Iowa jobs program review committee referred to in subsection 2 and to the Iowa jobs board.

2. A review committee composed of members of the board as determined by the board shall review Iowa jobs and Iowa jobs II program applications submitted to the board and make recommendations regarding the applications to the board. When reviewing the applications, the review committee and the authority shall consider the project criteria specified in sections 16.194 and 16.194A. The board shall develop the appropriate level of transparency regarding project fund allocations.

3. Upon approval of an application for financial assistance under the ~~program~~ programs, the board shall notify the treasurer of state regarding the amount of moneys needed to satisfy the award of financial assistance and the terms of the award. The treasurer of state shall notify the Iowa finance authority any time moneys are disbursed to a recipient of financial assistance under the ~~program~~ programs.

Sec. 15. Section 17A.7, subsection 2, Code 2013, is amended to read as follows:

2. Beginning July 1, 2012, over each five-year period of time, an agency shall conduct an ongoing and comprehensive review of all of the agency's rules. The goal of the review is the identification and elimination of all rules of the agency that are outdated, redundant, or inconsistent or incompatible with statute or its own rules or those of other agencies. An agency shall commence its review by developing a plan of review in consultation with major stakeholders and constituent groups. When the agency completes ~~its~~ the five-year review of ~~its~~ the agency's own rules, the agency shall provide a summary of the results to the administrative rules coordinator and the administrative rules review committee.

Sec. 16. Section 26.3, subsection 1, Code 2013, is amended to read as follows:

1. If the estimated total cost of a public improvement exceeds the competitive bid threshold of one hundred thousand dollars, or the adjusted competitive bid threshold established in section 314.1B, the governmental entity shall advertise for sealed bids for the proposed public improvement by publishing a notice to bidders. The notice to bidders shall be published at least once, not less than four and not more than forty-five days before the date for filing bids, in a newspaper published at least once weekly and having general circulation in the geographic area served by the governmental entity. Additionally, the governmental entity may publish a notice in a relevant contractor organization publication and a relevant contractor plan room service with statewide circulation, provided that a notice is posted on ~~a website~~ an internet site sponsored by either a governmental entity or a statewide association that represents the governmental entity.

Sec. 17. Section 28D.4, subsection 4, Code 2013, is amended to read as follows:

4. Any employee who participates in an exchange under the terms of this section who suffers disability or death as a result of personal injury arising out of and in the course of an exchange, or sustained in performance of duties in connection therewith, shall be treated, for the purposes of the sending agency's employee compensation program, as an employee, as defined in such ~~Act~~ compensation program, who has sustained such injury in the performance of such duty, but shall not receive benefits under that ~~Act~~ compensation program for any period for which the employee is entitled to and elects to receive similar benefits under the receiving agency's employee compensation program.

Sec. 18. Section 28D.6, subsection 4, Code 2013, is amended to read as follows:

4. Any employee of a sending agency assigned in this state who suffers disability or death as a result of personal injury arising out of and in the course of such assignment, or sustained in the performance of duties in connection therewith, shall be treated for the purpose of receiving agency's employee compensation program, as an employee, as defined in such ~~Act~~ compensation program, who has sustained such injury in the performance of such duty, but shall not receive benefits under that ~~Act~~ compensation program for any period for which the employee elects to receive similar benefits as an employee under the sending agency's employee compensation program.

Sec. 19. Section 28J.18, Code 2013, is amended to read as follows:

28J.18 Revenue bonds are lawful investments.

Port authority revenue bonds issued pursuant to this chapter are lawful investments of banks, credit unions, trust companies, savings associations, deposit guaranty associations, insurance companies, trustees, fiduciaries, trustees or other officers having charge of the bond retirement funds or sinking funds of port authorities and governmental agencies, ~~and~~ taxing districts of this state, the pension and annuity retirement system, the Iowa public employees' retirement system, the police and fire retirement systems under chapters 410 and 411, or a revolving fund of a governmental agency of this state, and are acceptable as security

for the deposit of public funds under chapter 12C.

Sec. 20. Section 29A.42, unnumbered paragraph 2, Code 2013, is amended to read as follows:

Any person who shall molest, or interfere with any member of the national guard, in the discharge of the member's duty shall be guilty of interference with official acts which is section 719.1, subsection 1. The commanding officer of such force may order the arrest of such person and cause the person to be delivered to a peace officer or magistrate.

Sec. 21. Section 35A.20, subsection 1, paragraph a, Code 2013, is amended to read as follows:

a. The department may expend not more than six hundred dollars per year for any one child who has lived in the state of Iowa for two years preceding application for state educational assistance, and who is the child of a person who died prior to September 11, 2001, during ~~active~~ federal ~~military service~~ active duty while serving in the armed forces or during ~~active~~ federal ~~military service~~ active duty in the Iowa national guard or other military component of the United States, to defray the expenses of tuition, matriculation, laboratory and similar fees, books and supplies, board, lodging, and any other reasonably necessary expense for the child or children incident to attendance in this state at an educational or training institution of college grade, or in a business or vocational training school with standards approved by the department.

Sec. 22. Section 35A.20, subsection 2, paragraph a, Code 2013, is amended to read as follows:

a. Upon application by a child who is less than thirty-one years of age, and who is the child of a person who died on or after September 11, 2001, during ~~active~~ federal ~~military service~~ active duty while serving in the armed forces or during ~~active~~ federal ~~military service~~ active duty in the Iowa national guard or other military component of the United States, and who at the time of entering into federal active ~~military service~~ duty had maintained the person's residence in the state for a period of at least six months immediately before entering into federal active ~~military service~~ duty, the department shall provide state educational assistance in an amount of no more than the highest resident undergraduate tuition rate established per year for an institution of higher learning under the control of the state board of regents less the amount of any state and federal education benefits, grants, or scholarships received by the child, or the amount of the child's established financial need, whichever is less, to defray the expenses of tuition at any postsecondary educational institution in this state.

Sec. 23. Section 96.19, subsection 18, paragraph g, subparagraph (1), Code 2013, is amended to read as follows:

(1) Service performed in the employ of any other state or its political subdivisions, or of the United States government, or of an instrumentality of any other state or states or their political subdivisions or of the United States; provided, however, that the general language just used shall not include any such instrumentality of the United States after Congress has, by appropriate legal action, expressly permitted the several states to require such instrumentalities to make payments into an employment fund under a state unemployment compensation law; and all such instrumentalities so released from the constitutional immunity to make the contributions, imposed by this chapter shall, thereafter, become subject to all the provisions of said chapter, and such provisions shall then be applicable to such instrumentalities and to all services performed for such instrumentalities in the same manner, to the same extent and on the same terms as are applicable to all other employers, employing units, individuals, and services. Should the social security ~~board~~ administration, acting under section 1603 of the federal Internal Revenue Code, fail to certify the state of Iowa for any particular calendar year, then the payments required of such instrumentalities with respect to such year shall be refunded by the department from the fund in the same manner and within the same period as is provided for in section 96.14, subsection 5, which section provides for the refunding of contributions erroneously collected.

Sec. 24. Section 124.201, subsection 4, Code 2013, is amended to read as follows:

4. If any new substance is designated as a controlled substance under federal law and notice of the designation is given to the board, the board shall similarly designate as controlled the new substance under this chapter after the expiration of thirty days from publication in the Federal Register of a final order designating a new substance as a controlled substance, unless within that thirty-day period the board objects to the new designation. In that case the board shall publish the reasons for objection and afford all interested parties an opportunity to be heard. At the conclusion of the hearing the board shall announce its decision. Upon publication of objection to a new substance being designated as a controlled substance under this chapter by the board, control under this chapter is stayed until the board publishes its decision. If a substance is designated as controlled by the board under this subsection the control shall be temporary and if, within sixty days after the next regular session of the general assembly convenes ~~it~~, the general assembly has not made the corresponding changes in this chapter, the temporary designation of control of the substance by the board shall be nullified.

Sec. 25. Section 125.86, subsection 3, paragraph b, Code 2013, is amended to read as follows:

b. An advanced registered nurse practitioner who is not certified as a psychiatric advanced registered nurse practitioner but who meets the qualifications set forth in the definition of a mental health professional in section 228.1 ~~on July 1, 2008~~, may complete periodic reports pursuant to paragraph *"a"*.

Sec. 26. Section 135C.1, subsection 9, Code 2013, is amended to read as follows:

9. *"Intermediate care facility for persons with an intellectual disability"* means an institution or distinct part of an institution with a primary purpose to provide health or rehabilitative services to three or more individuals, who primarily have an intellectual disability or a related condition and who are not related to the administrator or owner within the third degree of consanguinity, and which meets the requirements of this chapter and federal standards for intermediate care facilities for persons with an intellectual disability established pursuant to the federal Social Security Act, § 1905(c)(d), as codified in 42 U.S.C. § ~~1936d~~ 1396d, which are contained in 42 C.F.R. pt. 483, subpt. D, § 410 – 480.

Sec. 27. Section 135C.6, subsection 8, paragraph c, unnumbered paragraph 1, Code 2013, is amended to read as follows:

A residential program approved by the department of human services pursuant to this paragraph *"c"* to receive moneys appropriated to the department of human services under provisions of a federally approved home and community-based services waiver for persons with an intellectual ~~disabilities~~ disability may provide care to not more than five individuals. The department shall approve a residential program under this paragraph that complies with all of the following conditions: [1]

Sec. 28. Section 142.3, Code 2013, is amended to read as follows:

142.3 Notification of department.

Every county medical examiner, funeral director or embalmer, and the managing officer of every public asylum, hospital, county care facility, penitentiary, or reformatory, as soon as any dead body shall come into the person's custody which may be used for scientific purposes as provided in sections 142.1 and 142.2, shall at once notify the nearest relative or friend of the deceased, if known, and the Iowa department of public health ~~by telegram~~, and hold such body unburied for forty-eight hours. Upon receipt of ~~such telegram~~ notification, the department shall ~~telegraph~~ issue verbal or written instructions relative to the disposition to be made of said body. Complete jurisdiction over said bodies is vested exclusively in the Iowa department of public health. No autopsy or post mortem, except as are legally ordered by county medical examiners, shall be performed on any of said bodies prior to their delivery to the medical schools.

[1] See chapter 140, §86 herein

Sec. 29. Section 144.29A, subsections 7, 8, and 9, Code 2013, are amended to read as follows:

7. For the purposes of this section~~, *"health care provider"*~~:

a. "Health care provider" means an individual licensed under chapter 148, 148C, 148D, or 152, or any individual who provides medical services under the authorization of the licensee.

~~8.~~ *b.* ~~For the purposes of this section, *"inducing a termination of pregnancy"*~~ *"Inducing a termination of pregnancy"* means the use of any means to terminate the pregnancy of a woman known to be pregnant with the intent other than to produce a live birth or to remove a dead fetus.

~~9.~~ *c.* ~~For the purposes of this section, *"spontaneous termination of pregnancy"*~~ *"Spontaneous termination of pregnancy"* means the occurrence of an unintended termination of pregnancy at any time during the period from conception to twenty weeks gestation and which is not a spontaneous termination of pregnancy at any time during the period from twenty weeks or greater which is reported to the department as a fetal death under this chapter.

Sec. 30. Section 152B.1, subsection 8, paragraph b, Code 2013, is amended to read as follows:

b. Is capable of serving as a resource to the physician or surgeon in relation to the technical aspects of cardiorespiratory care and to safe and effective methods for administering respiratory care modalities.

Sec. 31. Section 152B.2, subsection 1, paragraph b, Code 2013, is amended to read as follows:

b. "Respiratory care as a practice" does not include the delivery, assembly, setup, testing, or demonstration of respiratory care equipment in the home upon the order of a licensed physician or surgeon or a qualified health care professional prescriber. As used in this paragraph, *"demonstration"* does not include the actual teaching, administration, or performance of the respiratory care procedures.

Sec. 32. Section 161A.61, subsection 2, unnumbered paragraph 1, Code 2013, is amended to read as follows:

The commissioners of the soil and water conservation district in which ~~that~~ a farm unit is located may petition the district court for an appropriate order with respect to that farm unit if its owner or occupant has been sent a notice by the commissioners under subsection 1, paragraph *"b"*, for three or more consecutive years. The commissioners' petition shall seek a court order which states a time not more than six months after the date of the order when the owner or occupant must commence, and a time when the owner or occupant must complete the steps necessary to comply with the order. The time allowed to complete the establishment of a temporary soil and water conservation practice employed to comply or advance toward compliance with the court's order shall be not more than one year after the date of that order, and the time allowed to complete the establishment of a permanent soil and water conservation practice employed to comply with the court's order shall be not more than five years after the date of that order. Section 161A.48 applies to a court order issued under this subsection. The steps required of the farm unit owner or operator by the court order are those which are necessary to do one of the following:

Sec. 33. Section 203.10, subsection 1, paragraph c, Code 2013, is amended to read as follows:

c. The expiration of the license according to the terms of the license as provided in this chapter, including a rule adopted in accordance with this chapter~~,~~ pursuant to chapter 17A.

Sec. 34. Section 203C.10, subsection 1, paragraph c, Code 2013, is amended to read as follows:

c. The expiration of the license according to the terms of the license as provided in this chapter, including a rule adopted in accordance with this chapter~~,~~ pursuant to chapter 17A.

Sec. 35. Section 203C.16, subsection 3, Code 2013, is amended to read as follows:

3. a. The storage of bulk grain by more than one person, if all of the following apply:

~~a.~~ (1) The bulk grain was jointly produced by all persons storing the grain. ~~As used in this subsection, *"jointly produced"* includes but is not limited to grain owned by a landlord who receives a share of agricultural products as rent.~~

~~b.~~ (2) The bulk grain is stored on the property owned or leased by one of the persons jointly producing the grain.

~~c.~~ (3) No person other than persons jointly producing the grain owns the stored bulk grain.

b. As used in this subsection, *"jointly produced"* includes but is not limited to grain owned by a landlord who receives a share of agricultural products as rent.

Sec. 36. Section 207.2, subsection 10, Code 2013, is amended to read as follows:

10. *"Prime farmland"* means the same as prescribed by the United States department of agriculture pursuant to 7 C.F.R. § ~~567.5(a)~~ 657.5(a).

Sec. 37. Section 208A.1, Code 2013, is amended to read as follows:

208A.1 Definitions.

As used in this chapter, unless the context or subject matter otherwise requires: ~~(1)~~

1. *"Antifreeze"* shall include all substances and preparations intended for use as the cooling medium, or to be added to the cooling liquid, in the cooling system of internal combustion engines to prevent freezing of the cooling liquid or to lower its freezing point~~; and (2) *"person"*~~.

2. *"Person"* shall include individuals, partnerships, corporations, companies, and associations.

Sec. 38. Section 208A.2, Code 2013, is amended to read as follows:

208A.2 What deemed adulterated.

An antifreeze shall be deemed to be adulterated if either of the following apply: ~~(1) If it~~

1. It consists in whole or in part of any substance which will render it injurious to the cooling system of an internal combustion engine or will make the operation of the engine dangerous to the user~~; or (2) if its~~.

2. Its strength, quality, or purity falls below the standard of strength, quality, or purity under which it is sold.

Sec. 39. Section 208A.3, Code 2013, is amended to read as follows:

208A.3 What deemed misbranded.

An antifreeze shall be deemed to be misbranded if either of the following apply: ~~(1) If its~~

1. Its labeling is false or misleading in any particular~~; or (2) if in~~.

2. In package form it does not bear a label containing the name and place of business of the manufacturer, packer, seller, or distributor and an accurate statement of the quantity of the contents in terms of weight or measure on the outside of the package.

Sec. 40. Section 214A.1, subsection 17, Code 2013, is amended by striking the subsection.

Sec. 41. Section 215.7, subsection 2, Code 2013, is amended to read as follows:

2. The person makes a settlement for or enters a credit, based upon any false weight or measurement, for any commodity purchased.

Sec. 42. Section 217.17, Code 2013, is amended to read as follows:

217.17 Administrator of division of planning.

The administrator of the division of planning, research, and statistics shall be qualified in the general field of governmental planning with special training and experience in the areas of preparation and development of plans for future efficient reorganization and administration of government social functions. The administrator of the division of planning, research, and statistics shall cooperate with the administrators of the other divisions of the department of human services, assisting them and the director of the department in their planning, research, and statistical problems. The administrator of the division of planning, research, and statistics shall assist the administrators, director, and the council on human services by proposing administrative and organizational changes at both the state and local

level to provide more efficient and integrated social services to the citizens of this state. The planning, research, and statistical operations now forming an integral part of the present state functions assigned to the administrators of this department along with their future needs in this regard are all assigned to and shall be administered by the administrator of ~~this~~ the division.

Sec. 43. Section 217.30, subsection 2, Code 2013, is amended to read as follows:

2. Information described in subsection 1 shall not be disclosed to or used by any person or agency except for purposes of administration of the programs of services or assistance, and shall not in any case, except as otherwise provided in subsection 4, paragraph *"b"*, be disclosed to or used by persons or agencies outside the department unless they are subject to standards of confidentiality comparable to those imposed on the department by this ~~division~~ section.

Sec. 44. Section 217.31, unnumbered paragraph 2, Code 2013, is amended to read as follows:

Any reasonable grounds that a public employee has violated any provision of ~~this division~~ section 217.30 shall be grounds for immediate removal from access of any kind to confidential records or suspension from duty without pay.

Sec. 45. Section 222.13, subsection 1, Code 2011, as amended by 2012 Iowa Acts, chapter 1120, section 70, is amended to read as follows:

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

Sec. 46. Section 222.27, Code 2013, is amended to read as follows:

222.27 Hearing in public.

Hearings shall be public, unless otherwise requested by the parent, guardian, or other person having ~~the~~ custody of the person with an intellectual disability, or if the judge considers~~,~~ a closed hearing in the best interests of the person with an intellectual disability.

Sec. 47. Section 225.10, Code 2013, is amended to read as follows:

225.10 Voluntary public patients.

Persons suffering from mental diseases may be admitted to the state psychiatric hospital as voluntary public patients ~~as follows: Any~~ if a physician authorized to practice medicine or osteopathic medicine in the state of Iowa ~~may file~~ files information with the board of supervisors of the person's county of residence or the board's designee, stating ~~that~~ all of the following:

1. That the physician has examined the person and finds that the person is suffering from some abnormal mental condition that can probably be remedied by observation, treatment, and hospital care~~; that~~.

2. That the physician believes it would be appropriate for the person to enter the state psychiatric hospital for that purpose and that the person is willing to do so~~; and that~~.

3. That neither the person nor those legally responsible for the person are able to provide the means for the observation, treatment, and hospital care.

Sec. 48. Section 225C.4, subsection 1, paragraph o, Code 2013, is amended to read as follows:

o. Recommend to the commission minimum accreditation standards for the maintenance and operation of community mental health centers, services, and programs under section ~~230A.16~~ 230A.110. The administrator's review and evaluation of the centers, services, and programs for compliance with the adopted standards shall be as provided in section ~~230A.17~~ 230A.111.

Sec. 49. Section 225C.6, subsection 1, paragraph c, Code 2013, is amended to read as follows:

c. Adopt standards for community mental health centers, services, and programs as recommended under section ~~230A.16~~ 230A.110. The administrator shall determine whether to grant, deny, or revoke the accreditation of the centers, services, and programs.

Sec. 50. Section 225C.15, Code 2013, is amended to read as follows:

225C.15 County implementation of evaluations.

The board of supervisors of a county shall, no later than July 1, 1982, require that the policy stated in section 225C.14 be followed with respect to admission of persons from that county to a state mental health institute. A community mental health center which is supported, directly or in affiliation with other counties, by that county may perform the preliminary diagnostic evaluations for that county, unless the performance of the evaluations is not covered by the agreement entered into by the county and the center ~~under section 230A.12~~, and the center's director certifies to the board of supervisors that the center does not have the capacity to perform the evaluations, in which case the board of supervisors shall proceed under section 225C.17.

Sec. 51. Section 228.6, subsection 1, Code 2013, is amended to read as follows:

1. A mental health professional or an employee of or agent for a mental health facility may disclose mental health information if and to the extent necessary, to meet the requirements of section 229.24, 229.25, 230.20, 230.21, 230.25, 230.26, ~~230A.13,~~ 230A.108, 232.74, or 232.147, or to meet the compulsory reporting or disclosure requirements of other state or federal law relating to the protection of human health and safety.

Sec. 52. Section 229.13, subsection 5, Code 2013, is amended to read as follows:

5. The chief medical officer of the hospital or facility at which the respondent is placed shall report to the court no more than fifteen days after the respondent is placed, making a recommendation for disposition of the matter. An extension of time may be granted, not to exceed seven days upon a showing of cause. A copy of the report shall be sent to the respondent's attorney, who may contest the need for an extension of time if one is requested. An extension of time shall be granted upon request unless the request is contested, in which case the court shall make such inquiry as it deems appropriate and may either order the respondent's release from the hospital or facility or grant an extension of time for psychiatric evaluation. If the chief medical officer fails to report to the court within fifteen days after the individual is placed under the care of the hospital or facility, and an extension of time has not been requested, the chief medical officer is guilty of contempt and shall be punished under chapter 665. The court shall order a rehearing on the application to determine whether the respondent should continue to be detained at or placed under the care of the hospital or facility.

Sec. 53. Section 229.15, subsection 3, paragraph b, Code 2013, is amended to read as follows:

b. An advanced registered nurse practitioner who is not certified as a psychiatric advanced registered nurse practitioner but who meets the qualifications set forth in the definition of a mental health professional in section 228.1 ~~on July 1, 2008~~, may complete periodic reports pursuant to paragraph "*a*".

Sec. 54. Section 229.22, subsection 2, paragraph b, Code 2013, is amended to read as follows:

b. If the magistrate orders that the person be detained, the magistrate shall, by the close of business on the next working day, file a written order with the clerk in the county where it is anticipated that an application may be filed under section 229.6. The order may be filed by facsimile if necessary. A peace officer from the law enforcement agency that took the person into custody, if no request was made under paragraph "*a*", may inform the magistrate that an arrest warrant has been issued for or charges are pending against the person and request that any written order issued under this paragraph require the facility or hospital to notify the law enforcement agency about the discharge of the person prior to discharge. The order shall state the circumstances under which the person was taken into custody or otherwise brought to a facility or hospital, and the grounds supporting the finding of probable cause to believe that the person is seriously mentally impaired and likely to injure the person's self or others if not immediately detained. The order shall also include any law enforcement agency notification requirements if applicable. The order shall confirm the oral order authorizing the person's detention including any order given to transport the person to an appropriate facility or hospital. A peace officer from the law enforcement agency that took the person into custody may also request an order, separate from the written order, requiring the facility or hospital to notify the law enforcement agency about the discharge of the person prior to discharge. The clerk shall provide a copy of the written order or any separate order to the chief medical officer of the facility or hospital to which the person was originally taken, to any subsequent facility to which the person was transported, and to any law enforcement department or ambulance service that transported the person pursuant to the magistrate's order.

Sec. 55. Section 230.33, unnumbered paragraph 2, Code 2013, is amended to read as follows:

~~Provided that~~ However, in the case of a proposed transfer of a person with mental illness or an intellectual disability from this state, ~~that no~~ final action shall not be taken without the approval either of the commission of hospitalization, or of the district court, of the county of admission or commitment.

Sec. 56. Section 230A.105, subsection 1, paragraph e, Code 2013, is amended to read as follows:

e. Individuals described in paragraph "*a*", "*b*", "*c*", or "*d*" who have a co-occurring disorder, including but not limited to substance abuse, ~~mental retardation~~ intellectual disability, a developmental disability, brain injury, autism spectrum disorder, or another disability or special health care need.

Sec. 57. Section 230A.110, subsection 3, paragraph c, Code 2013, is amended to read as follows:

c. Arrange for the financial condition and transactions of the community mental health center to be audited once each year by the auditor of state. However, in lieu of an audit by ~~state accountants~~ the auditor of state, the local governing body of a community mental health center organized under this chapter may contract with or employ certified public accountants to conduct the audit, pursuant to the applicable terms and conditions prescribed by sections 11.6 and 11.19 and audit format prescribed by the auditor of state. Copies of each audit shall be furnished by the auditor or accountant to the administrator of the division of mental health and disability services.

Sec. 58. Section 231.56, Code 2013, is amended to read as follows:

231.56 Services and programs.

The department shall administer services and programs that allow older individuals to secure and maintain maximum independence and dignity in a home environment that provides for self-care with appropriate supportive services, assist in removing individual and social barriers to economic and personal independence for older individuals, provide a continuum of care for older individuals and individuals with disabilities, and secure the opportunity for older individuals to receive managed in-home and community-based

long-term care services. Funds appropriated for this purpose shall be ~~instituted~~ allocated based on administrative rules adopted by the commission. The department shall require such records as needed to administer this section.

Sec. 59. Section 232.73A, subsection 1, paragraph b, Code 2013, is amended to read as follows:

b. For purposes of this section, "*retaliatory action*" includes but is not limited to an employer's action to discharge an employee or to take or fail to take action regarding an employee's appointment or proposed appointment to a position in employment, to take or fail to take action regarding an employee's promotion or proposed promotion to a position in employment, or to fail to provide an advantage in a position in employment.

Sec. 60. Section 234.6, subsection 1, Code 2013, is amended to read as follows:

1. Cooperate with the ~~federal~~ social security ~~board~~ administration created ~~by Tit. VII of~~ by the Social Security Act ~~[42~~ and codified at 42 U.S.C. § ~~901]~~ 901, ~~enacted by the 74th Congress of the United States and approved August 14, 1935,~~ or other agency of the federal government for public welfare assistance, in such reasonable manner as may be necessary to qualify for federal aid, including the making of such reports in such form and containing such information as the ~~federal~~ social security ~~board~~ administration, from time to time, may require, and to comply with such regulations as such ~~federal~~ social security ~~board~~ administration, from time to time, may find necessary to assure the correctness and verification of such reports.

Sec. 61. Section 235E.6, Code 2013, is amended to read as follows:

235E.6 Dependent adult abuse finding — notification to employer and employee.

Upon a ~~finding of founded~~ determination that an allegation of perpetration of dependent adult abuse by a caretaker is founded, the department shall provide written notification of the department's findings to the caretaker and the caretaker's employer. In addition, the written notification shall detail the consequences of placement on the central abuse registry, the caretaker's appeal rights, and include a separate appeal request form. The written appeal request form shall clearly set forth that the caretaker shall not be placed on the central abuse registry until final agency action is taken if an appeal is filed within fifteen days.

Sec. 62. Section 249J.6, subsection 2, paragraph a, Code 2013, is amended to read as follows:

a. Each expansion population member shall receive a comprehensive medical examination annually. The department may implement ~~a web-based~~ an internet-based health risk assessment for expansion population members that may include facilitation, if deemed to be cost-effective to the program.

Sec. 63. Section 256D.3, subsection 3, Code 2013, is amended to read as follows:

3. ~~Beginning January 15, 2006, the~~ The department shall submit an annual report to the chairpersons and ranking members of the senate and house education committees that includes the statewide average school district class size in basic skills instruction in kindergarten through grade three, by grade level and by district size, and describes school district progress toward achieving early intervention block grant program goals and the ways in which school districts are using moneys received pursuant to this chapter and expended as provided in section 256D.2A. The report shall include district-by-district information showing the allocation received for early intervention block grant program purposes, the total number of students enrolled in grade four in each district, and the number of students in each district who are not proficient in reading in grade four for the most recent reporting period, as well as for each reporting period starting with the school year beginning July 1, 2001.

Sec. 64. Section 256F.6, subsection 2, Code 2013, is amended to read as follows:

2. The contract shall outline the reasons for revocation or nonrenewal of the ~~charter~~ contract.

Sec. 65. Section 261B.4, subsection 17, Code 2013, is amended to read as follows:

17. Evidence that the school meets the conditions of financial responsibility established in section 714.18, or that the school qualifies for an exemption under section 714.19 ~~or 714.22~~.

Sec. 66. Section 261B.11, subsection 2, paragraph a, Code 2013, is amended to read as follows:

a. A school that is granted an exemption under this section must file evidence of financial responsibility under section 714.18 or demonstrate to the commission or its designee that the school qualifies for an exemption under section 714.19 ~~or 714.22~~.

Sec. 67. Section 275.1, subsection 2, Code 2013, is amended to read as follows:

2. It is the policy of the state to encourage economical and efficient school districts which will ensure an equal educational opportunity to all children of the state. All areas of the state shall be in school districts maintaining kindergarten and twelve grades. If a school district ceases to maintain kindergarten and twelve grades except as otherwise provided in section 28E.9, 256.13, 280.15, 282.7, subsection 1 or ~~subsections 1 and~~ 3, or section 282.8, it shall reorganize within six months or the state board shall attach the school district not maintaining kindergarten and twelve grades to one or more adjacent districts. Voluntary reorganizations under this chapter shall be commenced only if the affected school districts are contiguous or marginally adjacent to one another. A reorganized district shall meet the requirements of section 275.3.

Sec. 68. Section 279.9A, Code 2013, is amended to read as follows:

279.9A Information sharing.

The rules referred to in section 279.9 shall provide that upon the request of school officials of a school to which the student seeks to transfer or has transferred, school officials of the sending school shall provide an accurate record of any suspension or expulsion actions taken, and the basis for those actions taken, against the student under sections 279.9, 280.19A, 280.21B, 282.3, 282.4, and 282.5. The designated representative shall disclose this information only to those school employees whose duties require them to be involved with the student. For purposes of this section, *"school employees"* means persons employed by a nonpublic school or school district, or any area education agency staff member who provides services to a school or school district.

Sec. 69. Section 280.11, subsection 4, paragraph b, Code 2013, is amended to read as follows:

b. *"Noise"* as used in this section, means a noise level that meets or exceeds damage-risk criteria established by the present ~~federal~~ standard for occupational noise exposure~~,~~ established by the federal occupational safety and health ~~standards~~ administration.

Sec. 70. Section 280.13B, Code 2013, is amended to read as follows:

280.13B ~~Taping~~ Recording and broadcast fees restricted.

The Iowa high school athletic association or its successor organization, and the Iowa girls high school athletic union or its successor organization, shall not assess a charge for the ~~videotape~~ retransmission of an audio-visual recording of a high school athletic tournament contest or event if the ~~videotape~~ retransmission does not occur earlier than twenty-four hours after the starting time of the live athletic contest or event.

Sec. 71. Section 282.4, subsections 2 and 3, Code 2013, are amended to read as follows:

2. ~~*a.*~~ A student who commits an assault, as defined under section 708.1, against a school employee in a school building, on school grounds, or at a school-sponsored function shall be suspended for a time to be determined by the principal. Notice of the suspension shall be immediately sent to the president of the board. By special meeting or at the next regularly scheduled board meeting, the board shall review the suspension and decide whether to hold a disciplinary hearing to determine whether or not to order further sanctions against the student, which may include expelling the student. In making its decision, the board shall consider the best interests of the school district, which shall include what is best to protect

and ensure the safety of the school employees and students from the student committing the assault.

~~*b.*~~ 3. A student shall not be suspended or expelled pursuant to this section if the suspension or expulsion would violate the federal Individuals with Disabilities Education Act.

~~3.~~ 4. Notwithstanding section 282.6, if a student has been expelled or suspended from school and has not met the conditions of the expulsion or suspension, the student shall not be permitted to enroll in a school district until the board of directors of the school district approves, by a majority vote, the enrollment of the student.

Sec. 72. Section 282.24, subsection 1, paragraph a, Code 2013, is amended to read as follows:

a. The maximum tuition fee that may be charged for elementary and high school students residing within another school district or corporation except students attending school in another district under section 282.7, subsection 1~~,~~ or ~~subsections 1 and~~ 3, is the district cost per pupil of the receiving district as computed in section 257.10.

Sec. 73. Section 299.6, Code 2013, is amended to read as follows:

299.6 Violations — community service or fine or imprisonment.

1. Any person who violates a mediation agreement under section 299.5A, who is referred for prosecution under section 299.5A and is convicted of a violation of any of the provisions of sections 299.1 through 299.5, who violates any of the provisions of sections 299.1 through 299.5, or who refuses to participate in mediation under section 299.5A, ~~for a first offense, is guilty of a simple misdemeanor~~ commits a public offense.

a. A first offense is a simple misdemeanor and a conviction is punishable by imprisonment not exceeding ten days or a fine not exceeding one hundred dollars. The court may order the person to perform not more than forty hours of unpaid community service instead of any fine or imprisonment. ~~A person convicted of a second violation is guilty of a serious misdemeanor.~~

b. A second offense is a serious misdemeanor and a conviction is punishable by imprisonment not exceeding twenty days or a fine not exceeding five hundred dollars, or both a fine and imprisonment. The court may order the person to perform unpaid community service instead of any fine or imprisonment.

c. A third or subsequent offense is a serious misdemeanor and a conviction is punishable by imprisonment not exceeding thirty days or a fine not exceeding one thousand dollars, or both a fine and imprisonment. The court may order the person to perform unpaid community service instead of any fine or imprisonment.

2. If community service is imposed as part of a sentencing order, the court may require that part or all of the service be performed for a public school district or nonpublic school if the court finds that service in the school is appropriate under the circumstances.

3. If a parent, guardian, or legal or actual custodian of a child who is truant, has made reasonable efforts to comply with the provisions of sections 299.1 through 299.5, but is unable to cause the child to attend school, the parent, guardian, or legal or actual custodian may file an affidavit listing the reasonable efforts made by the parent, guardian, or legal or actual custodian to cause the child's attendance and the parent, guardian, or legal or actual custodian shall not be criminally liable for the child's nonattendance.

Sec. 74. Section 306C.18, subsection 4, Code 2013, is amended to read as follows:

4. The fee for both types of permits for calendar years 1997 and 1998 shall be one hundred dollars for the initial fee and fifteen dollars for each annual renewal for signs up to three hundred seventy-five square feet in area, twenty-five dollars for each annual renewal for signs at least three hundred seventy-six, but not more than nine hundred ninety-nine, square feet in area, and fifty dollars for each annual renewal for signs one thousand square feet or more in area. Beginning January 1, 1999, fees shall be as determined by rule by the department. The fees collected for the above permits shall be credited to ~~a special account entitled~~ the ~~"highway~~ highway beautification ~~fund"~~ fund created in section 306C.11, subsection 5, and all salaries and expenses incurred in administering this chapter shall be paid from this fund or from specific appropriations for this purpose, except that surveillance of, and removal

of, advertising devices performed by regular maintenance personnel are not to be charged against the ~~account~~ fund.

Sec. 75. Section 313.43, Code 2013, is amended to read as follows:

313.43 Lateral or detour routes in cities.

1. Any city located on the primary road system and in which the primary road extension as officially designated does not pass through the main part or business district of such city, may designate and mark a lateral or detour route in order to facilitate such primary road traffic as may desire to get into and out of such business district.

2. Lateral or detour routes shall be marked with standard markings adopted by the department for that purpose, which markings shall clearly indicate that the lateral route is not the official primary road extension but is in fact a lateral or detour extending to the business district.

3. The cost of the markings shall be without expense to the state.

Sec. 76. Section 313.64, unnumbered paragraph 1, Code 2013, is amended to read as follows:

~~Should~~ If the department ~~accept~~ accepts the offer of any bridge over a boundary stream and ~~enter~~ enters into a written agreement in relation ~~thereto~~ to the bridge as provided in sections 313.59 to 313.63, this section, and section 313.65, the owner or operator of ~~such~~ the bridge shall thereafter and until all indebtedness or other obligations against ~~such~~ the bridge have been paid and discharged annually file with the department a sworn statement of its financial condition. ~~Such~~ The statement shall show funds on hand and indebtedness at the beginning and end of the year, receipts, disbursements, indebtedness retired during the year and any other information required by the department to show the true and complete condition of the finances with respect to ~~such~~ the bridge and bridge approaches ~~thereto~~.

Sec. 77. Section 321.98, Code 2013, is amended to read as follows:

321.98 Operation without registration.

1. ~~A~~ Except as otherwise expressly permitted in this chapter, a person shall not operate and an owner shall not knowingly permit to be operated upon any highway any vehicle required to be registered and titled ~~hereunder~~ under this chapter unless ~~there shall be~~:

a. A valid registration card and registration plate or plates issued for the vehicle for the current registration year are attached ~~thereto~~ to and displayed ~~thereon~~ on the vehicle when and as required by this chapter ~~a valid registration card and registration plate or plates issued therefor for the current registration year~~; and ~~unless a~~

b. A certificate of title has been issued for ~~such~~ the vehicle ~~except as otherwise expressly permitted in this chapter~~.

2. Any violation of this section is a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 2.

Sec. 78. Section 321.180B, subsection 1, paragraphs c, d, and e, Code 2013, are amended to read as follows:

c. (1) Except as otherwise provided, a permittee who is less than eighteen years of age and who is operating a motor vehicle must be accompanied by a person issued a driver's license valid for the vehicle operated who is the parent, guardian, or custodian of the permittee, a member of the permittee's immediate family if the family member is at least twenty-one years of age, an approved driver education instructor, a prospective driver education instructor who is enrolled in a practitioner preparation program with a safety education program approved by the state board of education, or a person at least twenty-five years of age if written permission is granted by the parent, guardian, or custodian, and who is actually occupying a seat beside the driver. A permittee shall not operate a motor vehicle if the number of passengers in the motor vehicle exceeds the number of passenger safety belts in the motor vehicle. If the applicant for an instruction permit holds a driver's license issued in this state valid for the operation of a motorized bicycle or a motorcycle, the instruction permit shall be valid for such operation without the requirement of an accompanying person.

~~*d.*~~ (2) ~~However, if~~ If the permittee is operating a motorcycle in accordance with this section, the accompanying person must be within audible and visual communications distance from

the permittee and be accompanying the permittee on or in a different motor vehicle. Only one permittee shall be under the immediate supervision of an accompanying qualified person.

~~*e.*~~ *d.* A permittee shall not be penalized for failing to have the instruction permit in the permittee's immediate possession if the permittee produces in court, within a reasonable time, an instruction permit issued to the permittee and valid at the time of the permittee's arrest or at the time the permittee was charged with failure to have the permit in the permittee's immediate possession.

Sec. 79. Section 321.188, subsection 6, paragraph c, Code 2013, is amended to read as follows:

c. An applicant who obtains a driving skills test waiver under this subsection shall take and successfully pass the knowledge test required pursuant to subsection 1.

Sec. 80. Section 321.276, subsection 5, Code 2013, is amended to read as follows:

5. ~~*a.*~~ A peace officer shall not stop or detain a person solely for a suspected violation of this section. This section is enforceable by a peace officer only as a secondary action when the driver of a motor vehicle has been stopped or detained for a suspected violation of another provision of this chapter, a local ordinance equivalent to a provision of this chapter, or other law.

~~*b.*~~ 6. ~~For the period beginning July 1, 2010, through June 30, 2011, peace officers shall issue only warning citations for violations of this section.~~ The department, in cooperation with the department of public safety, shall establish educational programs to foster compliance with the requirements of this section.

Sec. 81. Section 321.285, subsection 7, Code 2013, is amended to read as follows:

7. A person who violates this section for excessive speed in violation of a speed limit commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 5~~, paragraph "*a*"~~. A person who violates this section for excessive speed as an operator of a school bus commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 10. A person who violates any other provision of this section commits a simple misdemeanor.

Sec. 82. Section 321.341, Code 2013, is amended to read as follows:

321.341 Obedience to signal indicating approach of railroad train or railroad track equipment.

1. When a person driving a vehicle approaches a railroad grade crossing and warning is given by automatic signal, crossing gates, a flag person, or otherwise of the immediate approach of a railroad train or railroad track equipment, the driver of the vehicle shall stop the vehicle within fifty feet but not less than fifteen feet from the nearest rail and shall not proceed until the driver can do so safely.

2. The driver of a vehicle shall stop the vehicle and the vehicle shall remain standing and not traverse such a grade crossing when a crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train or railroad track equipment.

Sec. 83. Section 321.354, Code 2013, is amended to read as follows:

321.354 Stopping on traveled way.

1. ~~Upon any highway outside of a business district, rural residence district or residence district a~~ A person shall not stop, park, or leave standing ~~a~~ an attended or unattended vehicle~~, whether attended or unattended~~ upon any highway outside of a business district, rural residence district, or residence district as follows:

~~*1.*~~ *a.* Upon the paved part of the highway when it is practical to stop, park, or leave the vehicle off that part of the highway, however, a clear and unobstructed width of at least twenty feet of the paved part of the highway opposite the standing vehicle shall be left for the free passage of other vehicles. As used in this subsection, "*paved highway*" includes an asphalt surfaced highway.

~~*2.*~~ *b.* Upon the main traveled part of a highway other than a paved highway when it is practical to stop, park, or leave the vehicle off that part of the highway. However, a clear and

unobstructed width of that part of the highway opposite the standing vehicle shall be left to allow for the free passage of other vehicles.

2. A clear view of the stopped vehicle shall be available from a distance of two hundred feet in each direction upon the highway. However, school buses may stop on the highway for receiving and discharging pupils and all other vehicles shall stop for school buses which are stopped to receive or discharge pupils, as provided in section 321.372. This section does not apply to a vehicle making a turn as provided in section 321.311. This section also does not apply to the stopping or parking of a maintenance vehicle operated by a highway authority on the main traveled way of any roadway when necessary to the function being performed and when early warning devices are properly displayed.

Sec. 84. Section 321.498, subsection 2, Code 2013, is amended to read as follows:

2. *a.* ~~The term "*nonresident*"~~ "*Nonresident*" shall include any person who was, at the time of the accident or event, a resident of the state of Iowa but who removed from the state before the commencement of such action or proceedings.

b. "*Person*" shall mean:

(1) The owner of the vehicle whether it is being used and operated personally by the owner, or by the owner's agent.

(2) An agent using and operating the vehicle for the agent's principal.

(3) Any person who is in charge of the vehicle and of the use and operation thereof with the express or implied consent of the owner.

Sec. 85. Section 321G.20, subsection 2, Code 2013, is amended to read as follows:

2. While operating a snowmobile on a designated snowmobile trail, public land, or public ice, a person twelve through fifteen years of age ~~and possessing~~ shall possess a valid education certificate issued under this chapter and must be under the direct supervision of a parent, guardian, or another adult authorized by the parent or guardian, who is experienced in snowmobile operation and possesses a valid driver's license, as defined in section 321.1, or an education certificate issued under this chapter.

Sec. 86. Section 321J.24, subsection 5, paragraph a, subparagraph (2), Code 2013, is amended to read as follows:

(2) A facility for the treatment of ~~chemical substance abuse~~ persons with substance-related disorders as defined in section 125.2, under the supervision of appropriately licensed medical personnel.

Sec. 87. Section 321J.25, subsection 2, paragraph b, Code 2013, is amended to read as follows:

b. A facility for the treatment of ~~chemical substance abuse~~ persons with substance-related disorders as defined in section 125.2, under the supervision of appropriately licensed medical personnel.

Sec. 88. Section 331.321, subsection 1, paragraph e, Code 2013, is amended to read as follows:

e. A temporary board of community mental health center trustees in accordance with section ~~230A.4~~ 230A.110, subsection 3, paragraph "*b*", when the board decides to establish a community mental health center, and members to fill vacancies in accordance with section ~~230A.6~~ 230A.110, subsection 3, paragraph "*b*".

Sec. 89. Section 331.392, subsection 2, paragraph i, Code 2013, is amended to read as follows:

i. Provisions for formation and assigned responsibilities for one or more advisory committees consisting of individuals who utilize services or actively involved relatives of such individuals, service providers, governing board members, and persons representing other interests identified in the agreement.

Sec. 90. Section 331.395, Code 2013, is amended to read as follows:

331.395 Financial eligibility requirements.

1. A person must comply with all of the following financial eligibility requirements to be eligible for services under the regional service system:

~~1.~~ *a.* The person must have an income equal to or less than one hundred fifty percent of the federal poverty level, as defined by the most recently revised poverty income guidelines published by the United States department of health and human services, to be eligible for regional service system public funding. It is the intent of the general assembly to consider increasing this income eligibility provision to two hundred percent of the federal poverty level.

~~2. *a.* A region or a service provider contracting with the region shall not apply a copayment, sliding fee scale, or other cost-sharing requirement for a particular service to a person with an income equal to or less than one hundred fifty percent of the federal poverty level.~~

~~*b.* Notwithstanding subsection 1, a person with an income above one hundred fifty percent of the federal poverty level may be eligible for services subject to a copayment, sliding fee scale, or other cost-sharing requirement approved by the department.~~

~~*c.* A provider under the regional service system of a service that is not funded by the medical assistance program under chapter 249A may waive the copayment or other cost-sharing arrangement if the provider is not reimbursed for the cost with public funds.~~

~~3.~~ *b.* A person who is eligible for federally funded services and other support must apply for such services and support.

~~4.~~ *c.* The person ~~is~~ must be in compliance with resource limitations identified in rule adopted by the state commission. The limitation shall be derived from the federal supplemental security income program resource limitations. A person with resources above the federal supplemental security income program resource limitations may be eligible subject to limitations adopted in rule by the state commission pursuant to a recommendation made by the department. If a person does not qualify for federally funded services and other support but meets income, resource, and functional eligibility requirements for regional services, the following types of resources shall be disregarded:

~~*a.*~~ (1) A retirement account that is in the accumulation stage.

~~*b.*~~ (2) A burial, medical savings, or assistive technology account.

2. *a.* A region or a service provider contracting with the region shall not apply a copayment, sliding fee scale, or other cost-sharing requirement for a particular service to a person with an income equal to or less than one hundred fifty percent of the federal poverty level.

b. Notwithstanding subsection 1, paragraph "*a*", a person with an income above one hundred fifty percent of the federal poverty level may be eligible for services subject to a copayment, sliding fee scale, or other cost-sharing requirement approved by the department.

c. A provider under the regional service system of a service that is not funded by the medical assistance program under chapter 249A may waive the copayment or other cost-sharing arrangement if the provider is not reimbursed for the cost with public funds.

Sec. 91. Section 331.606A, subsection 3, Code 2013, is amended to read as follows:

3. *Redaction from electronic documents.* Personally identifiable information that is contained in electronic documents that are displayed for public access on ~~a website~~ an internet site, or which are transferred to any person, shall be redacted prior to displaying or transferring the documents. Each recorder that displays electronic documents and the county land record information system that displays electronic documents on behalf of a county shall implement a system for redacting personally identifiable information. The recorder and the governing board of the county land record information system shall establish a procedure by which individuals may request that personally identifiable information contained in an electronic document displayed on ~~a website~~ an internet site be redacted, at no fee to the requesting individual. The requirements of this subsection shall be fully implemented not later than December 31, 2011.

Sec. 92. Section 331.606A, subsection 6, paragraph b, Code 2013, is amended to read as follows:

b. Subsection 3 shall not apply to a military separation or discharge record, a birth record, a death certificate, or marriage certificate unless such record or certificate is incorporated within another document or instrument that is recorded and displayed for public access on ~~a website~~ an internet site.

Sec. 93. Section 331.653, subsection 33, Code 2013, is amended to read as follows:

33. Carry out duties relating to the enforcement of laws prohibiting the operation of a motor vehicle while ~~under the influence of an alcoholic beverage~~ intoxicated as provided in chapter 321J.

Sec. 94. Section 341A.15, Code 2013, is amended to read as follows:

341A.15 Leave of absence.

Leave of absence, without pay, may be granted by any county sheriff to any person under civil service~~, however, the~~. The sheriff shall give notice of leave to the commission.

Sec. 95. Section 357A.11, subsection 1, Code 2013, is amended to read as follows:

1. Adopt rules, regulations, and rate schedules in conformity with the provisions of this ~~Act~~ chapter and the bylaws of the district as necessary for the conduct of the business of the district.

Sec. 96. Section 357E.9, subsection 1, paragraph b, Code 2013, is amended to read as follows:

b. (1) For districts in existence on July 1, 2011, the number of trustees, other than those appointed under subsection 2, shall be increased from three trustees to seven trustees. For the initial seven-member board under this paragraph *"b"*, the board of supervisors shall appoint four trustees. One trustee shall be appointed to serve for one year, one for two years, and two for three years. The term of each trustee appointed under this ~~paragraph~~ subparagraph shall expire on the same date as the term of the current trustee whose term expires during the same year.

(2) This paragraph *"b"* is repealed on July 1, 2018.

Sec. 97. Section 368.26, Code 2013, is amended to read as follows:

368.26 Annexation of certain property — compliance with less stringent regulations.

1. A city ordinance or regulation that regulates a condition or activity occurring on protected farmland or regulates a person who owns and operates protected farmland is unenforceable against the owner of the protected farmland for a period of ten years from the effective date of the annexation, to the extent the city ordinance or regulation is more stringent than county legislation. Section 335.2 shall apply to the protected farmland until the owner of the protected farmland determines that the land will no longer be operated as an agricultural operation. Any enforcement activity conducted in violation of this section is void.

2. ~~A "*condition*~~ For purposes of this section:

a. *"Condition or activity occurring on protected farmland"* includes but is not limited to the raising, harvesting, drying, or storage of crops; the marketing of products at roadside stands or farm markets; the creation of noise, odor, dust, or fumes; the production, care, feeding, or housing of animals including but not limited to the construction, operation, or management of an animal feeding operation, an animal feeding operation structure, or aerobic structure, and to the storage, handling, or application of manure or egg washwater; the operation of machinery including but not limited to planting and harvesting equipment, grain dryers, grain handling equipment, and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.

b. *"County legislation"* means any ordinance, motion, resolution, or amendment adopted by a county pursuant to section 331.302.

c. ~~For the purposes of this section, "*protected*~~ *"Protected farmland"* means land that is part of a century farm as that term is defined in section 403.17, subsection 10. ~~For the purposes of this section, "*county legislation*" means any ordinance, motion, resolution, or amendment adopted by a county pursuant to section 331.302.~~

Sec. 98. Section 411.6, subsection 16, paragraph a, subparagraph (1), Code 2013, is amended to read as follows:

(1) The disability would not exist but for the member's chemical dependency~~, as defined in section 125.2,~~ on a schedule I controlled substance, as defined in section 124.204, or the member's chemical dependency on a schedule II controlled substance, as defined in section

124.206, resulting from the inappropriate use of the schedule II controlled substance. For purposes of this subparagraph, *"chemical dependency"* means an addiction or dependency, either physical or psychological, on a chemical substance. Persons who take medically prescribed drugs shall not be considered chemically dependent if the drug is medically prescribed and the intake is proportionate to the medical need.

Sec. 99. Section 419.1, subsection 12, paragraph c, Code 2013, is amended to read as follows:

c. Purposes that are eligible for financing from qualified midwestern disaster area bonds authorized under the federal Emergency Economic Stabilization Act of 2008, Pub. L. No. ~~110-185~~ 110-343, together with any other financing necessary or desirable in connection with such purposes.

Sec. 100. Section 420.224, Code 2013, is amended to read as follows:

420.224 Limitation on resale by city.

~~No property~~ Property which may be sold at tax sale to any such city shall not be offered at any sale for taxes or special assessments, collectible by such city, while it holds the certificate of purchase thereof or tax deed thereon except ~~only as follows: In the event~~ that if any special assessment or installment thereof levied by any such city prior to April 22, 1941, shall be or become delinquent after purchase of such property at tax sale by the city, then the property against which the same was levied may be sold therefor only at the first regular tax sale of such city occurring within such a period of time after delinquency that sale for such assessment or installment might lawfully be made at such first regular tax sale. Nothing in sections 420.220 to 420.229 shall prevent the sale of property for any unpaid taxes collectible by the county.

Sec. 101. Section 421.30, subsection 1, Code 2013, is amended to read as follows:

1. ~~There~~ A reassessment expense fund is created in the office of the treasurer of state ~~a "reassessment expense fund"~~ for the purpose of providing loans to a city and county conference board for conducting reassessments of property. There is appropriated to the reassessment expense fund from the general fund of the state from any unappropriated funds in the general fund of the state such funds as are necessary to carry out the provisions of this section, section 421.17, subsection 19, and ~~the last paragraph of~~ section 441.19, subsection 2, subject to the approval of the director of revenue. Repayment of loans shall be credited to the fund.

Sec. 102. Section 421C.4, subsection 1, Code 2013, is amended to read as follows:

1. As used in this section, *"county attorney"* means a single county attorney office or a group of county attorney offices whose counties have entered into an agreement pursuant to chapter 28E and pursuant to section 602.8107, subsection 4, to collect delinquent court debt.

Sec. 103. Section 423B.1, subsection 4, paragraph a, Code 2013, is amended to read as follows:

a. A county board of supervisors shall direct within thirty days the county commissioner of elections to submit the question of imposition of a local vehicle tax or a local sales and services tax to the registered voters of the incorporated and unincorporated areas of the county upon receipt of a petition, requesting imposition of a local vehicle tax or a local sales and services tax, signed by eligible electors of the whole county equal in number to five percent of the persons in the whole county who voted at the last preceding ~~state~~ general election. In the case of a local vehicle tax, the petition requesting imposition shall specify the rate of tax and the classes, if any, that are to be exempt. If more than one valid petition is received, the earliest received petition shall be used.

Sec. 104. Section 423B.2, Code 2013, is amended to read as follows:

423B.2 Local vehicle tax.

1. An annual local vehicle tax at the rate per vehicle specified on the ballot proposition may be imposed by a county on every vehicle which is required by the state to be registered ~~by the state~~ and is registered with the county treasurer to a person residing within the county

where the tax is imposed at the time of the renewal of the registration of the vehicle. The local vehicle tax shall be imposed only on the renewals of registrations and shall be payable during the registration renewal periods provided under section 321.40.

2. The county imposing the tax shall provide for the exemption of each class, if any, of vehicles for which an exemption was listed on the ballot proposition.

3. For the purpose of the tax authorized by this section~~, "*person*" and "*registration year*" mean~~:

a. "*Person*" means the same as defined in section 321.1.

b. "*Registration year*" means the same as defined in section 321.1~~, and "*vehicle*"~~.

c. "*Vehicle*" means motor vehicle as defined in section 321.1 which is subject to registration under section 321.18, and which is registered with the county treasurer.

Sec. 105. Section 427B.17, Code 2013, is amended to read as follows:

427B.17 Property subject to special valuation.

1. For purposes of this section:

a. "*Electric power generating plant*" means any nameplate rated electric power generating plant, in which electric energy is produced from other forms of energy, including all taxable land, buildings, and equipment used in the production of such energy.

b. "*Net acquisition cost*" means the acquired cost of the property including all foundations and installation cost less any excess cost adjustment.

c. "*Net actual generation*" means net electrical megawatt hours produced by the unit during the preceding assessment year.

d. "*Net capacity factor*" means net actual generation divided by the product of net maximum capacity times the number of hours the unit was in the active state during the assessment year. Upon commissioning, a unit is in the active state until it is decommissioned.

e. "*Net maximum capacity*" means the capacity the unit can sustain over a specified period when not restricted by ambient conditions or equipment deratings, minus the losses associated with station service or auxiliary loads.

~~1.~~ 2. For property defined in section 427A.1, subsection 1, paragraphs "*e*" and "*j*", the taxpayer's valuation shall be limited to thirty percent of the net acquisition cost of the property, except as otherwise provided in subsections ~~2~~ 3 and ~~3~~ 4. ~~For purposes of this section, "*net acquisition cost*" means the acquired cost of the property including all foundations and installation cost less any excess cost adjustment.~~

~~2.~~ 3. Property defined in section 427A.1, subsection 1, paragraphs "*e*" and "*j*", which is first assessed for taxation in this state on or after January 1, 1995, shall be exempt from taxation.

~~3.~~ 4. Property defined in section 427A.1, subsection 1, paragraphs "*e*" and "*j*", and assessed under subsection ~~1~~ 2 of this section, shall be valued by the local assessor as follows for the following assessment years:

a. For the assessment year beginning January 1, 1999, at twenty-two percent of the net acquisition cost.

b. For the assessment year beginning January 1, 2000, at fourteen percent of the net acquisition cost.

c. For the assessment year beginning January 1, 2001, at six percent of the net acquisition cost.

d. For the assessment year beginning January 1, 2002, and succeeding assessment years, at zero percent of the net acquisition cost.

~~4.~~ 5. Property assessed pursuant to this section shall not be eligible to receive a partial exemption under sections 427B.1 to 427B.6.

~~5. This section shall not apply to property assessed by the department of revenue pursuant to sections 428.24 to 428.29, or chapters 433, 434, 437, 437A, and 438, and such property shall not receive the benefits of this section.~~

~~Any electric power generating plant which operated during the preceding assessment year at a net capacity factor of more than twenty percent, shall not receive the benefits of this section or of section 15.332. For purposes of this section, "*electric power generating plant*" means any nameplate rated electric power generating plant, in which electric energy is produced from other forms of energy, including all taxable land, buildings, and equipment used in the production of such energy. "*Net capacity factor*" means net actual generation~~

~~divided by the product of net maximum capacity times the number of hours the unit was in the active state during the assessment year. Upon commissioning, a unit is in the active state until it is decommissioned. *"Net actual generation"* means net electrical megawatt hours produced by the unit during the preceding assessment year. *"Net maximum capacity"* means the capacity the unit can sustain over a specified period when not restricted by ambient conditions or equipment deratings, minus the losses associated with station service or auxiliary loads.~~

6. For the purpose of dividing taxes under section 260E.4, the employer's or business's valuation of property defined in section 427A.1, subsection 1, paragraphs *"e"* and *"j"*, and used to fund a new jobs training project which project's first written agreement providing for a division of taxes as provided in section 403.19 is approved on or before June 30, 1995, shall be limited to thirty percent of the net acquisition cost of the property. The community college shall notify the assessor by February 15 of each assessment year if taxes levied against such property of an employer or business will be used to finance a project in the following fiscal year. In any fiscal year in which the community college does rely on taxes levied against an employer's or business's property defined in section 427A.1, subsection 1, paragraph *"e"* or *"j"*, to finance a project, such property shall not be valued pursuant to subsection ~~2~~ 3 or ~~3~~ 4, whichever is applicable, for that fiscal year. An employer's or business's taxable property used to fund a new jobs training project shall not be valued pursuant to subsection ~~2~~ 3 or ~~3~~ 4, whichever is applicable, until the assessment year following the calendar year in which the certificates or other funding obligations have been retired or escrowed. If the certificates issued, or other funding obligations incurred, between January 1, 1982, and June 30, 1995, are refinanced or refunded after June 30, 1995, the valuation of such property shall then be the valuation specified in subsection ~~2~~ 3 or ~~3~~ 4, whichever is applicable, for the applicable assessment year beginning with the assessment year following the calendar year in which those certificates or other funding obligations are refinanced or refunded after June 30, 1995.

7. Notwithstanding subsection ~~5~~ 8 or any other provision to the contrary, this section shall be applicable to a new cogeneration facility subject to the assessed value provisions of section 437A.16A, but the exemptions provided in this section shall be reduced by an amount bearing the same ratio to the value of the property that is exempt pursuant to this section as the allowable credit under section 437A.16A, subsection 1, bears to the assessable value of the entire new cogeneration facility before the application of any abatements, credits, or exemptions against that value.

8. *a.* This section shall not apply to property assessed by the department of revenue pursuant to sections 428.24 to 428.29, or chapters 433, 434, 437, 437A, and 438, and such property shall not receive the benefits of this section.

b. Any electric power generating plant which operated during the preceding assessment year at a net capacity factor of more than twenty percent, shall not receive the benefits of this section or of section 15.332.

Sec. 106. Section 432.12C, subsection 2, Code 2013, is amended to read as follows:

2. The taxes imposed under this ~~division~~ chapter shall be reduced by investment tax credits authorized pursuant to ~~sections~~ section 15.333A and section 15E.193B, subsection 6.

Sec. 107. Section 441.4, Code 2013, is amended to read as follows:

441.4 Removal of member.

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

Sec. 108. Section 453B.7, subsection 2, Code 2013, is amended to read as follows:

2. On each gram or portion of a gram of any taxable substance, other than marijuana, sold by weight ~~other than marijuana~~, two hundred fifty dollars.

Sec. 109. Section 455B.301, subsection 20, Code 2013, is amended to read as follows:

20. *"Rubble"* means dirt, stone, brick, or similar inorganic materials used for beneficial fill, landscaping, excavation, or grading at places other than a sanitary disposal project. *"Rubble"* includes asphalt waste only as long as it is not used in contact with water or in a floodplain. For purposes of this chapter, *"rubble"* does not mean gypsum or gypsum wallboard, coal combustion residue, foundry sand, or other industrial process wastes unless those wastes are approved by the department.

Sec. 110. Section 455D.11, subsection 7, paragraph c, Code 2013, is amended by striking the paragraph.

Sec. 111. Section 455F.7, subsection 1, Code 2013, is amended to read as follows:

1. A retailer offering for sale or selling a household hazardous material shall have a valid permit for each place of business owned or operated by the retailer for this activity. All permits provided for in this ~~division~~ section shall expire on June 30 of each year. Every retailer shall submit an annual application by July 1 of each year and a fee of twenty-five dollars to the department of revenue for a permit upon a form prescribed by the director of revenue. Permits are nonrefundable, are based upon an annual operating period, and are not prorated. A person in violation of this section shall be subject to permit revocation upon notice and hearing. The department shall remit the fees collected to the household hazardous waste account of the groundwater protection fund. A person distributing general use pesticides labeled for agricultural or lawn and garden use with gross annual pesticide sales of less than ten thousand dollars is subject to the requirements and fee payment prescribed by this section.

Sec. 112. Section 455G.1, subsection 1, Code 2013, is amended to read as follows:

1. This ~~chapter~~ subchapter is entitled the *"Iowa Comprehensive Petroleum Underground Storage Tank Fund Act"*.

Sec. 113. Section 455G.1, subsection 2, unnumbered paragraph 1, Code 2013, is amended to read as follows:

This ~~chapter~~ subchapter applies to petroleum underground storage tanks for which an owner or operator is required to maintain proof of financial responsibility under federal or state law, from the effective date of the regulation of the federal environmental protection agency governing that tank, and not from the effective compliance date, unless the effective compliance date of the regulation is the effective date of the regulation. An owner or operator of a petroleum underground storage tank required by federal or state law to maintain proof of financial responsibility for that underground storage tank is subject to this ~~chapter~~ subchapter and chapter 424.

Sec. 114. Section 455G.2, unnumbered paragraph 1, Code 2013, is amended to read as follows:

As used in this ~~chapter~~ subchapter unless the context otherwise requires:

Sec. 115. Section 455G.2, subsection 2, Code 2013, is amended to read as follows:

2. *"Bond"* means a bond, note, or other obligation issued by the treasurer of state for the fund and the purposes of this ~~chapter~~ subchapter.

Sec. 116. Section 455G.3, subsections 1 through 3, Code 2013, are amended to read as follows:

1. The Iowa comprehensive petroleum underground storage tank fund is created as a separate fund in the state treasury, and any funds remaining in the fund at the end of each fiscal year shall not revert to the general fund but shall remain in the Iowa comprehensive petroleum underground storage tank fund. Interest or other income earned by the fund shall be deposited in the fund. The fund shall include moneys credited to the fund under this section, section 321.145, subsection 2, paragraph *"a"*, and sections 455G.8 and 455G.9, and section 455G.11, Code 2003, and other funds which by law may be credited to the fund. The moneys in the fund are appropriated to and for the purposes of the board as provided in this

~~chapter~~ subchapter. Amounts in the fund shall not be subject to appropriation for any other purpose by the general assembly, but shall be used only for the purposes set forth in this ~~chapter~~ subchapter. The treasurer of state shall act as custodian of the fund and disburse amounts contained in it as directed by the board including automatic disbursements of funds as received pursuant to the terms of bond indentures and documents and security provisions to trustees and custodians. The treasurer of state is authorized to invest the funds deposited in the fund at the direction of the board and subject to any limitations contained in any applicable bond proceedings. The income from such investment shall be credited to and deposited in the fund. The fund shall be administered by the board which shall make expenditures from the fund consistent with the purposes of the programs set out in this ~~chapter~~ subchapter without further appropriation. The fund may be divided into different accounts with different depositories as determined by the board and to fulfill the purposes of this ~~chapter~~ subchapter.

2. The board shall assist Iowa's owners and operators of petroleum underground storage tanks in complying with federal environmental protection agency technical and financial responsibility regulations by establishment of the Iowa comprehensive petroleum underground storage tank fund. The treasurer of state may issue its bonds, or series of bonds, to assist the board, as provided in this ~~chapter~~ subchapter.

3. The purposes of this ~~chapter~~ subchapter shall include but are not limited to any of the following:

a. To establish a remedial account to fund corrective action for petroleum releases as provided by section 455G.9.

b. To establish a loan guarantee account, as provided by and to the extent permitted by section 455G.10, Code 1999.

c. To establish a marketability fund for the purposes as stated in section 455G.21.

Sec. 117. Section 455G.4, subsection 1, paragraph a, subparagraph (4), Code 2013, is amended to read as follows:

(4) Three public members appointed by the governor and confirmed by the senate to staggered four-year terms, except that, of the first members appointed, one public member shall be appointed for a term of two years and one for a term of four years. A public member shall have experience, knowledge, and expertise of the subject matter embraced within this ~~chapter~~ subchapter. A public member may have experience in either, or both, financial markets or insurance.

Sec. 118. Section 455G.4, subsection 3, paragraph a, Code 2013, is amended to read as follows:

a. The board shall adopt rules regarding its practice and procedures, develop underwriting standards, establish procedures for investigating and settling claims made against the fund, and otherwise implement and administer this ~~chapter~~ subchapter.

Sec. 119. Section 455G.4, subsection 5, paragraphs a and b, Code 2013, are amended to read as follows:

a. The board shall approve any contract entered into pursuant to this ~~chapter~~ subchapter if the cost of the contract exceeds seventy-five thousand dollars.

b. A listing of all contracts entered into pursuant to this ~~chapter~~ subchapter shall be presented at each board meeting and shall be made available to the public. The listing shall state the interested parties to the contract, the amount of the contract, and the subject matter of the contract.

Sec. 120. Section 455G.5, unnumbered paragraph 2, Code 2013, is amended to read as follows:

The board may enter into a contract or an agreement authorized under chapter 28E with a private agency or person, the department of natural resources, the Iowa finance authority, the department of administrative services, the department of revenue, other departments, agencies, or governmental subdivisions of this state, another state, or the United States, in connection with its administration and implementation of this ~~chapter~~ subchapter or chapter 424 or 455B.

Sec. 121. Section 455G.6, unnumbered paragraph 1, Code 2013, is amended to read as follows:

In administering the fund, the board has all of the general powers reasonably necessary and convenient to carry out its purposes and duties and may do any of the following, subject to express limitations contained in this ~~chapter~~ subchapter:

Sec. 122. Section 455G.6, subsection 8, Code 2013, is amended to read as follows:

8. Bonds issued under this section are payable solely and only out of the moneys, assets, or revenues of the fund, all of which may be deposited with trustees or depositories in accordance with bond or security documents and pledged by the board to the payment thereof, and are not an indebtedness of this state, or a charge against the general credit or general fund of the state, and the state shall not be liable for any financial undertakings with respect to the fund. Bonds issued under this ~~chapter~~ subchapter shall contain on their face a statement that the bonds do not constitute an indebtedness of the state.

Sec. 123. Section 455G.6, subsection 10, paragraph c, Code 2013, is amended to read as follows:

c. Subject to the terms, conditions, and covenants providing for the payment of the principal, redemption premiums, if any, interest, and other terms, conditions, covenants, and protective provisions safeguarding payment, not inconsistent with this ~~chapter~~ subchapter and as determined by the trust indenture, resolution, or other instrument authorizing their issuance.

Sec. 124. Section 455G.6, subsections 14 through 17, Code 2013, are amended to read as follows:

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

15. *a.* Subject to the terms of any bond documents, moneys in the fund or fund accounts may be expended for administration expenses, civil penalties, moneys paid under an agreement, stipulation, or settlement, for the costs associated with sites within a community remediation project, for costs related to contracts entered into with a state agency or university, costs for activities relating to litigation, or for the costs of any other activities as the board may determine are necessary and convenient to facilitate compliance with and to implement the intent of federal laws and regulations and this ~~chapter~~ subchapter. For purposes of this ~~chapter~~ subchapter, administration expenses include expenses incurred by the underground storage tank section of the department of natural resources in relation to tanks regulated under this ~~chapter~~ subchapter.

b. The authority granted under this subsection which allows the board to expend fund moneys on an activity the board determines is necessary and convenient to facilitate compliance with and to implement the intent of federal laws and regulations and this ~~chapter~~ subchapter, shall only be used in accordance with the following:

(1) Prior board approval shall be required before expenditure of moneys pursuant to this authority shall be made.

(2) If the expenditure of fund moneys pursuant to this authority would result in the board establishing a policy which would substantially affect the operation of the program, rules shall be adopted pursuant to chapter 17A prior to the board or the administrator taking any action pursuant to this proposed policy.

16. The board shall cooperate with the department of natural resources in the implementation and administration of this ~~chapter~~ subchapter to assure that in combination with existing state statutes and rules governing underground storage tanks, the state will be, and continue to be, recognized by the federal government as having an *"approved state account"* under the federal Resource Conservation and Recovery Act, especially by compliance with the Act's subtitle I financial responsibility requirements as enacted in the federal Superfund Amendments and Reauthorization Act of 1986 and the financial responsibility regulations adopted by the United States environmental protection agency at

40 C.F.R. pts. 280 and 281. Whenever possible this ~~chapter~~ subchapter shall be interpreted to further the purposes of, and to comply, and not to conflict, with such federal requirements.

17. The board may adopt rules pursuant to chapter 17A providing for the transfer of all or a portion of the liabilities of the board under this ~~chapter~~ subchapter. Notwithstanding other provisions to the contrary, the board, upon such transfer, shall not maintain any duty to reimburse claimants under this ~~chapter~~ subchapter for those liabilities transferred.

Sec. 125. Section 455G.8, subsection 2, Code 2013, is amended to read as follows:

2. *Statutory allocations fund.* The moneys credited from the statutory allocations fund under section 321.145, subsection 2, paragraph "*a*", shall be allocated, consistent with this ~~chapter~~ subchapter, among the fund's accounts, for debt service and other fund expenses, according to the fund budget, resolution, trust agreement, or other instrument prepared or entered into by the board or treasurer of state under direction of the board.

Sec. 126. Section 455G.9, subsection 7, Code 2013, is amended to read as follows:

7. *Expenses of cleanup not required.* When an owner or operator who is eligible for benefits under this ~~chapter~~ subchapter is allowed by the department of natural resources to monitor in place, the expenses incurred for cleanup beyond the level required by the department of natural resources may be covered under any of the accounts established under the fund only if approved by the board as cost-effective relative to the department accepted monitoring plan or relative to the repeal date specified in section 424.19. The cleanup expenses incurred for work completed beyond what is required is the responsibility of the person contracting for the excess cleanup. The board shall seek to terminate the responsible party's environmental liabilities at such sites prior to the board ceasing operation.

Sec. 127. Section 455G.12, subsection 2, paragraph e, Code 2013, is amended to read as follows:

e. The intent of this ~~chapter~~ subchapter that the board shall maximize the availability of reasonably priced, financially sound insurance coverage or loan guarantee assistance.

Sec. 128. Section 455G.13, subsection 3, Code 2013, is amended to read as follows:

3. *Owner or operator not in compliance, subject to full and total cost recovery.* Notwithstanding subsection 2, the liability of an owner or operator shall be the full and total costs of corrective action and bodily injury or property damage to third parties, as specified in subsection 1, if the owner or operator has not complied with the financial responsibility or other underground storage tank rules of the department of natural resources or with this ~~chapter~~ subchapter and rules adopted under this ~~chapter~~ subchapter.

Sec. 129. Section 455G.13, subsection 4, paragraph b, Code 2013, is amended to read as follows:

b. The punitive damages imposed under this subsection are in addition to any costs or expenditures recovered from the owner or operator pursuant to this ~~chapter~~ subchapter and in addition to any other penalty or relief provided by this ~~chapter~~ subchapter or any other law.

Sec. 130. Section 455G.13, subsection 6, Code 2013, is amended to read as follows:

6. *Joinder of parties.* The department of natural resources has standing in any case or contested action related to the fund or a tank to assert any claim that the department may have regarding the tank at issue in the case or contested action~~, upon~~. Upon motion and sufficient showing by a party to a cost recovery or subrogation action provided for under this section, the court or the administrative law judge shall join to the action any potentially responsible party who may be liable for costs and expenditures of the type recoverable pursuant to this section.

Sec. 131. Section 455G.13, subsection 8, Code 2013, is amended to read as follows:

8. *Third-party contracts not binding on board, proceedings against responsible party.* An insurance, indemnification, hold harmless, conveyance, or similar risk-sharing or risk-shifting agreement shall not be effective to transfer any liability for costs recoverable under this section. The fund, board, or department of natural resources may proceed directly

against the owner or operator or other allegedly responsible party. This section does not bar any agreement to insure, hold harmless, or indemnify a party to the agreement for any costs or expenditures under this ~~chapter~~ subchapter, and does not modify rights between the parties to an agreement, except to the extent the agreement shifts liability to an owner or operator eligible for assistance under the remedial account for any damages or other expenses in connection with a corrective action for which another potentially responsible party is or may be liable. Any such provision is null and void and of no force or effect.

Sec. 132. Section 455G.13, subsection 10, paragraphs a and b, Code 2013, are amended to read as follows:

a. Upon payment by the fund for corrective action or third-party liability pursuant to this ~~chapter~~ subchapter, the rights of the claimant to recover payment from any potentially responsible party, are assumed by the board to the extent paid by the fund. A claimant is precluded from receiving double compensation for the same injury.

b. In an action brought pursuant to this ~~chapter~~ subchapter seeking damages for corrective action or third-party liability, the court shall permit evidence and argument as to the replacement or indemnification of actual economic losses incurred or to be incurred in the future by the claimant by reason of insurance benefits, governmental benefits or programs, or from any other source.

Sec. 133. Section 455G.13, subsection 12, Code 2013, is amended to read as follows:

12. *Recovery or subrogation — installers and inspectors.* Notwithstanding any other provision contained in this ~~chapter~~ subchapter, the board or a person insured under the underground storage tank insurance fund established in section 455G.11, Code 2003, has no right of recovery or right of subrogation against an installer or an inspector who was insured by the underground storage tank insurance fund for the tank giving rise to the liability other than for recovery of any deductibles paid.

Sec. 134. Section 455G.21, subsection 2, paragraph a, Code 2013, is amended to read as follows:

a. The innocent landowners fund shall be established as a separate fund in the state treasury under the control of the board. The innocent landowners fund shall include any moneys recovered pursuant to cost recovery enforcement under section 455G.13. Notwithstanding section 455G.1, subsection 2, benefits for the costs of corrective action may be provided to the owner of a petroleum-contaminated property, or an owner or operator of an underground storage tank located on the property, who is not otherwise eligible to receive benefits under section 455G.9 due to the date on which the release causing the contamination was reported or the date the claim was filed. An owner of a petroleum-contaminated property, or an owner or operator of an underground storage tank located on the property, shall be eligible for payment of corrective action costs subject to copayment requirements under section 455G.9, subsection 4. The board may adopt rules conditioning receipt of benefits under this paragraph to those petroleum-contaminated properties which present a higher degree of risk to the public health and safety or the environment and may adopt rules providing for denial of benefits under this paragraph to a person who did not make a good faith attempt to comply with the provisions of this ~~chapter~~ subchapter. This paragraph does not confer a legal right to an owner of petroleum-contaminated property, or an owner or operator of an underground storage tank located on the property, for receipt of benefits under this paragraph.

Sec. 135. Section 455G.21, subsection 3, Code 2013, is amended to read as follows:

3. Moneys in the fund shall not be used for purposes of bonding or providing security for bonding under this ~~chapter~~ subchapter.

Sec. 136. Section 455G.31, subsection 2, Code 2013, is amended to read as follows:

2. A retail dealer may use gasoline storage and dispensing infrastructure to store and dispense ethanol blended gasoline classified as E-9 or higher if the department of natural resources under this ~~chapter~~ subchapter or the state fire marshal under chapter 101 determines that it is compatible with the ethanol blended gasoline being used.

Sec. 137. Section 461.36, subsection 2, unnumbered paragraph 1, Code 2013, is amended to read as follows:

The department of natural resources shall ~~allocate~~ distribute trust fund moneys ~~in~~ from the account to local communities for the following initiatives:

Sec. 138. Section 461.37, subsection 2, Code 2013, is amended to read as follows:

2. The department of transportation and the department of natural resources shall ~~allocate~~ use moneys in the account to support initiatives related to the design, establishment, maintenance, improvement, and expansion of land trails.

Sec. 139. Section 461.38, subsection 1, Code 2013, is amended to read as follows:

1. A lake restoration account is created in the trust fund. Seven percent of the moneys credited to the trust fund shall be ~~deposited~~ allocated to the account.

Sec. 140. Section 468.21, Code 2013, is amended to read as follows:

468.21 Hearing of petition — dismissal.

The petition may be amended at any time before final action on the petition. At the time set for hearing on ~~said~~ the petition, the board shall hear and determine the sufficiency of the petition in form and substance ~~(which petition may be amended at any time before final action thereon),~~ and all objections filed against the establishment of such district, and the board may view the premises included in the said district. If ~~it shall find~~ the board finds that the construction of the proposed improvement will not materially benefit said lands or would not be for the public benefit or utility nor conducive to the public health, convenience, or welfare, or that the cost thereof is excessive ~~it~~ the board shall dismiss the proceedings.

Sec. 141. Section 468.252, Code 2013, is amended to read as follows:

468.252 Hearing on petition.

The petition may be amended at any time before final action on the petition. At the time set for hearing on ~~said~~ the petition, the board shall hear and determine the sufficiency of the petition as to form and substance ~~(which petition may be amended at any time before final action thereon),~~ and all objections filed against the abandonment and dissolution of such district. If ~~it shall find~~ the board finds that such district is free from indebtedness and that the necessity for the continued maintenance thereof no longer exists or that the expense of the continued maintenance of such district is not commensurate with the benefits derived therefrom, ~~it~~ the board shall enter an order abandoning and dissolving such district, which order shall be filed with the county auditor of the county or counties in which such district is situated and noted on the drainage record.

Sec. 142. Section 477.10, Code 2013, is amended to read as follows:

477.10 Definitions.

1. *a.* *"Local exchange"*, within the meaning of this ~~Act~~ subchapter, shall refer to a telephone line or lines or to a telephone switchboard or switchboards operating by virtue of a franchise granted by a city furnishing telephonic communication between two or more members of the public within the same city, village, community, locality or neighborhood, which said line or lines or switchboard or switchboards shall be under the same management and control.

b. *"Local exchange"* within the meaning of this ~~Act~~ subchapter shall not include or refer to privately owned or leased lines or switchboards, operated and used by members of the public other than telephone or telegraph companies as a public utility by which the public is offered telephonic service.

2. *"Local exchange company"* within the meaning of this ~~Act~~ subchapter, shall refer to any one or more individuals, firms or corporations operating one or more local exchanges as ~~herein~~ defined in this section.

3. *"Long distance company"* within the meaning of this ~~Act~~ subchapter shall refer to and include one or more persons, firms or corporations operating connecting lines between two or more local exchanges, one or more of which local exchanges are owned by a local telephone company other than such person, firm or corporation, over which line or lines telephonic communication is had between members of the public connected with said local exchanges.

Sec. 143. Section 481A.6A, subsection 1, Code 2013, is amended to read as follows:

1. As used in this section, "*pen-reared pheasant*" means a Chinese ring-necked pheasant (Phasianus colchicus torquatus) and its subspecies which originates from a captive population and which has been propagated and held by a hatchery. For the purposes of this section "*pen-reared pheasant*" does not include a Reeves (Syrmaticus reevesii) or Lady Amherst (Chrysolophus amherstiae) pheasant, a subspecies of the Chinese ring-necked pheasant ~~such~~ classified as a Japanese (Phasianus versicolor) or a Black-necked (P. colchicus colchicus) pheasant, or a melanistic mutant (black, white, or other color mix) of the Chinese ring-necked pheasant. This subsection is not applicable to game birds released for officially sanctioned field meets or trials and retriever meets or trials on private land pursuant to section 481A.22, pen-raised game birds used on private land pursuant to section 481A.56, or game birds released on hunting preserves pursuant to chapter 484B.

Sec. 144. Section 481A.72, subsection 1, Code 2013, is amended to read as follows:

1. ~~A~~ Except as otherwise provided in this chapter, a person shall not at any time take from the waters of the state any fish~~, except as otherwise provided in this chapter,~~ except with hook, line, and bait~~, nor shall a~~. A person shall not use more than three lines nor more than two hooks on each line in still fishing or trolling~~, and in~~. In fly fishing not more than two flies may be used on one line, and in trolling and bait casting not more than two trolling spoons or artificial bait may be used on one line.

Sec. 145. Section 489.1303, Code 2013, is amended to read as follows:

489.1303 Savings clause.

This chapter does not affect an action commenced, proceeding brought, or right accrued before ~~this chapter takes effect~~ January 1, 2009.

Sec. 146. Section 490.1114, subsection 1, Code 2013, is amended to read as follows:

1. A domestic corporation or other entity that has been converted pursuant to this ~~article~~ division is for all purposes the same domestic corporation or other entity that existed before the conversion.

Sec. 147. Section 491.38, Code 2013, is amended to read as follows:

491.38 Consolidation of interstate bridge companies.

Any corporation heretofore or hereafter organized under the laws of this state for the purpose of constructing ~~and/or~~ or operating, or constructing and operating, a bridge, one extremity of which shall rest in an adjacent state, may merge ~~and/or~~ or consolidate the stock, property, rights, franchises, privileges, assets and liabilities of such corporation with the stock, property, rights, franchises, privileges, assets and liabilities of a corporation organized for a similar purpose under the laws of such adjacent state, upon such terms not in conflict with law as may be mutually agreed upon, and thereafter such merged ~~and/or~~ or consolidated corporations shall be one corporation with such name as may be agreed upon, and shall have all of the property, rights, privileges, assets and franchises, and be subject to all of the liabilities, of the merging or consolidating corporations.

Sec. 148. Section 502.306, subsection 1, paragraph h, Code 2013, is amended to read as follows:

h. The financial condition of the issuer affects or would affect the soundness of the securities, except that applications for registration of securities by companies which are in the development stage shall not be denied based solely upon the financial condition of the company. For purposes of this ~~rule~~ paragraph, a "*development stage company*" is defined as a company which has been in existence for five years or less.

Sec. 149. Section 504.1101, subsection 2, paragraph a, Code 2013, is amended to read as follows:

a. The name of each corporation or unincorporated entity planning to merge and the name of the surviving corporation or unincorporated entity into which each plans to merge.

Sec. 150. Section 507.14, subsection 4, Code 2013, is amended to read as follows:

4. Confidential documents, materials, information, administrative or judicial orders, or other actions may be disclosed to a regulatory official of any state, federal agency, or foreign country provided that the recipients are required, under ~~their~~ the law of the recipients' jurisdiction, to maintain ~~their~~ confidentiality of the documents, materials, information, orders, or other actions. Confidential records may be disclosed to the national association of insurance commissioners, the international association of insurance supervisors, and the bank for international settlements provided that the associations and bank certify by written statement that the confidentiality of the records will be maintained.

Sec. 151. Section 508.38, subsection 10, Code 2013, is amended to read as follows:

10. *a.* For any contract which provides, within the same contract by rider or supplemental contract provision, both annuity benefits and life insurance benefits that are in excess of the greater of cash surrender benefits or a return of the gross considerations with interest, the minimum nonforfeiture benefits shall be equal to the sum of the minimum nonforfeiture benefits for the annuity portion and the minimum nonforfeiture benefits, if any, for the life insurance portion computed as if each portion were a separate contract. Notwithstanding the provisions of subsections 4, 5, 6, 7, and 9, additional benefits shall be disregarded in ascertaining the minimum nonforfeiture amounts, paid-up annuity, cash surrender and death benefits that may be required by this section, if the additional benefits are payable ~~*(a)* in~~:

(1) In the event of total and permanent disability~~; *(b)* as~~.

(2) As reversionary annuity or deferred reversionary annuity benefits~~, or *(c)* as~~.

(3) As other policy benefits additional to life insurance, endowment, and annuity benefits, and considerations for all such additional benefits~~, shall be disregarded in ascertaining the minimum nonforfeiture amounts, paid-up annuity, cash surrender and death benefits that may be required by this section~~.

b. The inclusion of such additional benefits shall not be required in any paid-up benefits, unless such additional benefits separately would require minimum nonforfeiture amounts, paid-up annuity, cash surrender and death benefits.

Sec. 152. Section 511.8, subsection 5, paragraph c, Code 2013, is amended to read as follows:

c. Are securities that at the date of acquisition are rated three by the securities valuation office of the national association of insurance commissioners or have the equivalent rating by a rating organization that is approved by the national association of insurance commissioners as an acceptable rating organization and are listed or admitted to trading on a securities exchange in the United States or are publicly held and actively traded in the over-the-counter market and market quotations are readily available. If a security acquired under this paragraph is subsequently downgraded from a three rating by the securities valuation office of the national association of insurance commissioners or from the equivalent rating by a national association of insurance commissioners' acceptable rating organization, the security no longer qualifies as a legal reserve investment.

Sec. 153. Section 512B.11, unnumbered paragraph 1, Code 2013, is amended to read as follows:

A domestic society organized on or after ~~the effective date of this Act~~ January 1, 1991, shall be formed as follows:

Sec. 154. Section 514D.2, subsection 1, Code 2013, is amended to read as follows:

1. *"Accident and sickness insurance"* means individual accident and sickness insurance within the meaning of section 514A.1. *"Accident and sickness insurance"* also means individual subscriber contracts for hospital service, or medical and surgical service, or individual pharmaceutical or optometric service issued under chapter 514, and for purposes of this ~~division~~ chapter, corporations issuing contracts under chapter 514 are deemed to be engaged in the business of insurance.

Sec. 155. Section 514F.6, subsection 2, Code 2013, is amended to read as follows:

2. For purposes of this section, ~~"*physician*" means a licensed doctor of medicine and surgery or a licensed doctor of osteopathic medicine and surgery; "*advanced*~~:

a. "Advanced registered nurse practitioner" means a licensed nurse who is also registered to practice in an advanced role~~, "*physician*~~.

b. "Clean claim" means the same as defined in section 507B.4A, subsection 2, paragraph *"b"*.

c. "Credentialing" means a process through which a health insurer makes a determination based on criteria established by the health insurer concerning whether a physician, advanced registered nurse practitioner, or physician assistant is eligible to provide health care services to an insured and to receive reimbursement for the health care services provided under an agreement entered into between the physician, advanced registered nurse practitioner, or physician assistant and the health insurer.

d. "Credentialing period" means the time period between the health insurer's receipt of a physician's, advanced registered nurse practitioner's, or physician assistant's application for credentialing and approval of that application by the health insurer.

e. "Physician" means a licensed doctor of medicine and surgery or a licensed doctor of osteopathic medicine and surgery.

f. "Physician assistant" means a person who is licensed to practice as a physician assistant under the supervision of one or more physicians~~; and "*credentialing period*" means the time period between the health insurer's receipt of a physician's, advanced registered nurse practitioner's, or physician assistant's application for credentialing and approval of that application by the health insurer. "*Credentialing*" means a process through which a health insurer makes a determination based on criteria established by the health insurer concerning whether a physician, advanced registered nurse practitioner, or physician assistant is eligible to provide health care services to an insured and to receive reimbursement for the health care services provided under an agreement entered into between the physician, advanced registered nurse practitioner, or physician assistant and the health insurer. "*Clean claim*" means the same as defined in section 507B.4A, subsection 2, paragraph "*b*".~~

Sec. 156. Section 515.19, Code 2013, is amended to read as follows:

515.19 Advancement of funds.

Any director, officer, or member of any such mutual company, or any other person, may advance to such company, any sum or sums of money necessary for the purpose of its business, or to enable it to comply with any of the requirements of the law, and such moneys and such interest thereon as may have been agreed upon, not exceeding the maximum statutory rate of interest, shall not be a liability or claim against the company or any of its assets, except as herein provided, and upon approval of the commissioner of insurance may be repaid, but only out of the surplus earnings of such company. No ~~commissioner~~ commission or promotion expenses shall be paid in connection with the advance of any such money to the company. The amount of such advance shall be reported in each annual statement.

Sec. 157. Section 523A.601, subsection 1, paragraph i, Code 2013, is amended to read as follows:

i. Include an explanation of regulatory oversight by the insurance division in twelve point boldface type, in substantially the following language:

THIS AGREEMENT IS SUBJECT TO RULES ADMINISTERED BY THE IOWA INSURANCE DIVISION. YOU MAY CALL THE INSURANCE DIVISION AT ~~(515)281–5705~~ (TELEPHONE NUMBER). WRITTEN INQUIRIES OR COMPLAINTS SHOULD BE MAILED TO THE IOWA SECURITIES AND REGULATED INDUSTRIES BUREAU, ~~330 MAPLE STREET~~ (STREET ADDRESS), ~~DES MOINES~~ (CITY), IOWA ~~50319~~ (ZIP CODE).

Sec. 158. Section 523A.602, subsection 1, paragraph b, subparagraph (3), Code 2013, is amended to read as follows:

(3) State in language that is substantially similar to the following language:

Sec. 159. Section 524.521, subsection 3, unnumbered paragraph 1, Code 2013, is amended to read as follows:

The articles of incorporation of a stock corporation may authorize one or more classes of shares that have any of the following qualities:

Sec. 160. Section 524.1008, subsection 1, Code 2013, is amended to read as follows:

1. *a.* A state bank authorized to act in a fiduciary capacity may enter into an agreement for the succession of fiduciary accounts with a trust company subsidiary authorized by the superintendent pursuant to section 524.802, subsection 12, paragraph *"b"*, or one or more other state or national banks that are located in this state and authorized to act in a fiduciary capacity. In the agreement, the succeeding bank or trust company subsidiary may agree to succeed the relinquishing bank as a fiduciary with respect to those fiduciary accounts which are designated in the agreement. The designation of accounts may be by general class or description and may include fiduciary accounts subject and not subject to court administration and fiduciary accounts to arise in the future under wills, trusts, court orders, or other documents under which the relinquishing bank is named as a fiduciary or is named to become a fiduciary upon the death of a testator or settlor or upon the happening of any other subsequent event. The agreement shall provide ~~either (a) that~~ that one of the following applies:

(1) That the succeeding bank or trust company subsidiary maintain one or more employees or agents at the office of the relinquishing bank in order to facilitate the continued servicing of the designated fiduciary accounts~~, or (b) that~~.

(2) That the relinquishing bank act as an agent of the succeeding bank or trust company subsidiary with respect to the fiduciary accounts that are subject to the agreement, and the relinquishing bank as an agent may perform services other than fiduciary services with respect to those accounts.

b. If the relinquishing bank is an agent under the alternative ~~(b) above~~ specified in paragraph *"a"*, subparagraph (2), then the relinquishing bank shall disclose to its customers that it is acting as an agent of the succeeding bank or trust company subsidiary. The relinquishing bank shall mail a notice of the succession to all persons having an interest in a fiduciary account at their last known address, and shall publish a notice of the succession to fiduciary accounts in a newspaper published in the county of the principal place of business of the relinquishing bank. After the publication, the succeeding bank or trust company subsidiary shall, without further notice, approval or authorization succeed the relinquishing bank as to the fiduciary accounts and the fiduciary powers, rights, privileges, duties, and liabilities for the fiduciary accounts. On the effective date of the succession to fiduciary accounts, the relinquishing bank is released from fiduciary duties under the fiduciary accounts and shall discontinue its exercise of trust powers to the fiduciary accounts. This subsection does not absolve a relinquishing bank from liabilities arising out of a breach of fiduciary duty occurring prior to the succession of fiduciary accounts.

Sec. 161. Section 524.1413, subsection 2, Code 2013, is amended to read as follows:

2. Within ninety days after the application has been accepted for processing, the superintendent shall approve or disapprove the application on the basis of the investigation. As a condition of receiving the decision of the superintendent with respect to the application, the national bank~~,~~ or federal savings association~~, or state savings and loan association~~ shall reimburse the superintendent for all expenses incurred in connection with the application. The superintendent shall give the national bank~~,~~ or federal savings association~~, or state savings and loan association~~ written notice of the decision and, in the event of disapproval, a statement of the reasons for the decision. If the superintendent approves the application, the superintendent shall deliver the articles of conversion, with the superintendent's approval indicated on the articles of conversion, to the secretary of state. The decision of the superintendent shall be subject to judicial review pursuant to chapter 17A. Notwithstanding the terms of the Iowa administrative procedure Act, chapter 17A, a petition for judicial review must be filed within thirty days after the superintendent notifies the national bank~~,~~ or federal savings association~~, or state savings and loan association~~ of the superintendent's decision.

Sec. 162. Section 533.107, subsection 1, Code 2013, is amended to read as follows:

1. A credit union review board is created. The review board shall consist of seven members, five of whom shall have been members in good standing for at least the previous five years of either an Iowa state chartered credit union, or a credit union chartered under the Federal Credit Union Act, 12 U.S.C. § 1751 et seq., and having its principal place of business in Iowa. Two of the members may be public members; however, at no time shall more than five of the members be directors or employees of a credit union. The members shall serve for three-year staggered terms beginning and ending as provided by section 69.19.

Sec. 163. Section 533.213, subsection 1, paragraph a, Code 2013, is amended to read as follows:

a. Credit unions organized under this chapter, the Federal Credit Union Act, 12 U.S.C. § 1751 et seq., or any other credit union act and credit union organizations may be members.

Sec. 164. Section 535B.10, subsection 6, paragraph h, Code 2013, is amended to read as follows:

h. The administrator may furnish information to the title guaranty division of the Iowa finance authority relating to supervision of closing agent licensees whose activities relate to the issuance of title guaranty certificates issued by the title guaranty division ~~of the Iowa finance authority to the title guaranty division~~. The title guaranty division may use this information to satisfy its reinsurance requirements and may provide the information to its reinsurer to the extent necessary to satisfy reinsurer requirements provided the reinsurer agrees to maintain the confidentiality of the information. The title guaranty division shall maintain the confidentiality of the information provided pursuant to this paragraph in all other respects.

Sec. 165. Section 543B.7, subsection 5, paragraph c, Code 2013, is amended to read as follows:

c. If an investigation pursuant to this chapter reveals that an auctioneer has violated this subsection or has assumed to act in the capacity of a real estate broker or real estate salesperson, the real estate commission shall issue a cease and desist order, and shall impose a civil penalty of one thousand dollars for the first offense, and impose a civil penalty of up to the greater of ten thousand dollars or ten percent of the real estate sales price for each subsequent violation.

Sec. 166. Section 543B.43, Code 2013, is amended to read as follows:

543B.43 Penalties.

Any person found guilty of violating a provision of sections 543B.1 to ~~543B.42~~ 543B.41 in a first offense shall be guilty of a simple misdemeanor.

Sec. 167. Section 543C.2, Code 2013, is amended to read as follows:

543C.2 Provisions governing sale or lease of subdivided lands.

1. No subdivider shall sell or lease subdivided land, or offer such land for sale or lease, or advertise such land for sale or lease to the public within this state unless the subdivider has filed with the commission an application which shall include an offering statement. No subdivider shall engage in business in this state until the application and the offering statement have been accepted and the subdivider has been registered as a subdivider with the commission. ~~The~~ In addition to the offering statement, the application shall contain the following:

~~1.~~ *a.* The name of the owner and of the subdivider.

~~2.~~ *b.* The address of the principal office of the owner and of the subdivider, wherever situated, and the addresses of the principal office and all branch offices of the owner and of the subdivider within this state.

~~3.~~ *c.* The name of the person, firm, partnership, company, corporation, or association holding legal or equitable title to the land for sale or lease for the purpose of offering such land or part thereof to the general public.

~~4.~~ *d.* A statement as to whether the owner or the subdivider, or if such owner or subdivider be other than an individual, the name of any partner, principal, officer, director, or branch

manager thereof or any owner of more than a five percent interest in the business, ~~who~~ has been convicted of any criminal offense in connection with any transaction involving the sale or lease, or offer for sale or lease, of subdivided land, or ~~who~~ has been enjoined or restrained by order of any court from selling or leasing, or offering for sale or lease, any subdivided land in any state or county, or ~~who~~ has been enjoined or restrained by any court from continuing any practices in connection therewith.

~~5.~~ *e.* The complete description of the land offered for subdivision by lots, plots, blocks, or sales, with or without streets, together with plats certified to by a duly licensed professional land surveyor accompanied by a certificate attached thereto showing the date of the completion of the survey and of the making of the plat and the name of the subdivision for the purpose of identification of the subdivided land or any part thereof.

~~6.~~ *f.* Copies of plats of all of the land being filed by the subdivider which plats must have already been recorded by the proper recording office in the state in which the land is located.

~~7.~~ *g.* An opinion of an attorney admitted to practice law in this state, a policy of title insurance issued by a title insurer licensed to do business in the state where the subdivided land is located, or an opinion of an attorney admitted or licensed to practice law in the state wherein the lands are situated, reciting in detail all of the liens, encumbrances, and clouds upon the title to such land, and any other defects of title, which may render the title to such land unmarketable.

~~8.~~ *h.* The provisions, covenants, terms, and conditions upon which it is the intention of the owner and the subdivider to sell or lease such subdivided land, accompanied by proposed forms of contracts contemplated for execution and delivery upon the consummation of sales or leases.

~~9.~~ *i.* If the subdivided land sought to be filed comes within the purview of the federal Interstate Land Sales Full Disclosure Act, codified at 15 U.S.C. § 1701 et seq., the subdivider must furnish a copy of the accepted report filed with the department of housing and urban development. If the subdivision comes under the regulation of the real estate laws of the state where the land is located and that state requires a state offering statement or public report, the subdivider must also include a copy of said state report.

~~10.~~ *j.* The subdivider, if a corporation, must register to do business in the state of Iowa as a foreign corporation with the secretary of state and furnish a copy of the certificate of authority to do business in the state of Iowa. If not a corporation, the subdivider must comply with the provisions of chapter 547, by filing a proper trade name with the Polk county recorder. The provisions of this subsection[2] shall also apply to any person, partnership, firm, company, corporation, or association, other than the subdivider, which is engaged by or through the subdivider for the purpose of advertising or selling the land involved in the filing.

~~11.~~ *k.* Such other information as the commission may require, which shall be filed pursuant to the provisions of this chapter.

~~12.~~ 2. The offering statement must contain all of the following:

a. The names, addresses, and business background of the subdivider as required in ~~subsections~~ subsection 1, paragraphs "*a*" to 4 "*d*". If such subdivider is a partnership or corporation, the names, addresses, and business background of each of the partners, officers, and principal stockholders, the nature of their fiduciary relationship and their past, present, or anticipated financial relationship to the subdivider.

b. A complete description of the land and copies of the plat in which the land is located as required in ~~subsections 5~~ subsection 1, paragraphs "*e*" and ~~6~~ "*f*" and a certified financial statement by a certified public accountant of the assets and liabilities of the subdivider as of a date not more than six months prior to the date of the filing, in such detail as the board may require.

c. Information concerning public improvements, including without limitation, streets, storm sewers, street lighting, water supply, and sewage treatment and disposal facilities in existence or planned on the subdivision, and the estimated cost, date of completion, and responsibility for construction of improvements to be made which are referred to in connection with the sale or lease, or offering for sale or lease, of the subdivision or any unit or lot thereon.

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[2] See chapter 140, §75 herein

d. Each of the terms and conditions under which each such unit or lot is offered for sale and such opinion or certificates as required in ~~subsections 7~~ subsection 1, paragraphs "*g*" and ~~8~~ "*h*".

e. A statement as to the exact terms of any guaranties or promises of refund or exchange which are to be used by the subdivider. The guaranty or promise of refund or exchange, if any, must be contained in the body of any contracts used by the subdivider and cannot be in any separate document. Said guaranty or promise of refund or exchange must appear in boldface type in the contract.

f. If the refund privilege, pursuant to paragraph "*e*" ~~of this subsection~~, is predicated in any way upon the requiring by the subdivider of an inspection by the purchaser prior to requesting a refund or exchange pursuant to the guaranty provisions, the offering statement and the sale contract itself must set out in detail all pertinent information in regard to the inspection trip and in regard to claiming a refund or exchange pursuant to the guaranty after the inspection trip.

~~*g.* Such additional information as the commission may require as being necessary or appropriate in the public interest or for the protection of purchasers or lessees.~~

~~*h.*~~ *g.* A vicinity sketch of sufficient scale to show the entire tract of land, surrounding property ownership, and road access.

h. Such additional information as the commission may require as being necessary or appropriate in the public interest or for the protection of purchasers or lessees.

Sec. 168. Section 577.1, subsection 2, Code 2013, is amended to read as follows:

2. *a.* The assent of the owner shall be implied, for purposes of determining whether a lien on inanimate personal property exists, if all of the following are established:

~~*a.*~~ (1) The inanimate personal property is a multi-engine aircraft, eligible for registration under section 501 of the federal Aviation Act of 1958, 49 U.S.C. § ~~1401~~ 44102.

~~*b.*~~ (2) The aircraft is either owned, leased, operated, or on order by an air carrier certified under section 604(b) of the federal Aviation Act of 1958, 49 U.S.C. § ~~1424(b)~~ 44705, or by any other person that rents or leases commercial airliners to certified air carriers in the regular course of business.

~~*c.*~~ (3) The material furnished is new electronic navigation or communications aviation equipment.

~~*d.*~~ (4) The equipment is delivered for installation on the aircraft at the request of a lessee, operator, or other person, or an agent of the lessee, operator, or other person, who has an interest in or exercises control over the aircraft.

b. The aircraft and equipment shall be deemed, for purposes of determining priority over perfected security interests, to be in the possession of the person who furnished the equipment, if the person either manufactures or sells the equipment in the regular course of business and allows the equipment to be made available for installation on the aircraft by releasing it for delivery. Possession of the aircraft and equipment shall be deemed to continue up to, and including, ninety days after the equipment is fully installed on the aircraft, except that if a notice of lien is filed with the federal aviation administration, and no subsequent release of the lien is on file, it shall be deemed to continue indefinitely. A notice of lien under this section is not required to be verified or notarized, but shall be signed by the lienholder, the lienholder's designated agent, or the lienholder's attorney and must identify the aircraft which is the subject of the lien. Notwithstanding subsection 1, liens obtained under this subsection attach and take priority over all other prior liens of record without the giving of prior notice or the obtaining of consent and are enforceable against all persons, including a bona fide purchaser.

Sec. 169. Section 602.8103, subsection 5, Code 2013, is amended to read as follows:

5. Invest money which is paid to the clerk to be paid to any other person in ~~a~~ any of the following:

a. A savings account of a supervised financial organization as defined in section 537.1301, subsection 44, except a credit union operating pursuant to chapter 533. The provisions of chapter 12C relating to the deposit and investment of public funds apply to the deposit and investment of the money except that a supervised financial organization other than a credit

union may be designated as a depository and the money shall be available upon demand. The interest earnings shall be paid into the general fund of the state, except as otherwise provided by law.

b. ~~In addition, the money may be invested in an~~ An open-end management investment company organized in trust form registered with the federal securities and exchange commission under the federal Investment Company Act of 1940, 15 U.S.C. § ~~80(a)~~ 80a, and operated in accordance with 17 C.F.R. § 270.2a-7, the portfolio of which is limited to obligations of the United States of America or agencies or instrumentalities of the United States of America and to repurchase agreements fully collateralized by obligations of the United States of America or an agency or instrumentality of the United States of America if the investment company takes delivery of the collateral either directly or through an authorized custodian.

Sec. 170. Section 602.8105, subsection 2, paragraph a, Code 2013, is amended by striking the paragraph.

Sec. 171. Section 602.8107, subsection 1, Code 2013, is amended to read as follows:

1. As used in this section, *"court debt"* means all fines, penalties, court costs, fees, forfeited bail, surcharges under chapter 911, victim restitution, court-appointed attorney fees or ~~for~~ expenses of a public defender ordered pursuant to section 815.9, or fees charged pursuant to section 356.7 or 904.108.

Sec. 172. Section 602.11101, Code 2013, is amended to read as follows:

602.11101 Implementation by court component.

1. The state shall assume responsibility for components of the court system according to the following schedule:

~~1.~~ *a.* On October 1, 1983, the state shall assume the responsibility for and the costs of jury fees and mileage as provided in section 607A.8 and on July 1, 1984, the state shall assume the responsibility for and the costs of prosecution witness fees and mileage and other witness fees and mileage assessed against the prosecution in criminal actions prosecuted under state law as provided in sections 622.69 and 622.72.

~~2.~~ *b.* Court reporters shall become court employees on July 1, 1984. The state shall assume the responsibility for and the costs of court reporters on July 1, 1984.

~~3.~~ *c.* Bailiffs who perform services for the court, other than law enforcement services, shall become court employees on January 1, 1985, and shall be called court attendants. The state shall assume the responsibility for and the costs of court attendants on January 1, 1985. Section 602.6601 takes effect on January 1, 1985.

~~4.~~ *d.* (1) Juvenile probation officers shall become court employees on July 1, 1985. The state shall assume the responsibility for and the costs of juvenile probation officers on July 1, 1985.

(2) Until July 1, 1985, the county shall remain responsible for the compensation of juvenile court referees. Effective July 1, 1985, the state shall assume the responsibility for the compensation of juvenile court referees.

~~5.~~ *e.* (1) Clerks of the district court shall become court employees on July 1, 1986. The state shall assume the responsibility for and the costs of the offices of the clerks of the district court on July 1, 1986. Persons who are holding office as clerks of the district court on July 1, 1986, are entitled to continue to serve in that capacity until the expiration of their respective terms of office. The district judges of a judicial election district shall give first and primary consideration for appointment of a clerk of the district court to serve the court beginning in 1989 to a clerk serving on and after July 1, 1986, until the expiration of the clerk's elected term of office. A vacancy in the office of clerk of the district court occurring on or after July 1, 1986, shall be filled as provided in section 602.1215.

(2) Until July 1, 1986, the county shall remain responsible for the compensation of and operating costs for court employees not presently designated for state financing and for miscellaneous costs of the judicial branch related to furnishings, supplies, and equipment purchased, leased, or maintained for the use of judicial officers, referees, and their staff. Effective July 1, 1986, the state shall assume the responsibility for the compensation of

and operating costs for court employees presently designated for state financing and for miscellaneous costs of the judicial branch related to furnishings, supplies, and equipment purchased, leased, or maintained for the use of judicial officers, referees, and their staff. However, the county shall at all times remain responsible for the provision of suitable courtrooms, offices, and other physical facilities pursuant to section 602.1303, subsection 1, including paint, wall covering, and fixtures in the facilities.

(3) Until July 1, 1986, the county shall remain responsible for the compensation of and operating costs for probate referees and judicial hospitalization referees and their staffs. Effective July 1, 1986, the state shall assume the responsibility for the compensation of and operating costs for probate referees and judicial hospitalization referees and their staffs.

(4) Until July 1, 1986, the county shall remain responsible for necessary fees and costs related to certain court reporters. Effective July 1, 1986, the state shall assume the responsibility for necessary fees and costs related to certain court reporters.

~~6.~~ *f.* The county shall remain responsible for the court-ordered costs of conciliation procedures under section 598.16.

2. *a.* For the period beginning July 1, 1983, and ending June 30, 1987, the provisions of division I (articles 1 through 10) take effect only to the extent that the provisions do not conflict with the scheduled state assumption of responsibility for the components of the court system, and the amendments and repeals of divisions II and III take effect only to the extent necessary to implement that scheduled state assumption of responsibility. If an amendment or repeal to a Code section in division II or III is not effective during the period beginning July 1, 1983, and ending June 30, 1987, the Code section remains in effect for that period. On July 1, 1987, ~~this Act~~ 1983 Iowa Acts, chapter 186, takes effect in its entirety.

b. However, if the state does not fully assume the costs for a fiscal year of a component of the court system in accordance with the scheduled assumption of responsibility, the state shall not assume responsibility for that component, and the schedule of state assumption of responsibility shall be delayed. The delayed schedule of state assumption of responsibility shall again be followed for the fiscal year in which the state fully assumes the costs of that component. For the fiscal year for which the state's assumption of the responsibility for a court component is delayed, the clerk of the district court shall not reduce the percentage remittance to the counties from the court revenue distribution account under section 602.8108. The clerk shall resume the delayed schedule of reductions in county remittances for the fiscal year in which the state fully assumes the costs of that court component. If the schedules of state assumption of responsibility and reductions in county remittances are delayed, the transition period beginning July 1, 1983, and ending June 30, 1987, is correspondingly lengthened, and ~~this Act~~ 1983 Iowa Acts, chapter 186, takes effect in its entirety only at the end of the lengthened transition period.

3. The supreme court shall prescribe temporary rules, prior to the dates on which the state assumes responsibility for the components of the court system, as necessary to implement the administrative and supervisory provisions of ~~this Act~~ 1983 Iowa Acts, chapter 186, and as necessary to determine the applicability of specific provisions of ~~this Act~~ 1983 Iowa Acts, chapter 186, in accordance with the scheduled state assumption of responsibility for the components of the court system.

Sec. 173. Section 622.34, Code 2013, is amended to read as follows:

622.34 Contract not denied in the pleadings.

The ~~above regulations~~ provisions of sections 622.32 and 622.33, relating merely to the proof of contracts, shall not prevent the enforcement of those not denied in the pleadings, except in cases when the contract is sought to be enforced, or damages recovered for the breach thereof, against some person other than the person who made it.

Sec. 174. Section 622.79, Code 2013, is amended to read as follows:

622.79 When party fails to obey subpoena.

In addition to the ~~above~~ remedies provided in sections 622.76 through 622.78, if a party to an action in the party's own right, on being duly subpoenaed, fails to appear and give testimony, the other party may, at the other party's election, have a continuance of the cause at the cost of the delinquent.

Sec. 175. Section 631.1, subsection 1, Code 2013, is amended to read as follows:

1. The following actions or claims are small claims and shall be commenced, heard and determined as provided in this chapter:

a. A civil action for a money judgment where the amount in controversy is four thousand dollars or less for actions commenced before July 1, 2002, ~~and~~ exclusive of interest and costs.

b. A civil action for a money judgment where the amount in controversy is five thousand dollars or less for actions commenced on or after July 1, 2002, exclusive of interest and costs.

Sec. 176. Section 633.128, Code 2013, is amended to read as follows:

633.128 Court accountings.

1. Unless ordered by a court of competent jurisdiction, the bank or trust company operating such common trust funds is not required to render a court accounting with regard to such funds; but it may, by application to the court, secure approval of such an accounting on such conditions as the court may establish.

2. When an accounting of a common trust fund is presented to a court for approval, the court shall assign a time and place for hearing, and order notice thereof by all of the following:

a. ~~(1)~~ Publication once each week for three consecutive weeks in a newspaper of general circulation, published in the county in which the bank or trust company operating the common trust fund is located, the first publication to be not less than twenty days prior to the date of hearing~~, and (2) sending~~.

b. Sending by ordinary mail not less than fourteen days prior to the date of hearing, a copy of the notice prescribed to all beneficiaries of the trust participating in the common trust fund whose names are known to the bank or trust company from the records kept by it in the regular course of business in the administration of said trusts, directed to them at the addresses shown by such records~~, and (3) such~~.

c. Such further notice, if any, as the court may order.

Sec. 177. Section 633.376, subsection 2, Code 2013, is amended to read as follows:

2. The estate's personal representative shall mail pursuant to section 633.40, subsection 5, to the legal guardian of each child qualified under subsection 1 and to each child or the guardian ad litem for such child if necessary, who has no legal guardian, a written notice regarding the right to request an allowance. The notice shall inform the child and the child's guardian or guardian ad litem, if applicable, of the right to submit an application to the court, within four months after service of the notice, for support for a period of twelve months following the decedent's death. If an application for support has not been filed within four months after service of the notice by or on behalf of the child qualifying for support under subsection 1, the child shall be deemed to have waived the right to support under this section. A child who qualifies for support under this section or the child's guardian or guardian ad litem may waive the child's right to such support by filing an affidavit acknowledging receipt of notice and irrevocably waiving the child's right to support under this section.

Sec. 178. Section 633.704, subsection 2, Code 2013, is amended to read as follows:

2. If a court of another state in which a guardianship or protective proceeding is pending requests assistance ~~pursuant to~~ described in subsection 1, a court of this state has jurisdiction for the limited purpose of granting the request or making reasonable efforts to comply with the request.

Sec. 179. Section 633A.3110, Code 2013, is amended to read as follows:

633A.3110 Notice to creditors, heirs, and surviving spouse.

1. As used in this section, "*heir*" means only such person who would, in an intestate estate, be entitled to a share under section 633.219.

2. The trustee may give notice as described herein to creditors, heirs, and the surviving spouse of the settlor for the purpose of establishing their rights to contest the trust and to file claims against the trust assets.

a. No later than the end of the one-year period beginning with the settlor's date of death, the trustee may publish a notice once each week for two consecutive weeks in a daily or weekly newspaper of general circulation published in the county in which the settlor was a resident at the time of death. If the settlor was not a resident of Iowa, but the principal place

of administration is in Iowa, the trustee shall publish notice in the county that is the principal place of administration pursuant to section 633A.6102.

b. If notice is published pursuant to paragraph "*a*", the trustee shall also give notice by ordinary mail within one year of the settlor's death to the surviving spouse and the heirs of the decedent whose identities are reasonably ascertainable, at such person's last known address.

c. If notice is published pursuant to paragraph "*a*", the trustee shall also give notice to creditors of the settlor who are known or reasonably ascertainable within the period for filing claims specified in the published notice and who the trustee believes own or possess a claim, which will not or may not be paid or otherwise satisfied during the administration of the trust, by ordinary mail to each person at the person's last known address.

d. The notices described in this subsection shall, if given, include notification of the settlor's death, and the fact that any action to contest the validity of the trust must be brought within the later to occur of four months from the date of the second publication of the notice made pursuant to paragraph "*a*" or thirty days from the date of mailing of the notice pursuant to paragraph "*b*", and that any claim against the trust assets will be forever barred unless proof of a creditor's claim is mailed to the trustee by certified mail, return receipt requested, within the later to occur of four months from the date of second publication of notice made pursuant to paragraph "*a*" or thirty days from the date of mailing of the notice pursuant to paragraph "*b*", if required. A person who is not entitled to receive a mailed notice or who does not make a claim within the appropriate period is forever barred from asserting any claim against the trust or the trust assets.

3. If notice is published pursuant to subsection 2, paragraph "*a*", claims of creditors that are discovered or which become reasonably ascertainable after the end of the notice period are barred.

4. If notice is not published and given as provided in this section, the right to challenge the trust and file claims against the trust assets are limited as provided in sections 633A.3108 and 633A.3109.

5. The notice described in subsection 2 shall be substantially in the following form:

To all persons regarding ....., deceased, who died on or about .....~~,~~ ~~(year)~~ .....(date). You are hereby notified that ..... is the trustee of the ..... Trust.

Any action to contest the validity of the trust must be brought in the District Court of .... County, Iowa, within the later to occur of four months from the date of second publication of this notice, or thirty days from the date of mailing this notice to all heirs of the decedent settlor and the spouse of the decedent settlor whose identities are reasonably ascertainable. Any suit not filed within this period shall be forever barred.

Notice is further given that any person or entity possessing a claim against the trust must mail proof of the claim to the trustee at the address listed below via certified mail, return receipt requested, by the later to occur of four months from the second publication of this notice or thirty days from the date of mailing this notice if required, or the claim shall be forever barred, unless paid or otherwise satisfied.

Dated this ..... day of .....(month), ~~(year)~~ .....(year)
..... Trust

.....
Trustee
Address: .....
.....

Date of second publication
..... day of .....(month), ~~(year)~~ .....(year)

6. The proof of claim must be in writing stating the party's name and address and describing the nature and amount of the claim, if ascertainable, and accompanied by an affidavit of the party or a representative of the party verifying the amount that is due, or when the amount will become due, that no payments have been made on the claim that are not credited, and that no offsets to the claim exist.

7. At any time after receipt by the trustee of a proof of claim, the trustee may give the party submitting the claim a written notice of disallowance of the claim. The notice shall be given by certified mail, return receipt requested, addressed to the party at the address

stated in the claim, and to the attorney of record of the party submitting the claim. Such notice of disallowance shall advise the party submitting the claim that the claim has been disallowed and will be forever barred unless suit is filed against the trustee to enforce the claim within thirty days of the date of the mailing of the notice of disallowance. If suit is filed, the provisions in chapter 633 relating to actions to enforce a claim shall apply with the trust and trustee substituted for the estate and personal representative.

8. The trustee and creditor may agree to extend the limitations period for filing an action to enforce the claim. If the creditor fails to properly file its claim within the established time period or bring an action to enforce its claim within the established time period, the creditor's claim shall be forever barred.

9. The trustee shall give notice to the beneficiaries of the trust as required by section 633A.4213.

10. The trustee shall give notice to the surviving spouse of the right to elect to take an elective share of the trust as required by section 633.237 and the right to ~~a spousal~~ an allowance for the surviving spouse and any dependents of the settlor residing with the surviving spouse as required by section 633A.3114.

11. The trustee shall give notice to eligible children not residing with the surviving spouse of their right to an allowance as required by section 633A.3115.

Sec. 180. Section 633A.3115, subsections 1 and 3, Code 2013, are amended to read as follows:

1. If the trustee is required to give notice under section 633A.3114, the trustee shall also mail, pursuant to section 633.40, subsection 5, to the legal guardian of each child qualified under subsection 2 and to each such child or the guardian ad litem for such child if necessary, who has no legal guardian, a written notice regarding the right to request an allowance. The notice shall inform the child and the child's guardian or guardian ad litem, if applicable, of the right to submit an application to the trustee within four months after service of the notice, for a support allowance for a period of twelve months following the decedent's death.

3. If an application for a support allowance has not been filed within four months after service of the notice by or on behalf of the child qualifying for an allowance under subsection 2, the child shall be deemed to have waived the right to an allowance under this section. A child who qualifies for an allowance under this section or the guardian or guardian ad litem for the child, if any, may waive the child's right to such an allowance by submitting an affidavit to the trustee acknowledging receipt of notice and irrevocably waiving the child's right to an allowance under this section.

Sec. 181. Section 654.14, Code 2013, is amended to read as follows:

654.14 Preference in receivership — application of rents.

1. In an action to foreclose a real estate mortgage, if a receiver is appointed to take charge of the real estate, preference shall be given to the owner or person in actual possession, subject to approval of the court, in leasing the mortgaged premises. If the real estate is agricultural land used for farming, as defined in section 9H.1, the owner or person in actual possession shall be appointed as receiver without bond, provided that all parties agree to the appointment. The rents, profits, avails, and income derived from the real estate shall be applied as follows:

~~1.~~ *a.* To the cost of receivership.

~~2.~~ *b.* To the payment of taxes due or becoming due during said receivership.

~~3.~~ *c.* To pay the insurance on buildings on the premises ~~and/or~~ or such other benefits to the real estate, or both, as may be ordered by the court.

~~4.~~ *d.* The balance shall be paid and distributed as determined by the court.

2. If the owner or person in actual possession of agricultural land as defined in section 9H.1 is not afforded a right of first refusal in leasing the mortgaged premises by the receiver, the owner or person in actual possession has a cause of action against the receiver to recover either actual damages or a one thousand dollar penalty, and costs, including reasonable attorney's fees. The receiver shall deliver notice to the owner or person in actual possession or the attorney of the owner or person in actual possession, of an offer made to the receiver, the terms of the offer, and the name and address of the person making the offer. The delivery

shall be made personally with receipt returned or by certified or registered mail, with the proper postage on the envelope, addressed to the owner or person in actual possession or the attorney of the owner or person in actual possession. An offer shall be deemed to have been refused if the owner or person in actual possession or the attorney of the owner or person in actual possession does not respond within ten days following the date that the notice is mailed.

Sec. 182. Section 671.2, Code 2013, is amended to read as follows:

671.2 Exception.

1. The limited liability provided in section 671.1 shall not apply where:

~~1.~~ *a.* A guest has offered to deliver ~~such~~ valuables to ~~said~~ the keeper or owner for custody in such metal safe or vault, and

~~2.~~ *b.* ~~Said~~ The keeper or owner has omitted or refused to receive and deposit the ~~same~~ valuables in ~~such~~ the safe or vault and give such guest a receipt ~~therefor~~ for the valuables.

2. ~~But such~~ The keeper or owner shall not be required to receive from any one guest for deposit in ~~such~~ the keeper's or owner's safe or vault, property having a market value of more than five hundred dollars.

Sec. 183. Section 708.1, Code 2013, is amended to read as follows:

708.1 Assault defined.

1. An assault as defined in this section is a general intent crime.

2. A person commits an assault when, without justification, the person does any of the following:

~~1.~~ *a.* Any act which is intended to cause pain or injury to, or which is intended to result in physical contact which will be insulting or offensive to another, coupled with the apparent ability to execute the act.

~~2.~~ *b.* Any act which is intended to place another in fear of immediate physical contact which will be painful, injurious, insulting, or offensive, coupled with the apparent ability to execute the act.

~~3.~~ *c.* Intentionally points any firearm toward another, or displays in a threatening manner any dangerous weapon toward another.

3. ~~Provided, that where~~ An act described in subsection 2 shall not be an assault under the following circumstances:

a. If the person doing any of the ~~above~~ enumerated acts, and such other person, are voluntary participants in a sport, social or other activity, not in itself criminal, and such act is a reasonably foreseeable incident of such sport or activity, and does not create an unreasonable risk of serious injury or breach of the peace~~, the act shall not be an assault~~.

b. ~~Provided, that where~~ If the person doing any of the ~~above~~ enumerated acts is employed by a school district or accredited nonpublic school, or is an area education agency staff member who provides services to a school or school district, and intervenes in a fight or physical struggle, or other disruptive situation, that takes place in the presence of the employee or staff member performing employment duties in a school building, on school grounds, or at an official school function regardless of the location, ~~the act shall not be an assault,~~ whether the fight or physical struggle or other disruptive situation is between students or other individuals, if the degree and the force of the intervention is reasonably necessary to restore order and to protect the safety of those assembled.

Sec. 184. Section 708.4, Code 2013, is amended to read as follows:

708.4 Willful injury.

Any person who does an act which is not justified and which is intended to cause serious injury to another commits ~~the following~~ willful injury, which is punishable as follows:

1. A class "C" felony, if the person causes serious injury to another.
2. A class "D" felony, if the person causes bodily injury to another.

Sec. 185. Section 709.16, subsection 2, Code 2013, is amended to read as follows:

2. *a.* An officer, employee, contractor, vendor, volunteer, or agent of a juvenile placement facility who engages in a sex act with a juvenile placed at such facility commits an aggravated misdemeanor.

b. For purposes of this subsection, a *"juvenile placement facility"* means any of the following:

~~a.~~ (1) A child foster care facility licensed under section 237.4.

~~b.~~ (2) Institutions controlled by the department of human services listed in section 218.1.

~~c.~~ (3) Juvenile detention and juvenile shelter care homes approved under section 232.142.

~~d.~~ (4) Psychiatric medical institutions for children licensed under chapter 135H.

~~e.~~ (5) ~~Substance abuse facilities~~ Facilities for the treatment of persons with substance-related disorders as defined in section 125.2.

Sec. 186. Section 710.5, Code 2013, is amended to read as follows:

710.5 Child stealing.

1. A person commits ~~a class "C" felony~~ child stealing when, knowing that the person has no authority to do so, the person forcibly or fraudulently takes, decoys, or entices away any child with intent to detain or conceal such child from its parents or guardian, or other persons or institution having the lawful custody of such child, unless the person is a relative of such child, and the person's sole purpose is to assume custody of such child.

2. Child stealing is a class "C" felony.

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

Sec. 187. Section 710A.2, subsection 8, Code 2013, is amended to read as follows:

8. A person's ignorance of the age of the victim or a belief that the victim was older is ~~no~~ not a defense to a violation of this section.

Sec. 188. Section 710A.2A, Code 2013, is amended to read as follows:

710A.2A Solicitation of commercial sexual activity.

A person shall not entice, coerce, or recruit, or attempt to entice, coerce, or recruit, either a person who is under the age of eighteen or a law enforcement officer or agent who is representing ~~oneself to be~~ that the officer or agent is under the age of eighteen, to engage in a commercial sexual activity. A person who violates this section commits a class "D" felony.

Sec. 189. Section 714.24, subsections 2, 3, 4, and 7, Code 2013, are amended to read as follows:

2. An entity that claims an exemption under section 714.19 ~~or 714.22~~ must file an exemption claim with the commission. The commission may approve or deny the exemption claim. Except for a school that claims an exemption under section 714.19, subsection 1, 3, or 10, a filing of a claim for an exemption pursuant to section 714.19 ~~or 714.22~~ must be completed at least once every two years.

3. An entity that claims an exemption under section 714.19 ~~or 714.22~~ must file evidence of financial responsibility pursuant to section 714.18 within sixty calendar days following the date upon which conditions that qualify the entity for an exemption under section 714.19 no longer exist. The commission may grant an entity a longer period to file evidence of financial responsibility based on documentation the entity provides to the commission of its substantial progress to comply with section 714.18, subsection 1, paragraph *"a"*.

4. An entity that is required to file evidence of financial responsibility under section 714.18, or an entity that files a claim of exemption under section 714.19 ~~or 714.22~~, shall utilize required forms approved and supplied by the commission.

7. Except as provided in section 714.18, subsection 2, paragraph *"a"*, the information submitted under sections 714.18, ~~714.22,~~ 714.23, and 714.25 are public records under chapter 22.

Sec. 190. Section 715.3, subsection 2, Code 2013, is amended to read as follows:

2. *"Computer software"* means a sequence of instructions written in any programming language that is executed on a computer. *"Computer software"* does not include computer software that is ~~a web page~~ an internet site or data components of ~~a web page~~ an internet site that are not executable independently of the ~~web page~~ internet site.

Sec. 191. Section 715.3, subsection 10, paragraph b, Code 2013, is amended to read as follows:

b. The storage or hosting of the computer software program or an internet ~~web page~~ site through which the software was made available.

Sec. 192. Section 715.4, subsection 1, paragraphs a through c, Code 2013, are amended to read as follows:

a. The ~~web page~~ internet site that appears when an owner or operator launches an internet browser or similar computer software used to access and navigate the internet.

b. The default provider or ~~web~~ internet proxy that an owner or operator uses to access or search the internet.

c. An owner's or an operator's list of bookmarks used to access ~~web pages~~ internet sites.

Sec. 193. Section 716.3, Code 2013, is amended to read as follows:

716.3 Criminal mischief in the first degree.

1. Criminal mischief is criminal mischief in the first degree if ~~the~~ either of the following apply:

a. The cost of replacing, repairing, or restoring the property ~~so~~ that is damaged, defaced, altered, or destroyed is more than ten thousand dollars~~, or if such~~.

b. The acts are intended to or do in fact cause a substantial interruption or impairment of service rendered to the public by a gas, electric, steam or waterworks corporation, telephone or telegraph corporation, common carrier, or a public utility operated by a municipality.

2. Criminal mischief in the first degree is a class "C" felony.

Sec. 194. Section 716.4, Code 2013, is amended to read as follows:

716.4 Criminal mischief in the second degree.

1. Criminal mischief is criminal mischief in the second degree if the cost of replacing, repairing, or restoring the property ~~so~~ that is damaged, defaced, altered, or destroyed exceeds one thousand dollars but does not exceed ten thousand dollars.

2. Criminal mischief in the second degree is a class "D" felony.

Sec. 195. Section 716.6, subsection 1, paragraph a, subparagraph (1), Code 2013, is amended to read as follows:

(1) The cost of replacing, repairing, or restoring the property ~~so~~ that is damaged, defaced, altered, or destroyed exceeds two hundred dollars, but does not exceed five hundred dollars.

Sec. 196. Section 716.10, subsection 3, Code 2013, is amended to read as follows:

3. For purposes of this section~~, "*railway corporation*"~~:

a. "*Railway corporation*" means a corporation, company, or person owning, leasing, or operating any railroad in whole or in part within the state.

b. "*Train*" means a series of two or more train components which are coupled together in a line.

c. ~~For purposes of this section, "*train component*"~~ "*Train component*" means any locomotive, engine, tender, railroad car, passenger car, freight car, box car, tank car, hopper car, flatbed, container, work equipment, rail-mounted equipment, or any other railroad rolling stock.

~~For purposes of this section, "*train*" means a series of two or more train components which are coupled together in a line.~~

Sec. 197. Section 716A.3, subsection 2, Code 2013, is amended to read as follows:

2. *a.* A person who knowingly sells an adulterated or misbranded drug through the use of electronic mail or the internet is guilty of a class "D" felony.

b. ~~However, if~~ If the death of a person occurs as the result of consuming a drug, as defined in section 155A.3, sold in violation of this ~~section~~ subsection, the violation is a class "B" felony.

Sec. 198. Section 716B.2, Code 2013, is amended to read as follows:

716B.2 Unlawful disposal of hazardous waste — penalties.

1. A person ~~who~~ commits the offense of unlawful disposal of hazardous waste when the person knowingly or with reason to know, disposes of hazardous waste or arranges for or allows the disposal of hazardous waste at any location other than one authorized by the department or the United States environmental protection agency, or in violation of any material term or condition of a hazardous waste facility permit~~,~~.

2. *a.* A person who commits the offense of unlawful disposal of hazardous waste is guilty of an aggravated misdemeanor and upon conviction shall be punished by a fine of not more than twenty-five thousand dollars for each day of violation or imprisonment for not more than two years, or both.

b. If the conviction is for a violation committed after a first conviction under this section, the person is guilty of a class "D" felony and shall be punished by a fine of not more than fifty thousand dollars for each day of violation or imprisonment for not more than five years, or both.

Sec. 199. Section 716B.3, Code 2013, is amended to read as follows:

716B.3 Unlawful transportation of hazardous waste — penalties.

1. A person ~~who~~ commits the offense of unlawful transportation of hazardous waste when the person knowingly or with reason to know, transports or causes to be transported any hazardous waste to any location other than a facility that is authorized to receive, treat, store, or dispose of the hazardous waste under rules adopted pursuant to the federal Resource Conservation and Recovery Act, 42 U.S.C. § 6901 – 6992~~,~~.

2. *a.* A person who commits the offense of unlawful transportation of hazardous waste is guilty of an aggravated misdemeanor and upon conviction shall be punished by a fine of not more than twenty-five thousand dollars for each day of violation or imprisonment for not more than two years, or both.

b. If the conviction is for a violation committed after a first conviction under this section, the person is guilty of a class "D" felony and shall be punished by a fine of not more than fifty thousand dollars for each day of violation or imprisonment for not more than five years, or both.

Sec. 200. Section 716B.4, Code 2013, is amended to read as follows:

716B.4 Unlawful ~~storage or~~ treatment or storage of hazardous waste — penalties.

1. A person ~~who~~ commits the offense of unlawful treatment or storage of hazardous waste when the person knowingly or with reason to know, treats or stores hazardous waste without a permit issued pursuant to 42 U.S.C. § 6925 or § 6926.

2. *a.* A person who commits the offense of unlawful treatment or storage of hazardous waste is guilty of an aggravated misdemeanor and upon conviction shall be punished by a fine of not more than twenty-five thousand dollars for each day of violation or imprisonment for not more than two years, or both.

b. If the conviction is for a violation committed after a first conviction under this section, the person is guilty of a class "D" felony and shall be punished by a fine of not more than fifty thousand dollars for each day of violation or imprisonment for not more than five years, or both.

Sec. 201. Section 717B.1, subsection 5, Code 2013, is amended to read as follows:

5. *"Law enforcement officer"* means a regularly employed member of a police force of a city or county, including a sheriff, who is responsible for the prevention and ~~dedication~~ detection of crime and the enforcement of the criminal laws of this state.

Sec. 202. Section 719.1, subsections 1 and 2, Code 2013, are amended to read as follows:

1. A person ~~who~~ commits interference with official acts when the person knowingly resists or obstructs anyone known by the person to be a peace officer, emergency medical care provider under chapter 147A, or fire fighter, whether paid or volunteer, in the performance of any act which is within the scope of the lawful duty or authority of that officer, emergency medical care provider under chapter 147A, or fire fighter, whether paid or volunteer, or who knowingly resists or obstructs the service or execution by any authorized person of any civil or criminal process or order of any court~~, commits~~.

a. Interference with official acts is a simple misdemeanor. In addition to any other penalties, the punishment imposed ~~for a violation of~~ under this ~~subsection~~ paragraph shall include assessment of a fine of not less than two hundred fifty dollars.

b. ~~However, if~~ If a person commits an interference with official acts, as defined in this subsection, and in so doing inflicts bodily injury other than serious injury, that person commits an aggravated misdemeanor.

c. If a person commits an interference with official acts, as defined in this subsection, and in so doing inflicts or attempts to inflict serious injury, or displays a dangerous weapon, as defined in section 702.7, or is armed with a firearm, that person commits a class "D" felony.

2. A person under the custody, control, or supervision of the department of corrections ~~who~~ commits interference with official acts when the person knowingly resists, obstructs, or interferes with a correctional officer, agent, employee, or contractor, whether paid or volunteer, in the performance of the person's official duties~~, commits~~.

a. Interference with official acts in violation of this subsection is a serious misdemeanor.

b. If a person violates this subsection and in so doing commits an assault, as defined in section 708.1, the person commits an aggravated misdemeanor.

c. If a person violates this subsection and in so doing inflicts or attempts to inflict bodily injury other than serious injury to another, displays a dangerous weapon, as defined in section 702.7, or is armed with a firearm, the person commits a class "D" felony.

d. If a person violates this subsection and uses or attempts to use a dangerous weapon, as defined in section 702.7, or inflicts serious injury to another, the person commits a class "C" felony.

Sec. 203. Section 721.6, Code 2013, is amended to read as follows:

721.6 Exception to sections 721.3 ~~to~~ through 721.5.

The provisions of sections 721.3 ~~to~~ through 721.5 shall not be construed as prohibiting any such officer or employee who is a candidate for political office to engage in campaigning at any time or at any place for the officer's or employee's ~~self~~ own candidacy.

Sec. 204. Section 721.7, Code 2013, is amended to read as follows:

721.7 Penalty for violating sections 721.3 ~~to 721.6~~ through 721.5.

Any person who violates any provision of sections 721.3 ~~to 721.6~~ through 721.5 shall be guilty of a serious misdemeanor.

Sec. 205. Section 724.1, subsection 7, unnumbered paragraph 2, Code 2013, is amended by striking the unnumbered paragraph.

Sec. 206. Section 724.2, Code 2013, is amended to read as follows:

724.2 Authority to possess offensive weapons.

1. Any of the following persons or entities is authorized to possess an offensive weapon when the person's or entity's duties or lawful activities require or permit such possession:

~~1.~~ *a.* Any peace officer.

~~2.~~ *b.* Any member of the armed forces of the United States or of the national guard.

~~3.~~ *c.* Any person in the service of the United States.

~~4.~~ *d.* A correctional officer, serving in an institution under the authority of the Iowa department of corrections.

~~5.~~ *e.* Any person who under the laws of this state and the United States, is lawfully engaged in the business of supplying those authorized to possess such devices.

~~6.~~ *f.* Any person, firm or corporation who under the laws of this state and the United States is lawfully engaged in the improvement, invention or manufacture of firearms.

~~7.~~ *g.* Any museum or similar place which possesses, solely as relics, offensive weapons which are rendered permanently unfit for use.

~~8.~~ *h.* A resident of this state who possesses an offensive weapon which is a curio or relic firearm under the federal Firearms Act, 18 U.S.C. ch. 44, solely for use in the official functions of a historical reenactment organization of which the person is a member, if the offensive weapon has been permanently rendered unfit for the firing of live ammunition. The offensive weapon may, however, be adapted for the firing of blank ammunition.

~~9.~~ *i.* A nonresident who possesses an offensive weapon which is a curio or relic firearm under the federal Firearms Act, 18 U.S.C. ch. 44, solely for use in official functions in this state of a historical reenactment organization of which the person is a member, if the offensive weapon is legally possessed by the person in the person's state of residence and the offensive weapon is at all times while in this state rendered incapable of firing live ammunition. A nonresident who possesses an offensive weapon under this subsection[3] while in this state shall not have in the person's possession live ammunition. The offensive weapon may, however, be adapted for the firing of blank ammunition.

2. Notwithstanding subsection 1, a person is not authorized to possess in this state a shotshell or cartridge intended to project a flame or fireball of the type described in section 724.1.

Sec. 207. Section 724.4B, subsection 2, paragraph b, Code 2013, is amended to read as follows:

b. A person who has been specifically authorized by the school to go armed with, carry, or transport a firearm on the school grounds, including for purposes of conducting an instructional program regarding firearms.

Sec. 208. Section 802.7, Code 2013, is amended to read as follows:

802.7 Continuing crimes.

When an offense is based on a series of acts committed at different times, the period of limitation prescribed by this ~~division~~ chapter shall commence upon the commission of the last of such acts.

Sec. 209. Section 804.14, Code 2013, is amended to read as follows:

804.14 Manner of making arrest — warrant.

1. ~~The~~ A person making ~~the~~ an arrest must inform the person to be arrested of the intention to arrest the person, the reason for arrest, and that the person making the arrest is a peace officer, if such be the case, and require the person being arrested to submit to the person's custody, except when the person to be arrested is actually engaged in the commission of or attempt to commit an offense, or escapes, so that there is no time or opportunity to do so~~; if~~.

2. If acting under the authority of a warrant, ~~the~~ a law enforcement officer need not have the warrant in the officer's possession at the time of the arrest, but, upon request, the officer shall show the warrant to the person being arrested as soon as possible. If the officer does not have the warrant in the officer's possession at the time of arrest, the officer shall inform the person being arrested of the fact that a warrant has been issued.

Sec. 210. Section 814.11, subsection 4, Code 2013, is amended to read as follows:

4. In all other cases not specified in subsection 2 or 3, or except as otherwise provided in this section, the court shall appoint an attorney ~~to represent an indigent person~~ who has a contract with the state public defender to provide legal services in appellate cases to represent an indigent person.

Sec. 211. Section 815.5, Code 2013, is amended to read as follows:

815.5 Expert witnesses for state and defense.

Notwithstanding the provisions of section 622.72, reasonable compensation as determined by the court shall be awarded expert witnesses, expert witnesses for an indigent person referred to in section 815.4, or expert witnesses called by the state in criminal cases.

Sec. 212. Section 901B.1, subsection 3, Code 2013, is amended to read as follows:

3. *a.* Each judicial district and judicial district department of correctional services shall implement an intermediate criminal sanctions program ~~by July 1, 2001~~. An intermediate criminal sanctions program shall consist of only levels two, three, and sublevels one and three of level four of the corrections continuum and shall be operated in accordance with an intermediate criminal sanctions plan adopted by the chief judge of the judicial district and the director of the judicial district department of correctional services. The plan adopted

[3] See chapter 140, §78 herein

shall be designed to reduce probation revocations to prison through the use of incremental, community-based sanctions for probation violations.

b. The plan shall be subject to rules adopted by the department of corrections. The rules shall include provisions for transferring individuals between levels in the continuum. The provisions shall include a requirement that the reasons for the transfer be in writing and that an opportunity for the individual to contest the transfer be made available.

c. A copy of the program and plan shall be filed with the chief judge of the judicial district, the department of corrections, and the division of criminal and juvenile justice planning of the department of human rights ~~by July 1, 2001~~.

Sec. 213. Section 905.1, subsection 2, Code 2013, is amended to read as follows:

2. *"Community-based correctional program"* means correctional programs and services, including but not limited to an intermediate criminal sanctions program in accordance with the corrections continuum in section 901B.1, designed to supervise and assist individuals who are charged with or have been convicted of a felony, an aggravated misdemeanor or a serious misdemeanor, or who are on probation or parole in lieu of or as a result of a sentence of incarceration imposed upon conviction of any of these offenses, or who are contracted to the district department for supervision and housing while on work release. A community-based correctional program shall be designed by a district department in a manner that provides services in a manner free of disparities based upon an individual's race or ethnic origin.

~~An intermediate criminal sanctions program shall be designed by a district department in a manner that provides services in a manner free of disparities based upon an individual's race or ethnic origin.~~

Sec. 214. Section 907.3, subsections 1 and 2, Code 2013, are amended to read as follows:

1. *a.* With the consent of the defendant, the court may defer judgment and may place the defendant on probation upon conditions as it may require. ~~However, a~~ A civil penalty shall be assessed as provided in section 907.14 upon the entry of a deferred judgment. ~~Upon a showing that the defendant is not cooperating with the program of probation or is not responding to it, the court may withdraw the defendant from the program, pronounce judgment, and impose any sentence authorized by law. Before taking such action, the court shall give the defendant an opportunity to be heard on any matter relevant to the proposed action. Upon fulfillment of the conditions of probation and the payment of fees imposed and not waived by the judicial district department of correctional services under section 905.14, the defendant shall be discharged without entry of judgment. Upon violation of the conditions of probation, the court may proceed as provided in chapter 908.~~ However, the court shall not defer judgment if any of the following is true:

~~However, this subsection shall not apply if any of the following is true:~~

~~*a.* The offense is a violation of section 709.8 and the child is twelve years of age or under.~~

~~*b.*~~ (1) The defendant previously has been convicted of a felony. *"Felony"* means a conviction in a court of this or any other state or of the United States, of an offense classified as a felony by the law under which the defendant was convicted at the time of the defendant's conviction.

~~*c.*~~ (2) Prior to the commission of the offense the defendant had been granted a deferred judgment or similar relief, two or more times anywhere in the United States.

~~*d.*~~ (3) Prior to the commission of the offense the defendant had been granted a deferred judgment or similar relief in a felony prosecution anywhere in the United States within the preceding five years, measured from the date of granting of deferment of judgment to the date of commission of the offense.

~~*e.* The defendant committed an assault as defined in section 708.1, against a peace officer in the performance of the peace officer's duty.~~

~~*f.*~~ (4) The defendant is a corporation.

(5) The offense is a violation of section 124.401, subsection 1, paragraph *"a"* or *"b"*, and the controlled substance is methamphetamine.

~~*g.*~~ (6) The offense is a violation of section 321J.2 and the person has been convicted of a violation of that section or the person's driver's license has been revoked under chapter 321J, and any of the following apply:

~~(1)~~ (a) If the defendant's alcohol concentration established by the results of an analysis of a specimen of the defendant's blood, breath, or urine withdrawn in accordance with chapter 321J exceeds .15, regardless of whether or not the alcohol concentration indicated by the chemical test minus the established margin of error inherent in the device or method used to conduct the test equals an alcohol concentration of .15 or more.

~~(2)~~ (b) If the defendant has previously been convicted of a violation of section 321J.2, subsection 1, or a violation of a statute in another state substantially corresponding to section 321J.2, subsection 1.

~~(3)~~ (c) If the defendant has previously received a deferred judgment or sentence for a violation of section 321J.2, subsection 1, or for a violation of a statute in another state substantially corresponding to section 321J.2, subsection 1.

~~(4)~~ (d) If the defendant refused to consent to testing requested in accordance with section 321J.6.

~~(5)~~ (e) If the offense under chapter 321J results in bodily injury to a person other than the defendant.

~~*h.* Prior to the commission of the offense the defendant had been granted a deferred judgment or deferred sentence for a violation of section 708.2 or 708.2A which was issued on a domestic abuse assault, or was granted similar relief anywhere in the United States concerning that jurisdiction's statutes which substantially correspond to domestic abuse assault as provided in section 708.2A, and the current offense is a violation of section 708.2A.~~

(7) The offense is a violation of section 462A.14, and a mandatory minimum sentence must be served or mandatory minimum fine must be paid by the defendant.

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

~~*j.* The offense is a violation of section 707.6A, subsection 1; or a violation of section 707.6A, subsection 4, involving operation of a motor vehicle while intoxicated.~~

~~*k.* The offense is a violation of section 124.401, subsection 1, paragraph "*a*" or "*b*", and the controlled substance is methamphetamine.~~

~~*l.* The offense is a violation of section 462A.14, and a mandatory minimum sentence must be served or mandatory minimum fine must be paid by the defendant.~~

~~*m.*~~ (9) The offense is a violation of chapter 692A.

(10) The offense is a violation of section 707.6A, subsection 1; or a violation of section 707.6A, subsection 4, involving operation of a motor vehicle while intoxicated.

(11) The defendant committed an assault as defined in section 708.1, against a peace officer in the performance of the peace officer's duty.

(12) Prior to the commission of the offense the defendant had been granted a deferred judgment or deferred sentence for a violation of section 708.2 or 708.2A which was issued on a domestic abuse assault, or was granted similar relief anywhere in the United States concerning that jurisdiction's statutes which substantially correspond to domestic abuse assault as provided in section 708.2A, and the current offense is a violation of section 708.2A.

(13) The offense is a violation of section 709.8 and the child is twelve years of age or under.

b. Upon a showing that the defendant is not cooperating with the program of probation or is not responding to it, the court may withdraw the defendant from the program, pronounce judgment, and impose any sentence authorized by law. Before taking such action, the court shall give the defendant an opportunity to be heard on any matter relevant to the proposed action. Upon violation of the conditions of probation, the court may proceed as provided in chapter 908.

c. Upon fulfillment of the conditions of probation and the payment of fees imposed and not waived by the judicial district department of correctional services under section 905.14, the defendant shall be discharged without entry of judgment.

2. *a.* At the time of or after pronouncing judgment and with the consent of the defendant, the court may defer the sentence and assign the defendant to the judicial district department of correctional services. The court may assign the defendant to supervision or services under section 901B.1 at the level of sanctions which the district department determines to be appropriate. However, the court shall not defer the sentence for a violation of any of the following:

~~*a.* Section 708.2A, if the defendant has previously received a deferred judgment or sentence for a violation of section 708.2 or 708.2A which was issued on a domestic abuse assault, or if similar relief was granted anywhere in the United States concerning that jurisdiction's statutes which substantially correspond to domestic abuse assault as provided in section 708.2A.~~

~~*b.* Section 664A.7 or for contempt pursuant to section 664A.7.~~

(1) The offense is a violation of section 124.401, subsection 1, paragraph "*a*" or "*b*", and the controlled substance is methamphetamine.

~~*c.*~~ (2) Section 321J.2, subsection 1, if any of the following apply:

~~(1)~~ (a) If the defendant's alcohol concentration established by the results of an analysis of a specimen of the defendant's blood, breath, or urine withdrawn in accordance with chapter 321J exceeds .15, regardless of whether or not the alcohol concentration indicated by the chemical test minus the established margin of error inherent in the device or method used to conduct the test equals an alcohol concentration of .15 or more.

~~(2)~~ (b) If the defendant has previously been convicted of a violation of section 321J.2, subsection 1, or a violation of a statute in another state substantially corresponding to section 321J.2, subsection 1.

~~(3)~~ (c) If the defendant has previously received a deferred judgment or sentence for a violation of section 321J.2, subsection 1, or for a violation of a statute in another state substantially corresponding to section 321J.2, subsection 1.

~~(4)~~ (d) If the defendant refused to consent to testing requested in accordance with section 321J.6.

~~(5)~~ (e) If the offense under chapter 321J results in bodily injury to a person other than the defendant.

~~*d.* Section 707.6A, subsection 1; or section 707.6A, subsection 4, involving operation of a motor vehicle while intoxicated.~~

~~*e.* The offense is a violation of section 124.401, subsection 1, paragraph "*a*" or "*b*", and the controlled substance is methamphetamine.~~

~~*f.*~~ (3) The offense is a violation of section 462A.14, and a mandatory minimum sentence must be served or mandatory minimum fine must be paid by the defendant.

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

~~*g.*~~ (5) The offense is a violation of chapter 692A.

(6) Section 707.6A, subsection 1; or section 707.6A, subsection 4, involving operation of a motor vehicle while intoxicated.

(7) Section 708.2A, if the defendant has previously received a deferred judgment or sentence for a violation of section 708.2 or 708.2A which was issued on a domestic abuse assault, or if similar relief was granted anywhere in the United States concerning that jurisdiction's statutes which substantially correspond to domestic abuse assault as provided in section 708.2A.

b. Upon a showing that the defendant is not fulfilling the conditions of probation, the court may revoke probation and impose any sentence authorized by law. Before taking such action, the court shall give the defendant an opportunity to be heard on any matter relevant to the proposed action. Upon violation of the conditions of probation, the court may proceed as provided in chapter 908.

Sec. 215. Section 907.8, Code 2013, is amended to read as follows:

907.8 Supervision during probationary period.

1. A person released on probation shall be assigned to a probation officer. Both the person and the person's probation officer shall be furnished with the conditions of the person's probation including a copy of the plan of restitution and the restitution plan of payment, if any, and the regulations which the person will be required to observe, in writing. The probation officer shall explain these conditions and regulations to the person and shall supervise, assist, and counsel the person during the term of the person's probation.

2. *a.* When probation is granted, the court shall order said person committed to the custody, care, and supervision:

~~1.~~ (1) Of any suitable resident of this state; or

~~2.~~ (2) Of the judicial district department of correctional services.

b. Jurisdiction over these persons shall remain with the sentencing court.

3. In each case ~~wherein~~ in which the court ~~shall order said~~ orders the person committed to the custody, care, and supervision of the judicial district department of correctional services, the clerk of the district court shall at once furnish the director of the judicial district department of correctional services with certified copies of the indictment or information, the minutes of testimony attached thereto, the judgment entry if judgment is not deferred, and the original mittimus. The county attorney shall at once advise the director, by letter, that the defendant has been placed under the supervision of the judicial district department of correctional services and give the director a detailed statement of the facts and circumstances surrounding the crime committed and the record and history of the defendant as may be known to the county attorney. If the defendant is confined in the county jail at the time of sentence, the court may order the defendant held until arrangements are made by the judicial district department of correctional services for the defendant's employment and the defendant has signed the necessary probation papers. If the defendant is not confined in the county jail at the time of sentence, the court may order the defendant to remain in the county wherein the defendant has been convicted and sentenced and report to the sheriff as to the defendant's whereabouts.

Sec. 216. REPEAL. Sections 163.28, 256.11A, 256.22, 313.44, 313.45, and 321.499, Code 2013, are repealed.

DIVISION II
VOLUME VI RENUMBERING

Sec. 217. Section 633.304, Code 2013, is amended to read as follows:

633.304 Notice of probate of will with administration.

1. As used in this section, *"heir"* means only such person as would, in an intestate estate, be entitled to a share under section 633.219.

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

~~As used in this section, *"heir"* means only such person as would, in an intestate estate, be entitled to a share under section 633.219.~~

3. The notice shall be substantially in the following form:

Notice of Probate of Will,
of Appointment of Executor,
and Notice to Creditors

In the District Court of Iowa
in and for ..... County.
Probate No.
.....
In the Estate of ....., Deceased
To All Persons Interested in the Estate of ....., Deceased, who died on or about ..... (date):

You are hereby notified that on the ..... day of ..... (month), ... (year), the last will and testament of ....., deceased, bearing date of the ..... day of ..... (month), ... (year), was admitted to probate in the above named court and that ..... was appointed executor of the estate. Any action to set aside the will must be brought in the district court of said county within the later to occur of four months from the date of the second publication of this notice or one month from the date of mailing of this notice to all heirs of the decedent and devisees under the will whose identities are reasonably ascertainable, or thereafter be forever barred.

Notice is further given that all persons indebted to the estate are requested to make immediate payment to the undersigned, and creditors having claims against the estate shall file them with the clerk of the above named district court, as provided by law, duly authenticated, for allowance, and unless so filed by the later to occur of four months from the second publication of this notice or one month from the date of mailing of this notice (unless otherwise allowed or paid) a claim is thereafter forever barred.

Dated this ..... day of ..... (month), ... (year)
.....
Executor of estate
.....
Address
.....
Attorney for executor
.....
Address

Date of second publication
..... day of ..... (month), ... (year)
(Date to be inserted by publisher)

Sec. 218. Section 634.2, Code 2013, is amended to read as follows:

634.2 Statutory provisions as part of the trust.

1. The trust instrument of each trust to which this chapter applies shall be deemed to contain provisions prohibiting the trustee from doing any of the following:

~~1.~~ *a.* Engaging in any act of self-dealing, as defined in section 4941(d) of the Internal Revenue Code, which would give rise to any liability for the tax imposed by section 4941(a) of the Internal Revenue Code~~;~~.

~~2.~~ *b.* Retaining any excess business holdings, as defined in section 4943(c) of the Internal Revenue Code, which would give rise to any liability for the tax imposed by section 4943(a) of the Internal Revenue Code~~;~~.

~~3.~~ *c.* Making any investments which would jeopardize the carrying out of any of the exempt purposes of the trust, within the meaning of section 4944 of the Internal Revenue Code, so as to give rise to any liability for the tax imposed by section 4944(a) of the Internal Revenue Code~~; and~~.

~~4.~~ *d.* Making any taxable expenditures, as defined in section 4945(d) of the Internal Revenue Code, which would give rise to any liability for the tax imposed by section 4945(a) of the Internal Revenue Code.

2. However, this section shall not apply either to those split-interest trusts or to amounts thereof which are not subject to the prohibitions applicable to private foundations by reason of the provisions of section 4947 of the Internal Revenue Code.

Sec. 219. Section 656.2, subsection 2, Code 2013, is amended to read as follows:

2. *a.* The vendor shall also serve a copy of the notice required in subsection 1 on the person in possession of the real estate, if different than the vendee; on all the vendee's mortgagees of record; and on a person who asserts a claim against the vendee's interest, except a government or governmental subdivision or agency holding a lien for real estate taxes or assessments, if the person has done both of the following:

~~*a.*~~ (1) Requested, on a form which substantially complies with the following form, that notice of forfeiture be served on the person at an address specified in the request.

REQUEST FOR NOTICE PURSUANT TO
IOWA CODE SECTION 656.2, SUBSECTION 2

The undersigned requests service of notice under Iowa Code sections 656.2 and 656.3 to forfeit the contract recorded on the ..... day of ..... (month), ... (year), in book or roll ....., image or page ....., office of the ..... county recorder, ... county, Iowa, wherein ..... is/are seller(s) and ..... is/are buyer(s), for sale of real estate legally described as: [insert complete legal description]

.....

NAME

.....

.....

.....

ADDRESS

CAUTION: Your name and address must be correct. If not correct, you will not receive notice requested because notice need only be served on you at the above address. If your address changes, a new request for notice must be filed.

~~The request for notice shall be indexed.~~

~~*b.*~~ (2) Filed the request form for record in the office of the county recorder after acquisition of the vendee's interest but prior to the date of recording of the proof and record of service of notice of forfeiture required by section 656.5 and paid a fee of five dollars.

b. The request for notice is valid for a period of five years from the date of filing with the county recorder. The request for notice may be renewed for additional periods of five years by the procedure specified in this subsection. The request for notice may be amended at any time by the procedure specified in this subsection. The request for notice shall be indexed.

c. The vendee's mortgagees of record include all assignees of record for collateral purposes.

Sec. 220. Section 694.1, Code 2013, is amended to read as follows:

694.1 ~~Missing persons~~ Definitions.

As used in this chapter, unless the context otherwise indicates~~, "*missing person*"~~:

1. "*Missing person*" means a person who is missing and meets one of the following characteristics:

~~1.~~ *a.* Is a person with a physical or mental disability.

~~2.~~ *b.* Is missing under circumstances indicating that the person's safety may be in danger.

~~3.~~ *c.* Is missing under circumstances indicating that the disappearance was not voluntary.

~~4.~~ *d.* Is an unemancipated minor.

2. ~~For purposes of this chapter an "*unemancipated minor*"~~ "*Unemancipated minor*" means a minor who has not married and who resides with a parent or other legal guardian.

Sec. 221. Section 705.1, Code 2013, is amended to read as follows:

705.1 Solicitation.

1. ~~Any~~ A person ~~who~~ solicits another person to commit a felony or aggravated misdemeanor when the person commands, entreats, or otherwise attempts to persuade ~~another~~ the other person to commit a particular felony or aggravated misdemeanor, with the intent that such act be done and under circumstances which corroborates that intent by clear and convincing evidence~~, solicits such other to commit that felony or aggravated misdemeanor~~.

2. ~~One~~ A person who solicits another person to commit a felony of any class commits a class "D" felony.

3. ~~One~~ A person who solicits another person to commit an aggravated misdemeanor commits an aggravated misdemeanor.

Sec. 222. Section 705.2, Code 2013, is amended to read as follows:

705.2 Renunciation.

It is a defense to a prosecution for solicitation that the defendant, after soliciting another person to commit a felony or aggravated misdemeanor, persuaded the person not to do so or otherwise prevented the commission of the offense, under circumstances manifesting a complete and voluntary renunciation of the defendant's criminal intent. A renunciation is not "*voluntary and complete*" if it is motivated in whole or in part by ~~*(a)*~~ either of the following:

1. The person's belief that circumstances exist which increase the possibility of detection or apprehension of the defendant or another or which make more difficult the consummation of the offense ~~or *(b)* the~~.

2. The person's decision to postpone the offense until another time or to substitute another victim or another but similar objective.

Sec. 223. Section 706A.3, subsection 9, Code 2013, is amended to read as follows:

9. *a.* Notwithstanding any other provision of law, any pleading, motion, or other paper filed by a nongovernmental aggrieved party in connection with a proceeding or action under subsection 7 shall be verified.

(1) If such aggrieved person is represented by an attorney, such pleading, motion, or other paper shall be signed by at least one attorney of record in the attorney's individual name, whose address shall be stated.

(2) If such pleading, motion, or other paper includes an averment of fraud, coercion, accomplice, respondent superior, conspiratorial, enterprise, or other vicarious accountability, it shall state, insofar as practicable, the circumstances with particularity.

b. ~~If such pleading, motion, or other paper includes an averment of fraud, coercion, accomplice, respondent superior, conspiratorial, enterprise, or other vicarious accountability, it shall state, insofar as practicable, the circumstances with particularity.~~ The verification and the signature by an attorney required by this subsection shall constitute a certification by the signer that the attorney has carefully read the pleading, motion, or other paper and, based on a reasonable inquiry, believes that all of the following exist:

~~*a.*~~ (1) It is well grounded in fact.

~~*b.*~~ (2) It is warranted by existing law, or a good faith argument for the extension, modification, or reversal of existing law.

~~*c.*~~ (3) It is not made for an improper purpose, including to harass, to cause unnecessary delay, or to impose a needless increase in the cost of litigation.

c. The court may, after a hearing and appropriate findings of fact, impose upon any person who verified the complaint, cross-claim, or counterclaim, or any attorney who signed it in violation of this subsection, or both, a fit and proper sanction, which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the complaint or claim, including reasonable attorney fees.

d. If the court determines that the filing of a complaint or claim under subsection 7 by a nongovernmental party was frivolous in whole or in part, the court shall award double the actual expenses, including attorney fees, incurred because of the frivolous portion of the complaint or claim.

Sec. 224. Section 707.4, Code 2013, is amended to read as follows:

707.4 Voluntary manslaughter.

1. A person commits voluntary manslaughter when that person causes the death of another person, under circumstances which would otherwise be murder, if the person causing the death acts solely as the result of sudden, violent, and irresistible passion resulting from serious provocation sufficient to excite such passion in a person and there is not an interval between the provocation and the killing in which a person of ordinary reason and temperament would regain control and suppress the impulse to kill.

~~Voluntary manslaughter is an included offense under an indictment for murder in the first or second degree.~~

2. Voluntary manslaughter is a class "C" felony.

3. Voluntary manslaughter is an included offense under an indictment for murder in the first or second degree.

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

Sec. 225. Section 707.5, Code 2013, is amended to read as follows:

707.5 Involuntary manslaughter.

1. A person commits ~~a~~ involuntary manslaughter punishable as:

a. A class "D" felony when the person unintentionally causes the death of another person by the commission of a public offense other than a forcible felony or escape.

~~2.~~ *b.* ~~A person commits an~~ An aggravated misdemeanor when the person unintentionally causes the death of another person by the commission of an act in a manner likely to cause death or serious injury.

2. Involuntary manslaughter as defined in this section is an included offense under an indictment for murder in the first or second degree or voluntary manslaughter.

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

Sec. 226. Section 707.11, Code 2013, is amended to read as follows:

707.11 Attempt to commit murder.

1. A person commits ~~a class "B" felony~~ attempt to commit murder when, with the intent to cause the death of another person and not under circumstances which would justify the person's actions, the person does any act by which the person expects to set in motion a force or chain of events which will cause or result in the death of the other person.

2. Attempt to commit murder is a class "B" felony.

3. It is not a defense to an indictment for attempt to commit murder that the acts proved could not have caused the death of any person, provided that the actor intended to cause the death of some person by so acting, and the actor's expectations were not unreasonable in the light of the facts known to the actor.

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

Sec. 227. Section 708.3, Code 2013, is amended to read as follows:

708.3 Assault while participating in a felony.

Any person who commits an assault as defined in section 708.1 while participating in a felony other than a sexual abuse is guilty of ~~a~~:

1. A class "C" felony if the person thereby causes serious injury to any person~~; if no serious injury results, the person is guilty of a~~.

2. A class "D" felony if no serious injury results.

Sec. 228. Section 709.3, Code 2013, is amended to read as follows:

709.3 Sexual abuse in the second degree.

1. A person commits sexual abuse in the second degree when the person commits sexual abuse under any of the following circumstances:

~~1.~~ *a.* During the commission of sexual abuse the person displays in a threatening manner a dangerous weapon, or uses or threatens to use force creating a substantial risk of death or serious injury to any person.

~~2.~~ *b.* The other person is under the age of twelve.

~~3.~~ *c.* The person is aided or abetted by one or more persons and the sex act is committed by force or against the will of the other person against whom the sex act is committed.

2. Sexual abuse in the second degree is a class "B" felony.

Sec. 229. Section 709.11, Code 2013, is amended to read as follows:

709.11 Assault with intent to commit sexual abuse.

Any person who commits an assault, as defined in section 708.1, with the intent to commit sexual abuse ~~is~~:

1. Is guilty of a class "C" felony if the person thereby causes serious injury to any person ~~and~~.

2. Is guilty of a class "D" felony if the person thereby causes any person a bodily injury other than a serious injury. ~~The person is~~

3. Is guilty of an aggravated misdemeanor if no injury results.

Sec. 230. Section 709.15, Code 2013, is amended to read as follows:

709.15 Sexual exploitation by a counselor, therapist, or school employee.

1. As used in this section:

a. "Counselor or therapist" means a physician, psychologist, nurse, professional counselor, social worker, marriage or family therapist, alcohol or drug counselor, member of the clergy, or any other person, whether or not licensed or registered by the state, who provides or purports to provide mental health services.

b. "Emotionally dependent" means that the nature of the patient's or client's or former patient's or client's emotional condition or the nature of the treatment provided by the counselor or therapist is such that the counselor or therapist knows or has reason to know that the patient or client or former patient or client is significantly impaired in the ability to withhold consent to sexual conduct, as described in subsection 2, by the counselor or therapist. For the purposes of subsection 2, a former patient or client is presumed to be emotionally dependent for one year following the termination of the provision of mental health services.

~~For the purposes of subsection 2, a former patient or client is presumed to be emotionally dependent for one year following the termination of the provision of mental health services.~~

c. "Former patient or client" means a person who received mental health services from the counselor or therapist.

d. "Mental health service" means the treatment, assessment, or counseling of another person for a cognitive, behavioral, emotional, mental, or social dysfunction, including an intrapersonal or interpersonal dysfunction.

e. "Patient or client" means a person who receives mental health services from the counselor or therapist.

f. "School employee" means a practitioner as defined in section 272.1.

g. "Student" means a person who is currently enrolled in or attending a public or nonpublic elementary or secondary school, or who was a student enrolled in or who attended a public or nonpublic elementary or secondary school within thirty days of any violation of subsection 3.

2. *a.* Sexual exploitation by a counselor or therapist occurs when any of the following are found:

~~*a.*~~ (1) A pattern or practice or scheme of conduct to engage in any of the conduct described in ~~paragraph "*b*"~~ subparagraph (2) or ~~"*c*"~~ (3).

~~*b.*~~ (2) Any sexual conduct, with an emotionally dependent patient or client or emotionally dependent former patient or client for the purpose of arousing or satisfying the sexual desires of the counselor or therapist or the emotionally dependent patient or client or emotionally dependent former patient or client, which includes but is not limited to the following: ~~kissing; touching~~

(a) Kissing.

(b) Touching of the clothed or unclothed inner thigh, breast, groin, buttock, anus, pubes, or genitals~~; or a~~.

(c) A sex act as defined in section 702.17.

~~*c.*~~ (3) Any sexual conduct with a patient or client or former patient or client within one year of the termination of the provision of mental health services by the counselor or therapist for the purpose of arousing or satisfying the sexual desires of the counselor or therapist or the patient or client or former patient or client which includes but is not limited to the following: ~~kissing; touching~~

(a) Kissing.

(b) Touching of the clothed or unclothed inner thigh, breast, groin, buttock, anus, pubes, or genitals~~; or a~~.

(c) A sex act as defined in section 702.17.

b. Sexual exploitation by a counselor or therapist does not include touching which is part of a necessary examination or treatment provided a patient or client by a counselor or therapist acting within the scope of the practice or employment in which the counselor or therapist is engaged.

3. *a.* Sexual exploitation by a school employee occurs when any of the following are found:

~~*a.*~~ (1) A pattern or practice or scheme of conduct to engage in any of the conduct described in ~~paragraph "*b*"~~ subparagraph (2).

~~*b.*~~ (2) Any sexual conduct with a student for the purpose of arousing or satisfying the sexual desires of the school employee or the student. Sexual conduct includes but is not limited to the following: ~~kissing; touching~~

(a) Kissing.

(b) Touching of the clothed or unclothed inner thigh, breast, groin, buttock, anus, pubes, or genitals~~; or a~~.

(c) A sex act as defined in section 702.17.

b. Sexual exploitation by a school employee does not include touching that is necessary in the performance of the school employee's duties while acting within the scope of employment.

4. *a.* A counselor or therapist who commits sexual exploitation in violation of subsection 2, paragraph "*a*", subparagraph (1), commits a class "D" felony.

b. A counselor or therapist who commits sexual exploitation in violation of subsection 2, paragraph ~~"*b*"~~ "*a*", subparagraph (2), commits an aggravated misdemeanor.

c. A counselor or therapist who commits sexual exploitation in violation of subsection 2, paragraph ~~"*c*"~~ "*a*", subparagraph (3), commits a serious misdemeanor. In lieu of the sentence provided for under section 903.1, subsection 1, paragraph "*b*", the offender may be required to attend a sexual abuser treatment program.

5. *a.* A school employee who commits sexual exploitation in violation of subsection 3, paragraph "*a*", subparagraph (1), commits a class "D" felony.

b. A school employee who commits sexual exploitation in violation of subsection 3, paragraph ~~"*b*"~~ "*a*", subparagraph (2), commits an aggravated misdemeanor.

Sec. 231. Section 711.4, Code 2013, is amended to read as follows:

711.4 Extortion.

1. A person commits extortion if the person does any of the following with the purpose of obtaining for oneself or another anything of value, tangible or intangible, including labor or services:

~~1.~~ *a.* Threatens to inflict physical injury on some person, or to commit any public offense.

~~2.~~ *b.* Threatens to accuse another of a public offense.

~~3.~~ *c.* Threatens to expose any person to hatred, contempt, or ridicule.

~~4.~~ *d.* Threatens to harm the credit or business or professional reputation of any person.

~~5.~~ *e.* Threatens to take or withhold action as a public officer or employee, or to cause some public official or employee to take or withhold action.

~~6.~~ *f.* Threatens to testify or provide information or to withhold testimony or information with respect to another's legal claim or defense.

~~7.~~ *g.* Threatens to wrongfully injure the property of another.

2. Extortion is a class "D" felony.

3. It is a defense to a charge of extortion that the person making a threat other than a threat to commit a public offense, reasonably believed that the person had a right to make such threats in order to recover property, or to receive compensation for property or services, or to recover a debt to which the person has a good faith claim.

~~Extortion is a class "D" felony.~~

Sec. 232. Section 714.15, Code 2013, is amended to read as follows:

714.15 Reproduction of sound recordings.

1. For the purposes of this section:

~~"*Person*" shall mean person as defined in section 4.1, subsection 20.~~

a. "*Owner*" means any person who owns the original fixation of sounds embodied in the master phonograph record, master disc, master tape, master film or other device used for

reproducing sounds on phonograph records, discs, tapes, films, or other articles upon which sound is recorded, and from which the transferred recorded sounds are derived.

b. "*Person*" shall mean person as defined in section 4.1, subsection 20.

~~1.~~ 2. Except as provided in subsection ~~3~~ 4, it is unlawful for a person knowingly to:

a. Transfer or cause to be transferred any sounds recorded on a phonograph record, disc, wire, tape, film or other article without the consent of the owner; or

b. Sell; distribute; circulate; offer for sale, distribution or circulation; possess for the purpose of sale, distribution or circulation; or cause to be sold, distributed, circulated; offered for sale, distribution or circulation; or possessed for sale, distribution or circulation, any article or device on which sounds have been transferred without the consent of the person who owns the master phonograph record, master disc, master tape or other device or article from which the sounds are derived.

~~2.~~ 3. It is unlawful for a person to sell, distribute, circulate, offer for sale, distribution or circulation or possess for the purposes of sale, distribution or circulation, any phonograph record, disc, wire, tape, film or other article on which sounds have been transferred unless the phonograph record, disc, wire, tape, film or other article bears the actual name and address of the transferor of the sounds in a prominent place on its outside face or package.

~~3.~~ 4. This section does not apply to a person who transfers or causes to be transferred sounds intended for or in connection with radio or television broadcast transmission or related uses, synchronized sound tracks of motion pictures or sound tracks recorded for synchronizing with motion pictures, for archival purposes or for the personal use of the person transferring or causing the transfer and without any compensation being derived by the person from the transfer.

~~4.~~ 5. A person who violates the provisions of this section is guilty of theft.

Sec. 233. Section 715B.4, subsection 1, Code 2013, is amended to read as follows:

1. An art merchant who sells a work of fine art or a multiple to a buyer under a warranty attesting to facts about the work which are not true is liable to the buyer to whom the work was sold.

a. If the warranty was untrue through no fault of the art merchant, the merchant's liability is the consideration paid by the buyer upon return of the work in substantially the same condition in which it was received by the buyer.

b. If the warranty is untrue and the buyer is able to establish that the art merchant failed to make reasonable inquiries according to the custom and the usage of the trade to confirm the warranted facts about the work, or that the warranted facts would have been found to be untrue if reasonable inquiries had been made, the merchant's liability is the consideration paid by the buyer with interest from the time of the payment at the rate prescribed by section 535.3 upon the return of the work in substantially the same condition in which it was received by the buyer.

c. (1) If the warranty is untrue and the buyer is able to establish that the art merchant knowingly provided false information on the warranty or willfully and falsely disclaimed knowledge of information relating to the warranty, the merchant is liable to the buyer in an amount equal to three times the amount provided in paragraph "*b*".

(2) This remedy shall not bar or be deemed inconsistent with a claim for damages or with the exercise of additional remedies otherwise available to the buyer.

Sec. 234. Section 716.7, Code 2013, is amended to read as follows:

716.7 Trespass defined.

1. For purposes of this section:

a. ~~The term "*property*"~~ "*Property*" shall include any land, dwelling, building, conveyance, vehicle, or other temporary or permanent structure whether publicly or privately owned.

b. "*Public utility property*" means any land, dwelling, building, conveyance, vehicle, or other temporary or permanent structure owned, leased, or operated by a public utility and that is completely enclosed by a physical barrier of any kind. For the purposes of this section, a "*public utility*" is a public utility as defined in section 476.1 or an electric transmission line as provided in chapter 478.

c. "Railway corporation" means a corporation, company, or person owning, leasing, or operating any railroad in whole or in part within this state.

d. "Railway property" means all tangible real and personal property owned, leased, or operated by a railway corporation with the exception of any administrative building or offices of the railway corporation. [4]

2. *a.* ~~The term "*trespass*"~~ *"Trespass"* shall mean one or more of the following acts:

~~*a.*~~ (1) Entering upon or in property without the express permission of the owner, lessee, or person in lawful possession with the intent to commit a public offense, to use, remove therefrom, alter, damage, harass, or place thereon or therein anything animate or inanimate, or to hunt, fish or trap on or in the property, including the act of taking or attempting to take a deer, other than a farm deer as defined in section 170.1 or preserve whitetail as defined in section 484C.1, which is on or in the property by a person who is outside the property. This ~~paragraph~~ subparagraph does not prohibit the unarmed pursuit of game or fur-bearing animals by a person who lawfully injured or killed the game or fur-bearing animal which comes to rest on or escapes to the property of another.

~~*b.*~~ (2) Entering or remaining upon or in property without justification after being notified or requested to abstain from entering or to remove or vacate therefrom by the owner, lessee, or person in lawful possession, or the agent or employee of the owner, lessee, or person in lawful possession, or by any peace officer, magistrate, or public employee whose duty it is to supervise the use or maintenance of the property.

~~*c.*~~ (3) Entering upon or in property for the purpose or with the effect of unduly interfering with the lawful use of the property by others.

~~*d.*~~ (4) Being upon or in property and wrongfully using, removing therefrom, altering, damaging, harassing, or placing thereon or therein anything animate or inanimate, without the implied or actual permission of the owner, lessee, or person in lawful possession.

~~*e.*~~ (5) Entering or remaining upon or in railway property without lawful authority or without the consent of the railway corporation which owns, leases, or operates the railway property. This ~~paragraph~~ subparagraph does not apply to passage over a railroad right-of-way, other than a track, railroad roadbed, viaduct, bridge, trestle, or railroad yard, by an unarmed person if the person has not been notified or requested to abstain from entering on to the right-of-way or to vacate the right-of-way and the passage over the right-of-way does not interfere with the operation of the railroad.

~~*f.*~~ (6) Entering or remaining upon or in public utility property without lawful authority or without the consent of the public utility that owns, leases, or operates the public utility property. This ~~paragraph~~ subparagraph does not apply to passage over public utility right-of-way by a person if the person has not been notified or requested by posted signage or other means to abstain from entering onto the right-of-way or to vacate the right-of-way.

~~3.~~ *b.* ~~The term "*trespass*"~~ *"Trespass"* shall not mean ~~entering~~ either of the following:

(1) Entering upon the property of another for the sole purpose of retrieving personal property which has accidentally or inadvertently been thrown, fallen, strayed, or blown onto the property of another, provided that the person retrieving the property takes the most direct and accessible route to and from the property to be retrieved, quits the property as quickly as is possible, and does not unduly interfere with the lawful use of the property. This ~~subsection~~ subparagraph does not apply to public utility property where the person has been notified or requested by posted signage or other means to abstain from entering.

~~4.~~ (2) ~~The term "*trespass*" does not mean the entering~~ Entering upon the right-of-way of a public road or highway.

~~5. *a.* For purposes of this section, "*railway property*" means all tangible real and personal property owned, leased, or operated by a railway corporation with the exception of any administrative building or offices of the railway corporation.~~

~~*b.* For purposes of this section, "*railway corporation*" means a corporation, company, or person owning, leasing, or operating any railroad in whole or in part within this state.~~

~~6. For purposes of this section, "*public utility property*" means any land, dwelling, building, conveyance, vehicle, or other temporary or permanent structure owned, leased, or operated by a public utility and that is completely enclosed by a physical barrier of any kind. For the~~

[4] See chapter 140, §77 herein

~~purposes of this section, a "*public utility*" is a public utility as defined in section 476.1 or an electric transmission line as provided in chapter 478.~~

~~7.~~ 3. This section shall not apply to the following persons:

a. Representatives of the state department of transportation, the federal railroad administration, or the national transportation safety board who enter or remain upon or in railway property while engaged in the performance of official duties.

b. Employees of a railway corporation who enter or remain upon or in railway property while acting in the course of employment.

c. Any person who is engaged in the operation of a lawful business on railway station grounds or in the railway depot.

d. Representatives of the Iowa utilities board, the federal energy regulatory commission, or the federal communications commission who enter or remain upon or in public utility property while engaged in the performance of official duties.

e. Employees of a public utility who enter or remain upon or in public utility property while acting in the course of employment.

Sec. 235. Section 724.16A, Code 2013, is amended to read as follows:

724.16A Trafficking in stolen weapons.

1. A person who knowingly transfers or acquires possession, or who facilitates the transfer, of a stolen firearm commits ~~a~~:

a. A class "D" felony for a first offense ~~and a~~.

b. A class "C" felony for second and subsequent offenses or if the weapon is used in the commission of a public offense.

2. However, this section shall not apply to a person purchasing stolen firearms through a buy-back program sponsored by a law enforcement agency if the firearms are returned to their rightful owners or destroyed.

Sec. 236. Section 726.1, Code 2013, is amended to read as follows:

726.1 Bigamy.

1. *a.* Any person, having a living husband or wife, who marries another, commits bigamy. ~~Any of the following is a defense to the charge of bigamy:~~

~~1. The prior marriage was terminated in accordance with applicable law, or the person reasonably believes on reasonably convincing evidence that the prior marriage was so terminated.~~

~~2. The person believes, on reasonably convincing evidence, that the prior spouse is dead.~~

~~3. The person has, for three years, had no evidence by which the person can reasonably believe that the prior spouse is alive.~~

b. Any person who marries another who the person knows has another living husband or wife commits bigamy.

2. Bigamy is a serious misdemeanor.

3. Any of the following is a defense to the charge of bigamy:

a. The prior marriage was terminated in accordance with applicable law, or the person reasonably believes on reasonably convincing evidence that the prior marriage was so terminated.

b. The person believes, on reasonably convincing evidence, that the prior spouse is dead.

c. The person has, for three years, had no evidence by which the person can reasonably believe that the prior spouse is alive.

Sec. 237. Section 729.5, Code 2013, is amended to read as follows:

729.5 Violation of individual rights — penalty.

1. A person, who acts alone, or who conspires with another person or persons, to injure, oppress, threaten, or intimidate or interfere with any citizen in the free exercise or enjoyment of any right or privilege secured to that person by the constitution or laws of the state of Iowa or by the constitution or laws of the United States, and assembles with one or more persons for the purpose of teaching or being instructed in any technique or means capable of causing property damage, bodily injury or death when the person or persons intend to employ those

techniques or means in furtherance of the conspiracy, is on conviction, guilty of a class "D" felony.

2. A person intimidates or interferes with another person if the act of the person results in any of the following:

a. Physical injury to the other person.

b. Physical damage to or destruction of the other person's property.

c. Communication in a manner, or action in a manner, intended to result in either of the following:

(1) To place the other person in fear of physical contact which will be injurious, insulting, or offensive, coupled with the apparent ability to execute the act.

(2) To place the other person in fear of harm to the other person's property, or harm to the person or property of a third person.

~~2.~~ 3. This section does not make unlawful the teaching of any technique in self-defense.

~~3.~~ 4. This section does not make unlawful any activity of any of the following officials or persons:

a. Law enforcement officials of this or any other jurisdiction while engaged in the lawful performance of their official duties.

b. Federal officials required to carry firearms while engaged in the lawful performance of their official duties.

c. Members of the armed forces of the United States or the national guard while engaged in the lawful performance of their official duties.

d. Any conservation commission, law enforcement agency, or any agency licensed to provide security services, or any hunting club, gun club, shooting range, or other organization or entity whose primary purpose is to teach the safe handling or use of firearms, archery equipment, or other weapons or techniques employed in connection with lawful sporting or other lawful activity.

Sec. 238. Section 804.8, Code 2013, is amended to read as follows:

804.8 Use of force by peace officer making an arrest.

1. A peace officer, while making a lawful arrest, is justified in the use of any force which the peace officer reasonably believes to be necessary to effect the arrest or to defend any person from bodily harm while making the arrest. However, the use of deadly force is only justified when a person cannot be captured any other way and either of the following apply:

~~1.~~ *a.* The person has used or threatened to use deadly force in committing a felony ~~or~~.

~~2.~~ *b.* The peace officer reasonably believes the person would use deadly force against any person unless immediately apprehended.

2. A peace officer making an arrest pursuant to an invalid warrant is justified in the use of any force which the peace officer would be justified in using if the warrant were valid, unless the peace officer knows that the warrant is invalid.

Sec. 239. Section 804.11, Code 2013, is amended to read as follows:

804.11 Arrest of material witness.

1. When a law enforcement officer has probable cause to believe that a person is a necessary and material witness to a felony and that such person might be unavailable for service of a subpoena, the officer may arrest such person as a material witness with or without an arrest warrant.

2. At the time of the arrest, the law enforcement officer shall inform the person of:

~~1.~~ *a.* The officer's identity as a law enforcement officer~~; and~~.

~~2.~~ *b.* The reason for the arrest which is that the person is believed to be a material witness to an identified felony and that the person might be unavailable for service of a subpoena.

Sec. 240. Section 901.2, Code 2013, is amended to read as follows:

901.2 Presentence investigation.

1. Upon a plea of guilty, a verdict of guilty, or a special verdict upon which a judgment of conviction of a public offense may be rendered, the court shall receive from the state, from the judicial district department of correctional services, and from the defendant any information

which may be offered which is relevant to the question of sentencing. The court may consider information from other sources.

2. *a.* The court shall not order a presentence investigation when the offense is a class "A" felony. If, however, the board of parole determines that the Iowa medical and classification center reception report for a class "A" felon is inadequate, the board may request and shall be provided with additional information from the appropriate judicial district department of correctional services.

b. The court shall order a presentence investigation when the offense is any felony punishable under section 902.9, subsection 1, or a class "B", class "C", or class "D" felony. A presentence investigation for any felony punishable under section 902.9, subsection 1, or a class "B", class "C", or class "D" felony shall not be waived. The court may order, with the consent of the defendant, that the presentence investigation begin prior to the acceptance of a plea of guilty, or prior to a verdict of guilty.

c. The court may order a presentence investigation when the offense is an aggravated misdemeanor.

d. The court may order a presentence investigation when the offense is a serious misdemeanor only upon a finding of exceptional circumstances warranting an investigation. Notwithstanding section 901.3, a presentence investigation ordered by the court for a serious misdemeanor shall include information concerning only the following:

~~1.~~ (1) A brief personal and social history of the defendant.

~~2.~~ (2) The defendant's criminal record.

~~3.~~ (3) The harm to the victim, the victim's immediate family, and the community, including any completed victim impact statement or statements and restitution plan.

3. The court may withhold execution of any judgment or sentence for such time as shall be reasonably necessary for an investigation with respect to deferment of judgment, deferment of sentence, or suspension of sentence and probation. The investigation shall be made by the judicial district department of correctional services.

4. The purpose of the report by the judicial district department of correctional services is to provide the court pertinent information for purposes of sentencing and to include suggestions for correctional planning for use by correctional authorities subsequent to sentencing.

Sec. 241. Section 905.3, subsection 1, Code 2013, is amended to read as follows:

1. *a.* The board of directors of each district department shall be composed as follows:

~~*a.*~~ (1) One member shall be chosen from and by the board of supervisors of each county in the judicial district and shall be so designated annually by the respective boards of supervisors at the organizational meetings held under section 331.211.

~~*b.*~~ (2) One member shall be chosen from each of the project advisory committees within the judicial district, which person shall be designated annually, no later than January 15, by and from the project advisory committee. However, in lieu of the designation of project advisory committee members as members of the district board, the district board may on or before December 31 appoint two citizen members to serve on the district board for the following calendar year.

~~*c.*~~ (3) A number of members equal to the number of authorized board members from project advisory committees or equal to the number of citizen members shall be appointed by the chief judge of the judicial district no later than January 15 of each year.

b. Within thirty days after the members of the district board have been so designated for the year, the district board shall organize by election of a chairperson, a vice chairperson, and members of the executive committee as required by subsection 2. The district board shall meet at least quarterly during the calendar year but may meet more frequently upon the call of the chairperson or upon a call signed by a majority, determined by weighted vote computed as in subsection 4, of the members of the board.

DIVISION III
CONFORMING CHANGES

Sec. 242. Section 309.57, subsection 4, Code 2013, is amended to read as follows:

4. Notwithstanding section 716.7, subsection 4 2, paragraph *"b"*, subparagraph (2), entering or remaining upon an area service "C" classification road without justification after being notified or requested to abstain from entering or to remove or vacate the road by any person lawfully allowed access shall be a trespass as defined in section 716.7.

Sec. 243. Section 321.210, subsection 2, paragraph c, Code 2013, is amended to read as follows:

c. Parking violations, meaning violation of a local authority parking ordinance or violation of sections 321L.4, 321.366, subsection 1, paragraph *"f"*, and 321.354 through 321.361 except section 321.354, subsection 1, paragraph *"a"*.

Sec. 244. Section 331.211, subsection 1, paragraph b, Code 2013, is amended to read as follows:

b. Choose one of its members to be a member of the board of directors of the judicial district department of correctional services as provided in section 905.3, subsection 1, paragraph *"a"*, subparagraph (1).

Sec. 245. Section 331.321, subsection 1, paragraph x, Code 2013, is amended to read as follows:

x. A member of the judicial district department of corrections as provided in section 905.3, subsection 1, paragraph *"a"*, subparagraph (1).

Sec. 246. Section 427B.19A, subsection 5, Code 2013, is amended to read as follows:

5. A municipality may elect to reduce the amount of assessed value of property defined in section 403.19, subsection 1, by an amount equal to that portion of the amount of such assessed value which was phased out for the fiscal year by operation of section 427B.17, subsection ~~3~~ 4. The applicable assessment roll and ordinance providing for the division of taxes under section 403.19 in the urban renewal taxing district shall be deemed to be modified for that fiscal year only to the extent of such adjustment without further action on the part of the city or county implementing the urban renewal taxing district.

Sec. 247. Section 427B.19C, Code 2013, is amended to read as follows:

427B.19C Adjustment of certain assessments required.

In the assessment year beginning January 1, 2003, the amount of assessed value of property defined in section 403.19, subsection 1, for an urban renewal taxing district which received replacement moneys under section 427B.19A, subsection 4, shall be reduced by an amount equal to that portion of the amount of assessed value of such property which was assessed pursuant to section 427B.17, subsection ~~3~~ 4.

Sec. 248. Section 437A.3, subsection 1, paragraph a, subparagraph (1), Code 2013, is amended to read as follows:

(1) *"Base year assessed value"*, for a taxpayer other than an electric company, natural gas company, or electric cooperative, means the value attributable to property identified in section 427A.1, subsection 1, paragraph *"h"*, certified by the department of revenue to the county auditors for the assessment date of January 1, 1997, and the value attributable to property identified in section 427A.1 and section 427B.17, subsection ~~5~~ 8, as certified by the local assessors to the county auditors for the assessment date of January 1, 1997, provided, that for a taxpayer subject to section 437A.17A, such value shall be the value certified by the department of revenue and local assessors to the county auditors for the assessment date of January 1, 1998.

Sec. 249. Section 543C.3, subsection 1, Code 2013, is amended to read as follows:

1. There may be omitted from the offering statement any of the information required under section 543C.2, ~~subsections 6~~ subsection 1, paragraph *"f"*, ~~9~~ *"i"*, and ~~10~~ *"j"* which

the commission may by a properly promulgated rule designate as being unnecessary or inappropriate for the protection of the public interest or a purchaser.

Sec. 250. Section 692A.102, subsection 1, paragraph a, subparagraph (1), Code 2013, is amended to read as follows:

(1) Sexual abuse in the second degree in violation of section 709.3, subsection ~~2~~ 1, paragraph *"b"*, if committed by a person under the age of fourteen.

Sec. 251. Section 692A.102, subsection 1, paragraph c, subparagraphs (8) and (9), Code 2013, are amended to read as follows:

(8) Sexual abuse in the second degree in violation of section 709.3, subsection 1, paragraph *"a"* or ~~3~~ *"c"*.

(9) Sexual abuse in the second degree in violation of section 709.3, subsection ~~2~~ 1, paragraph *"b"*, if committed by a person fourteen years of age or older.

Sec. 252. Section 714.3A, subsection 1, Code 2013, is amended to read as follows:

1. A person commits aggravated theft when the person commits an assault as defined in section 708.1, subsection ~~1~~ 2, paragraph *"a"*, that is punishable as a simple misdemeanor under section 708.2, subsection 6, after the person has removed or attempted to remove property not exceeding two hundred dollars in value which has not been purchased from a store or mercantile establishment, or has concealed such property of the store or mercantile establishment, either on the premises or outside the premises of the store or mercantile establishment.

Sec. 253. Section 716.8, subsections 2 and 6, Code 2013, are amended to read as follows:

2. Any person committing a trespass as defined in section 716.7, other than a trespass as defined in section 716.7, subsection 2, paragraph ~~*"f"*~~ *"a"*, subparagraph (6), which results in injury to any person or damage in an amount more than two hundred dollars to anything, animate or inanimate, located thereon or therein commits a serious misdemeanor.

6. Any person who commits a trespass as defined in section 716.7, subsection 2, paragraph ~~*"f"*~~ *"a"*, subparagraph (6), commits a class "D" felony.

Sec. 254. Section 724.26, subsection 2, paragraph c, Code 2013, is amended to read as follows:

c. For purposes of this section, *"misdemeanor crime of domestic violence"* means an assault under section 708.1, subsection ~~1~~ 2, paragraph *"a"* or ~~3~~ *"c"*, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim.

Sec. 255. Section 901A.2, subsection 5, Code 2013, is amended to read as follows:

5. A person who has been convicted of a violation of section 709.3, subsection ~~2~~ 1, paragraph *"b"*, shall, upon a second conviction for a violation of section 709.3, subsection ~~2~~ 1, paragraph *"b"*, be committed to the custody of the director of the Iowa department of corrections for the rest of the person's life. In determining whether a conviction is a first or second conviction under this subsection, a prior conviction for a criminal offense committed in another jurisdiction which would constitute a violation of section 709.3, subsection ~~2~~ 1, paragraph *"b"*, if committed in this state, shall be considered a conviction under this subsection. The terms and conditions applicable to sentences for class "A" felons under chapters 901 through 909 shall apply to persons sentenced under this subsection.

Sec. 256. Section 903B.10, subsection 1, Code 2013, is amended to read as follows:

1. A person who has been convicted of a serious sex offense may, upon a first conviction and in addition to any other punishment provided by law, be required to undergo medroxyprogesterone acetate treatment as part of any conditions of release imposed by the court or the board of parole. The treatment prescribed in this section may utilize an approved pharmaceutical agent other than medroxyprogesterone acetate. Upon a second or

subsequent conviction, the court or the board of parole shall require the person to undergo medroxyprogesterone acetate or other approved pharmaceutical agent treatment as a condition of release, unless, after an appropriate assessment, the court or board determines that the treatment would not be effective. In determining whether a conviction is a first or second conviction under this section, a prior conviction for a criminal offense committed in another jurisdiction which would constitute a violation of section 709.3, subsection ~~2~~ 1, paragraph "*b*", if committed in this state, shall be considered a conviction under this section. This section shall not apply if the person voluntarily undergoes a permanent surgical alternative approved by the court or the board of parole.

DIVISION IV
DIRECTIVES

Sec. 257. CODE EDITOR DIRECTIVES.

1. Section 915.11, Code 2013, is amended by striking the word "website" and inserting in lieu thereof the words "internet site".

2. Sections 8D.9, subsection 3; 23B.3, subsection 5; 99D.7, subsection 24; 99F.4, subsection 26; 144D.2, subsection 2; 256.9, subsection 57; 260C.14, subsection 22, paragraph "a"; 261.7, subsection 2; 262.9, subsection 33, paragraphs "a", "d", and "f"; 321.134, subsection 1; 331.553, subsection 6; 384.65, subsection 4, paragraph "c"; 421.17, subsection 28; 423.56, subsection 3, paragraph "c"; 445.37, unnumbered paragraph 4; 453D.3, subsection 2, unnumbered paragraph 1; 523A.807, subsection 4; and 556.17, subsection 2, paragraph "b"; Code 2013, are amended by striking the word "website" and inserting in lieu thereof the words "internet site".

3. Section 715.4, subsection 2, paragraph "b", Code 2013, is amended by striking the word "websites" and inserting in lieu thereof the words "internet sites".

4. Sections 15.115, subsection 4; 68A.401, subsection 1; 68A.405, subsection 1, paragraph "a", subparagraph (3); 249J.8, subsection 3; 249J.14, subsection 6; 257.31, subsection 2; 279.63, subsection 3; 322.13, subsection 1; 331.439, subsection 5, paragraph "b"; 331.604, subsection 3, paragraph "b", subparagraph (2), subparagraph divisions (a) and (c); 331.604, subsection 3, paragraph "d"; 331.606A, subsection 6, paragraph "c"; 455B.152, subsection 4; 459A.208, subsection 5, paragraph "b", subparagraph (6); 459A.208, subsection 5, paragraph "c"; 515A.6, subsection 7, paragraph "a"; 533A.8, subsection 10; 556.2C, subsection 1, paragraph "b"; 572.8, subsection 1, unnumbered paragraph 1; 572.8, subsections 2 and 3; 572.13, subsection 2; 572.13A, subsection 1, unnumbered paragraph 1; 572.13A, subsection 2; 572.13A, subsection 3, paragraph "a"; 572.13B, subsection 1, unnumbered paragraph 1; 572.18, subsection 1; 572.22, unnumbered paragraph 1; 572.24, subsection 2; 572.34, subsections 2, 5, 6, 7, and 8; 715.3, subsection 1; and 715C.2, subsection 4, paragraph "c"; Code 2013, are amended by striking the word "website" and inserting in lieu thereof the word "site".

5. Sections 15.115, subsection 4; 331.604, subsection 3, paragraph "d"; 455B.807, subsection 2; Code 2013, are amended by striking the word "websites" and inserting in lieu thereof the word "sites".

6. Sections 15.274 and 535D.19, Code 2013, are amended by striking the word "websites" and inserting in lieu thereof the word "sites".

7. Sections 73.16, subsection 2, paragraph "c", subparagraph (2), and 307.49, subsection 2, Code 2013, are amended by striking the words "web page" and inserting in lieu thereof the words "internet site".

8. Sections 103.31, subsection 6; 256.9, subsection 50, paragraph "a"; and 260C.36, subsection 4, paragraph "b", subparagraph (1); Code 2013, are amended by striking the word "web-based" and inserting in lieu thereof the word "internet-based".

9. Section 237A.30, subsection 3, Code 2013, is amended by striking the word "webpage" and inserting in lieu thereof the words "internet site".

10. Sections 68B.35A, 147.93, 190A.4, 249J.17, 298.6, and 572.10, Code 2013, are amended by striking the word "website" and inserting in lieu thereof the word "site".

11. The Code editor is directed to remove former reserved section 15.410 from part 22 of chapter 15, and add new section 15.410, as enacted in this Act, to part 23 of chapter 15. [5]

Approved May 1, 2013

CHAPTER 91

WAR ORPHANS EDUCATIONAL ASSISTANCE FUND

H.F. 613

AN ACT relating to the war orphans educational assistance fund by transferring the moneys in the fund to the veterans trust fund and transferring duties for providing educational assistance to orphaned children of veterans to the commission on veterans affairs.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 35A.13, subsection 4, Code 2013, is amended to read as follows:

4. *a.* The minimum balance of the trust fund required prior to expenditure of moneys from the trust fund is five million dollars. Once the minimum balance is reached, the interest and earnings on the fund and the first three hundred thousand dollars transferred each fiscal year pursuant to section 99G.9A from the lottery fund to the trust fund are appropriated to the commission to be used to achieve the purposes of subsection 6 of this section. Moneys appropriated to the commission that remain unobligated or unexpended at the end of each fiscal year shall revert to the trust fund. It is the intent of the general assembly that the balance in the trust fund reach fifty million dollars.

b. Notwithstanding paragraph *"a"*, moneys credited to the war orphans educational assistance account shall be expended as provided in subsection 6A.

Sec. 2. Section 35A.13, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 6A. *a.* A war orphans educational assistance account shall be created as a separate account in the veterans trust fund and moneys in the account shall not be commingled with any other moneys within the fund. Moneys credited to the war orphans educational assistance account shall only be expended for the purposes of assisting in the education of orphaned children of veterans as provided in this subsection. Interest or earnings on moneys deposited in the account shall be credited to the account.

b. (1) The commission may provide educational assistance funds to any child who has lived in the state of Iowa for two years preceding application for state educational assistance, and who is the child of a person who died prior to September 11, 2001, during active federal military service while serving in the armed forces or during active federal military service in the Iowa national guard or other military component of the United States, to defray the expenses of tuition, matriculation, laboratory and similar fees, books and supplies, board, lodging, and any other reasonably necessary expense for the child or children incident to attendance in this state at an educational or training institution of college grade, or in a business or vocational training school with standards approved by the department. The commission shall not expend more than six hundred dollars per year for educational assistance for any one child under this paragraph. [1]

(2) A child eligible to receive funds under this subsection shall not receive more than three thousand dollars under this paragraph *"b"* during the child's lifetime.

c. (1) Upon application by a child who is less than thirty-one years of age, and who is the child of a person who died on or after September 11, 2001, during active federal military service while serving in the armed forces or during active federal military service in the Iowa

[5] See chapter 140, §79 herein
[1] See chapter 140, §54 herein

national guard or other military component of the United States, and who at the time of entering into active military service had maintained the person's residence in the state for a period of at least six months immediately before entering into active military service, the commission shall provide state educational assistance in an amount of no more than the highest resident undergraduate tuition rate established per year for an institution of higher learning under the control of the state board of regents less the amount of any state and federal education benefits, grants, or scholarships received by the child, or the amount of the child's established financial need, whichever is less, to defray the expenses of tuition at any postsecondary educational institution in this state.

(2) A child eligible to receive state educational assistance under this paragraph "*c*" shall begin postsecondary education prior to reaching age twenty-six, shall not receive more than an amount equal to five times the highest resident undergraduate tuition rate established per year for an institution of higher learning under the control of the state board of regents during the child's lifetime, and shall, to remain eligible for assistance, meet the academic progress standards of the postsecondary educational institution. Payments for state educational assistance for a child under this paragraph "*c*" shall be made to the applicable postsecondary educational institution. The college student aid commission may, if requested, assist the commission in administering this paragraph "*c*".

d. Eligibility for assistance pursuant to this subsection shall be determined upon application to the commission, whose decision is final. The eligibility of applicants shall be certified by the commission to the director of the department of administrative services in a timely manner, and all amounts that are or become due an individual or a training institution under this subsection shall be paid to the individual or institution by the director of the department of administrative services upon receipt by the director of certification by the president or governing board of the educational or training institution as to accuracy of charges made, and as to the attendance of the individual at the educational or training institution. The commission may pay over the annual sum set forth in this subsection to the educational or training institution in a lump sum, or in installments as the circumstances warrant, upon receiving from the institution such written undertaking as the department may require to assure the use of funds for the child for the authorized purposes and for no other purpose. A person is not eligible for the benefits of this subsection until the person has graduated from a high school or educational institution offering a course of training equivalent to high school training.

e. Any expense incurred in carrying out the provisions of this subsection shall be chargeable to the trust fund.

Sec. 3. Section 35A.13, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 10. It is the intent of the general assembly that beginning with the fiscal year beginning July 1, 2013, appropriations be made as necessary to the war orphans educational assistance account of the veterans trust fund to pay all claims made pursuant to subsection 6A. Prior to any additional appropriations to this account, the department shall provide the general assembly with information identifying immediate and long-term war orphans educational needs throughout the state and a plan for meeting those needs.

Sec. 4. REPEAL. Sections 35A.19, 35A.20, 35A.21, and 35A.22, Code 2013, are repealed.

Sec. 5. TRANSFER OF FUNDS. All unencumbered and unobligated moneys remaining in the war orphans educational assistance fund on July 1, 2013, shall be transferred to the war orphans educational assistance account of the veterans trust fund created in section 35A.13.

Sec. 6. ADMINISTRATIVE RULES — TRANSITION PROVISIONS.

1. Any rule, regulation, form, order, or directive promulgated by the department of veterans affairs as required to administer and enforce the provisions for the operation of the war orphans educational assistance fund, created in section 35A.19, shall continue in full force and effect until amended, repealed, or supplemented by affirmative action of the commission of veterans affairs.

2. Any award issued by the department of veterans affairs, under section 35A.21, and in effect on the effective date of this Act, shall continue in full force and effect until expiration or renewal.

Approved May 1, 2013

CHAPTER 92

TAXATION OF HYDROELECTRICITY CONVERSION PROPERTY SALES

H.F. 630

AN ACT providing a sales tax exemption for hydroelectricity conversion property.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 423.3, subsection 54, Code 2013, is amended to read as follows:

54. *a.* The sales price from the sale of wind energy conversion property or hydroelectricity conversion property to be used as an electric power source and the sale of the materials used to manufacture, install, or construct wind energy conversion property or hydroelectricity conversion property used or to be used as an electric power source.

b. For purposes of this subsection, ~~*"wind*~~:

(1) *"Wind energy conversion property"* means any device, including but not limited to a wind charger, windmill, wind turbine, tower and electrical equipment, pad mount transformers, power lines, and substation, which converts wind energy to a form of usable energy.

(2) *"Hydroelectricity conversion property"* means any device, including but not limited to a generator, turbine, powerhouse, intake, coffer dam, walls, water conduit, tailrace, any other concrete components, electrical equipment substation, poles, wires, transformers, breakers, and switches used to convert water, water power, or hydroelectricity to a form of usable energy.

Approved May 1, 2013

CHAPTER 93

REAL ESTATE BROKER AND SALESPERSON LICENSING AND EDUCATION — FEES

S.F. 438

AN ACT relating to real estate broker and real estate salesperson licensing fees and allocations from those fees, and making an appropriation.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 543B.14, Code 2013, is amended to read as follows:

543B.14 Fees and expenses — funds.

All fees and charges collected by the real estate commission under this chapter shall be paid into the general fund of the state, except that ~~fifty~~ twenty-five dollars from each real estate salesperson's license fee and each broker's license ~~shall be paid into the Iowa real estate education fund created in section 543B.54~~ fee is appropriated to the professional licensing and regulation bureau of the banking division of the department of commerce

for the purpose of hiring and compensating a real estate education director and regulatory compliance personnel. All expenses incurred by the commission under this chapter, including compensation of staff assigned to the commission, shall be paid from funds appropriated for those purposes~~, except for expenses incurred and compensation paid for the real estate education director, which shall be paid out of the real estate education fund~~.

Sec. 2. Section 546.10, subsection 3, paragraph b, Code 2013, is amended to read as follows:

b. Notwithstanding subsection 5, eighty-five percent of the funds received annually resulting from an increase in licensing fees implemented on or after April 1, 2002, by a licensing board or commission listed in subsection 1, is appropriated to the professional licensing and regulation bureau to be allocated to the board or commission for the fiscal year beginning July 1, 2002, and succeeding fiscal years, for purposes related to the duties of the board or commission, including but not limited to additional full-time equivalent positions. In addition, notwithstanding subsection 5, twenty-five dollars from each real estate salesperson's license fee and each broker's license fee received pursuant to section 543B.14 is appropriated to the professional licensing and regulation bureau for the purpose of hiring and compensating a real estate education director and regulatory compliance personnel. The director of the department of administrative services shall draw warrants upon the treasurer of state from the funds appropriated as provided in this section and shall make the funds available to the professional licensing and regulation bureau on a monthly basis during each fiscal year.

Sec. 3. REPEAL. Section 543B.54, Code 2013, is repealed.

Sec. 4. REAL ESTATE EDUCATION FUND — REMAINING FUNDS TRANSFER. Any funds remaining in the real estate education fund on June 30, 2013, shall not revert to the general fund of the state but are appropriated to the professional licensing and regulation bureau of the banking division of the department of commerce. Funds appropriated pursuant to this section shall be used for the public purpose of providing a grant to a nonprofit foundation affiliated with a statewide association of real estate professionals to provide real estate education programs, scholarship assistance, housing assistance programs, or to otherwise further the mission of the foundation.

Approved May 9, 2013

CHAPTER 94

TAXATION OF RATE-REGULATED WATER UTILITIES

S.F. 451

AN ACT relating to the taxation of rate-regulated water utilities by establishing a rate-regulated water utility replacement tax, imposing a statewide rate-regulated water utility property tax, providing for the administration of the replacement tax and statewide property tax, providing penalties, and including effective date and retroactive applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 257.3, subsection 1, paragraph c, Code 2013, is amended to read as follows:

c. Replacement taxes under chapter 437A or chapter 437B shall be regarded as property taxes for purposes of this chapter.

Sec. 2. Section 331.604, subsection 4, Code 2013, is amended to read as follows:

4. A county shall not be required to pay a fee to the recorder for filing or recording instruments. However, a county treasurer is required to pay recording fees pursuant to ~~section~~ sections 437A.11 and 437B.7.

Sec. 3. Section 421.10, Code 2013, is amended to read as follows:

421.10 Appeal period — applicability.

The appeal period for revision of assessment of tax, interest, and penalties set out under section 422.28, 423.37, 437A.9, 437A.22, 437B.5, 437B.18, 452A.64, 453A.29, or 453A.46 applies to appeals to notices from the department denying changes in filing methods, denying refund claims, and denying portions of refund claims for the tax covered by that section, and notices of any department action directed to a specific taxpayer, other than licensing, which involves a calculation.

Sec. 4. Section 427A.1, subsection 1, paragraph h, Code 2013, is amended to read as follows:

h. Property assessed by the department of revenue pursuant to sections 428.24 to 428.29, or chapters 433, 434, 437, 437A, 437B, and 438.

Sec. 5. Section 427B.17, subsection 5, unnumbered paragraph 1, Code 2013, is amended to read as follows:

This section shall not apply to property assessed by the department of revenue pursuant to sections 428.24 to 428.29, or chapters 433, 434, 437, 437A, 437B, and 438, and such property shall not receive the benefits of this section.

Sec. 6. Section 428.24, Code 2013, is amended to read as follows:

428.24 Public utility plants.

The lands, buildings, machinery, and mains belonging to individuals or corporations operating waterworks, other than waterworks taxed under chapter 437B, or gasworks or pipelines, except those natural gas pipelines permitted pursuant to chapter 479, shall be listed and assessed by the department of revenue. In the making of assessments of waterworks plants, the value of any interest in the property assessed, of the municipal corporation where it is situated, shall be deducted, whether the interest is evidenced by stock, bonds, contracts, or otherwise.

Sec. 7. Section 428.26, Code 2013, is amended to read as follows:

428.26 Personal property.

1. All the personal property of such individuals and corporations used or purchased by them for the purposes of such gas or waterworks, other than natural gas pipelines permitted pursuant to chapter 479 and other than waterworks taxed under chapter 437B, shall be listed and assessed by the department of revenue.

2. In the making of any such assessment of waterworks plants, the value of any interest in the property so assessed, of the municipal corporation in which the waterworks is situated, shall be deducted, whether such interest be evidenced by stock, bonds, contracts, or otherwise.

Sec. 8. Section 428.28, Code 2013, is amended to read as follows:

428.28 Annual report by utility.

1. Every individual, partnership, corporation, or association operating for profit, waterworks, other than waterworks taxed under chapter 437B, or gasworks or pipelines other than natural gas pipelines permitted pursuant to chapter 479, annually on or before May 1 of each calendar year, shall make a report on blanks to be provided by the department of revenue of all of the property owned by such individual, partnership, corporation, or association within the incorporated limits of any city in the state, and give such other information as the director of revenue shall require.

2. Every individual, partnership, corporation, or association which operates a public utility on a nonprofit basis other than a utility subject to tax under chapter 437A or chapter 437B, as defined in section 428.24 shall annually, on or before May 1 of each calendar year, make a

report on blanks to be provided by the department of revenue of all of the property owned by the individual, partnership, corporation, or association within the incorporated limits of any city in the state, and give other information the director of revenue requires.

Sec. 9. Section 437A.15, subsection 7, paragraph b, Code 2013, is amended to read as follows:

b. The task force shall study the effects of the replacement ~~tax~~ taxes under this chapter and chapter 437B on local taxing authorities, local taxing districts, consumers, and taxpayers through January 1, ~~2013~~ 2016. If the task force recommends modifications to the replacement tax that will further the purposes of tax neutrality for local taxing authorities, local taxing districts, taxpayers, and consumers, consistent with the stated purposes of this chapter, the department of management shall transmit those recommendations to the general assembly.

Sec. 10. NEW SECTION. **437B.1 Purposes.**

The purposes of this chapter are to replace property taxes imposed on rate-regulated water utilities with a system of taxation which will remove fluctuations in property taxes by imposing a system of taxation based on the delivery of water, to preserve revenue neutrality and debt capacity for local governments and taxpayers, to preserve neutrality in the allocation and cost impact of any replacement tax among and upon consumers of rate-regulated water utilities in this state, and to provide a system of taxation which reduces existing administrative burdens on state government.

Sec. 11. NEW SECTION. **437B.2 Definitions.**

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

1. *"Centrally assessed property tax"* means property tax imposed with respect to the value of property determined by the director pursuant to sections 428.24 to 428.29, Code 2013, and allocated to water service.

2. *"Consumer"* means an end user of water used or consumed within the service area of a water utility. *"Consumer"* includes any master-metered facility even though the water delivered to such facility may ultimately be used by another person. A person to whom water is delivered by a master-metered facility is not a consumer. A *"master-metered facility"* means any multi-occupancy premises where units are separately rented or owned and where individual metering is impractical, where the facility is designated for elderly or handicapped persons and utility costs constitute part of the operating cost and are not apportioned to individual units, or where submetering or resale of service was permitted prior to 1966.

3. *"Delivery"* means the physical transfer of water, excluding nonrevenue water, to a consumer for sale. Physical transfer to a consumer occurs when transportation of water ends and such water becomes available for use or consumption by a consumer.

4. *"Director"* means the director of revenue.

5. *"Lease"* means a contract between a lessor and lessee pursuant to which the lessee obtains a present possessory interest in tangible property without obtaining legal title in such property. A contract to deliver water using operating property within this state is not a lease. *"Capital lease"* means a lease classified as a capital lease under generally accepted accounting principles.

6. *"Local taxing authority"* means a city, county, community college, school district, or other taxing authority located in this state and authorized to certify a levy on property located within such authority for the payment of bonds and interest or other obligations of such authority.

7. *"Local taxing district"* means a geographic area with a common consolidated property tax rate.

8. *a.* *"Major addition"* means any acquisition on or after January 1, 2012, by a taxpayer, by transfer of ownership, self-construction, or capital lease of any interest in any of the following:

(1) A building in this state where the acquisition cost of all interests acquired exceeds ten million dollars.

(2) A water treatment plant where the acquisition cost of all interests acquired exceeds ten million dollars. For purposes of this paragraph, [1] *"water treatment plant"* means buildings

[1] See chapter 140, §67 herein

and equipment used in that portion of the potable water supply system which in some way alters the physical, chemical, or bacteriological quality of the water.

(3) Water utility operating property within a local taxing district where the acquisition cost of all interests acquired exceeds one million dollars.

(4) Any water utility property in this state acquired by a person not previously subject to taxation under this chapter pursuant to section 437B.12.

b. For purposes of this chapter, the acquisition cost of an asset acquired by capital lease is its capitalized value determined under generally accepted accounting principles.

9. *"Nonrevenue water"* means the difference between the total number of gallons of water carried through the water utility's distribution system and the number of gallons of water delivered to consumers using the water utility's distribution system.

10. *"Operating property"* means all property owned by or leased to a water utility, not otherwise taxed separately, which is necessary to and without which the company[2] could not perform the activities of a water utility.

11. *"Replacement tax"* means the excise tax imposed on the delivery of water under section 437B.3.

12. *"Service area"* means the geographical area within this state to which the water utility delivers water and related services. A water utility's service area shall be that area described in the water utility's tariff filed with the utilities board.

12A. *"Taxable value"* means as defined in section 437B.15, subsection 2, paragraph *"e"*.

13. *"Taxpayer"* means a water utility or other person subject to the replacement tax imposed under section 437B.3.

14. *"Tax year"* means a calendar year beginning January 1 and ending December 31.

15. *"Utilities board"* means the utilities board created in section 474.1.

16. *"Water utility"* or *"rate-regulated water utility"* means a person engaged primarily in the production, delivery, service, or sale of water in a service area, whether formed or organized under the laws of this state or elsewhere, and subject to the rate and service regulation of the utilities board pursuant to chapter 476. *"Water utility"* does not include a cooperative, municipal utility, or other entity engaged primarily in such activities that is not under the jurisdiction of the utilities board.

Sec. 12. NEW SECTION. **437B.3 Replacement tax imposed on delivery of water.**

1. A replacement delivery tax is imposed on each water utility that delivers water to a consumer within the water utility's service area. The replacement delivery tax imposed by this section is equal to the number of gallons of water delivered to consumers in the water utility's service area by the taxpayer during the tax year multiplied by the replacement delivery tax rate in effect for the service area.

2. The replacement delivery tax rate for each service area shall be calculated by the director as follows:

a. The director shall determine the centrally assessed property tax liability allocated to water delivery for those water utilities operating within the service area for the assessment year 2011 based on property tax amounts due and payable as the result of that assessment year.

b. The director shall determine the number of gallons of water delivered to consumers in the service area which would have been subject to taxation under this section in calendar year 2011, had such section been in effect for calendar year 2011.

c. The director shall determine a replacement delivery tax rate for each service area by dividing the centrally assessed property tax liability, as determined in paragraph *"a"*, by the number of gallons of water delivered, as specified in paragraph *"b"*.

3. *a.* If for any tax year after calendar year 2012, the total number of gallons of water required to be reported by a water utility pursuant to section 437B.4, subsection 1, paragraph *"a"*, increases or decreases by more than the threshold percentage from the average of the base year amounts for that water utility for the immediately preceding five calendar years, the replacement tax rate imposed under subsection 1 for that tax year shall be recalculated by the director for that water utility so that the total of the tentative replacement delivery

[2] See chapter 140, §68 herein

taxes required to be reported pursuant to section 437B.4, subsection 1, paragraph *"b"*, for that water utility with respect to the tax imposed under subsection 1, shall be as follows:

(1) If the number of gallons of water required to be reported increased by more than the threshold percentage, one hundred two percent of such taxes required to be reported by the water utility for that water utility for the immediately preceding tax year.

(2) If the number of gallons of water required to be reported decreased by more than the threshold percentage, ninety-eight percent of such taxes required to be reported by the water utility for that water utility for the immediately preceding tax year.

b. For purposes of paragraph *"a"*, subparagraphs (1) and (2), in computing the tax rate under subsection 1, for tax year 2013, the director shall use the centrally assessed property tax liability allocated to water sales computed pursuant to subsection 2, paragraph *"a"*, or the water utility's centrally assessed property tax liability for the assessment year 2010, whichever is greater, in lieu of the taxes required to be reported for that water utility for the immediately preceding tax year. In addition, notwithstanding the provisions of this section to the contrary, for tax years 2013, 2014, and 2015, if the total amount of replacement delivery taxes imposed on the water utility in any of those tax years is less than the utility's centrally assessed property tax liability for the assessment year 2010, the replacement tax rate imposed under subsection 1 for that tax year shall be recalculated by the director so that the total amount of replacement delivery taxes imposed on the water utility for such tax year equals the water utility's centrally assessed property tax liability for the assessment year 2010.

c. For purposes of this section, *"base year amount"* means for calendar years prior to tax year 2013, the number of gallons of water delivered to consumers by the water utility which would have been subject to taxation under this section had this section been in effect for such calendar year, and for tax years after calendar year 2012, the number of gallons of water required to be reported by the water utility pursuant to section 437B.4, subsection 1.

d. The threshold percentage shall be five percent.

4. The replacement delivery tax rate in effect for each service area shall be published by the director in the Iowa administrative bulletin on or before May 31 of each year.

5. If recalculation of the replacement delivery tax rate is required pursuant to subsection 3, the new rate shall be published in the Iowa administrative bulletin by the director by no later than May 31 following the end of the tax year. The director shall adjust the tentative replacement tax imposed by subsection 1 and required to be shown on any affected water utility's return pursuant to section 437B.4, subsection 1, paragraph *"b"*, to reflect the adjusted replacement delivery tax rate for the tax year, and report such adjustment to the affected water utility on or before June 30 following the end of the tax year. The new replacement delivery tax rate shall apply prospectively, until such time as further adjustment is required.

6. For a service area established as the result of the formation or organization of a new water utility on or after January 1, 2013, the director shall to the extent possible determine a replacement delivery tax rate for the new service area using the procedures of this section and for the information for the year that the water utility was first under the jurisdiction of the utilities board.

Sec. 13. NEW SECTION. **437B.4 Return and payment requirements.**

1. Each taxpayer, on or before March 31 following a tax year, shall file with the director a return including but not limited to the following information:

a. The total taxable gallons of water delivered by the water utility to consumers within the service area during the tax year.

b. The tentative replacement taxes imposed by section 437B.3 due for the tax year.

2. A return shall be signed by an officer, or other person duly authorized by the water utility, and must be certified as correct and in accordance with forms and rules prescribed by the director.

3. At the time of filing the return required by subsection 1 with the director, the taxpayer shall calculate the tentative replacement tax due for the tax year. The director shall compute any adjustments to the replacement tax required by subsection 5 and by section 437B.3, subsection 3, and notify the taxpayer of any such adjustments in accordance with the requirements of section 437B.3, subsection 5. The director and the department of management shall compute the allocation of replacement taxes among local taxing districts

and report such allocations to county treasurers pursuant to section 437B.11. Based on such allocations, the treasurer of each county shall notify each taxpayer on or before August 31 following a tax year of its replacement tax obligation to the county treasurer. On or before September 30, 2014, and on or before September 30 of each subsequent year, the taxpayer shall remit to the county treasurer of each county to which such replacement tax is allocated pursuant to section 437B.11, one-half of the replacement tax so allocated, and on or before the succeeding March 31, the taxpayer shall remit to the county treasurers the remaining replacement tax so allocated. If notification of a taxpayer's replacement tax obligation is not mailed by a county treasurer on or before August 31 following a tax year, such taxpayer shall have thirty days from the date the notification is mailed to remit one-half of the replacement tax otherwise required by this subsection to be remitted to such county treasurer on or before September 30. If a taxpayer fails to timely remit replacement taxes as provided in this subsection, the county treasurer of each affected county shall notify the director of such failure.

4. Notwithstanding subsections 1 through 3, a taxpayer shall not be required to file a return otherwise required by this section or remit any replacement tax for any tax year in which the taxpayer's replacement tax liability before credits is three hundred dollars or less, provided that all water utilities shall file a return, regardless of the taxpayer's replacement tax liability.

5. Following the determination of replacement delivery tax rates by the director pursuant to section 437B.3, subsection 2, if an adjustment resulting from a taxpayer appeal is made to taxes levied and paid by a taxpayer with respect to the assessment year 2011 used in determining such rates, the director shall recalculate the replacement delivery tax rate for any affected water utility to reflect the impact of such adjustment as if such adjustment had been reflected in the initial determination of the centrally assessed property tax liability allocated to water service pursuant to section 437B.3, subsection 2, paragraph *"a"*. Rate recalculations shall be made and published in the Iowa administrative bulletin by the director on or before March 31 following the calendar year in which a final determination of the adjustment is made. Taxpayers shall report to the director any increase or decrease in the tentative replacement tax required to be shown to be due pursuant to subsection 1, paragraph *"b"*, for any tax year with the return for the year in which the recalculated tax rates which gave rise to the adjustment are published in the Iowa administrative bulletin. The director and the department of management shall redetermine the allocation of replacement taxes pursuant to section 437B.11 for each affected tax year. If a taxpayer has overpaid replacement taxes, the overpayment shall be reported by the director to such taxpayer and to the appropriate county treasurers and shall be a credit against the replacement taxes owed by such taxpayer for the year in which the recalculated rates which gave rise to the overpayment are published in the Iowa administrative bulletin. If a taxpayer has overpaid centrally assessed property taxes for assessment years prior to tax year 2013, such overpayment shall be a credit against replacement taxes owed by such taxpayer for the year in which the overpayment is determined. Unused credits may be carried forward and used to reduce future replacement tax liabilities until exhausted.

Sec. 14. NEW SECTION. **437B.5 Failure to file return — incorrect return.**

1. As soon as practicable after a return required by section 437B.4, subsection 1, is filed, and in any event within three years after such return is filed, the director shall examine the return, determine the tax due if the return is found to be incorrect, and give notice to the taxpayer of the determination as provided in subsection 2. The period for the examination and determination of the correct amount of tax is unlimited in the case of a false or fraudulent return made with the intent to evade any tax or in the case of a failure to file a return.

2. If a return required by section 437B.4, subsection 1, is not filed, or if such return when filed is incorrect or insufficient and the taxpayer fails to file a corrected or sufficient return within twenty days after such return is required by notice from the director, the director shall determine the amount of tax due from information as the director may be able to obtain and, if necessary, may estimate the tax due on the basis of external indices. The director shall give notice of the determination to the taxpayer liable for the tax and to the county treasurers to whom the tax is owed. The determination shall fix the tax unless the taxpayer against whom it is levied, within sixty days after notice of the determination, applies to the director for a

hearing. At the hearing evidence may be offered to support the determination or to prove that it is incorrect. After the hearing the director shall give notice of the decision to the person liable for the tax and to the county treasurers to whom the tax is owed.

3. The three-year period of limitation provided in subsection 1 may be extended by the taxpayer by signing a waiver agreement form provided by the department. The agreement shall stipulate the period of extension and the tax period to which the extension applies. The agreement shall also provide that a claim for refund may be filed by the taxpayer at any time during the period of extension.

Sec. 15. NEW SECTION. **437B.6 Judicial review.**

1. Judicial review of the actions of the director may be sought pursuant to chapter 17A, the Iowa administrative procedure Act.

2. For cause and upon a showing by the director that collection of the tax in dispute is in doubt, the court may order the petitioner to file with the clerk of the district court a bond for the use of the appropriate local taxing authorities, with sureties approved by the clerk of the district court, in the amount of the tax appealed from, conditioned upon the performance by the petitioner of any orders of the court.

3. An appeal may be taken by the taxpayer or the director to the supreme court irrespective of the amount involved.

4. A person aggrieved by a decision of the chief financial officer of a city under this chapter may seek review by writ of certiorari within thirty days of the decision sought to be reviewed.

Sec. 16. NEW SECTION. **437B.7 Lien — actions authorized.**

1. Whenever a taxpayer who is liable to pay a replacement tax imposed by this chapter refuses or neglects to pay such tax, the amount, including any interest, penalty, or addition to such tax, together with the costs that may accrue, shall be a lien in favor of the chief financial officer of the city or the county treasurer to which the tax is owed upon all property and rights to property, whether real or personal, belonging to the taxpayer. The lien shall be prior to and superior over all subsequent liens upon any personal property within this state, or right to such personal property, belonging to the taxpayer, without the necessity of recording the lien. The requirement for recording, as applied to the replacement tax imposed by this chapter, shall apply only to a lien upon real property. The lien may be preserved against subsequent mortgagees, purchasers, or judgment creditors, for value and without notice of the lien, on any real property situated in a county, by the county treasurer to which replacement tax is owed by filing with the recorder of the county in which the real property is located a notice of the lien. For purposes of the replacement tax collected by a city, the lien may be preserved against subsequent mortgagees, purchasers, or judgment creditors, for value and without notice of the lien, on any real property situated in the county, by the chief financial officer of the city to which replacement tax is owed by filing with the recorder of the county in which the real property is located a notice of the lien.

2. The county recorder of each county shall index each lien showing the applicable entries specified in sections 558.49 and 558.52 and showing, under the names of taxpayers arranged alphabetically, all of the following:

a. The name of the taxpayer.

b. The name of the county treasurer and county or the name of the chief financial officer and city as claimant.

c. Time the notice of lien was filed for recording.

d. Date of notice.

e. Amount of lien then due.

f. Date of assessment.

g. Date when the lien is satisfied.

3. The recorder shall endorse on each notice of lien the day, hour, and minute when filed for recording and the document reference number, shall preserve such notice, shall index the notice in the index, and shall promptly record the lien in the manner provided for recording real estate mortgages. The lien is effective from the time of the indexing of the lien.

4. The county treasurer or chief financial officer of the city shall pay recording fees as provided in section 331.604, for the recording of the lien, or for its satisfaction.

5. Upon the payment of the replacement tax as to which a county treasurer has filed notice with a county recorder, the county treasurer shall promptly file with the recorder a satisfaction of the replacement tax. The recorder shall record the notice of satisfaction showing the applicable entries specified in sections 558.49 and 558.52.

6. Section 445.3 applies with respect to the replacement taxes and special utility property tax levies and penalties and interest imposed by this chapter, except for the provisions limiting the commencement of actions. In addition, at the county treasurer's discretion, chapters 446, 447, and 448 apply in the enforcement of the special utility property tax levies, but any tax deed issued shall not extinguish a tax lien or judgment lien for replacement taxes that has attached to the property.

Sec. 17. NEW SECTION. **437B.8 Service of notice.**

1. A notice authorized or required under this chapter may be given by mailing the notice to the taxpayer, addressed to the taxpayer at the address given in the last return filed by the taxpayer pursuant to this chapter, or if no return has been filed, then to the most recent address of the taxpayer obtainable. The mailing of the notice is presumptive evidence of the receipt of the notice by the taxpayer to whom the notice is addressed. A period of time within which some action must be taken for which notice is provided under this section commences to run from the date of mailing of the notice.

2. There is no limitation for the enforcement of a civil remedy pursuant to any proceeding or action taken to levy, appraise, assess, determine, or enforce the collection of any tax or penalty due under this chapter.

Sec. 18. NEW SECTION. **437B.9 Penalties — offenses — limitation.**

1. A taxpayer is subject to the penalty provisions in section 421.27 with respect to any replacement tax due under this chapter. A taxpayer shall also pay interest on the delinquent replacement tax at the rate in effect under section 421.7 for each month computed from the date the payment was due, counting each fraction of a month as an entire month. The penalty and interest shall be paid to the county treasurer, or in the case of penalty and interest associated with a municipal transfer replacement tax to the city financial officer, and shall be disposed of in the same manner as other receipts under this chapter. Unpaid penalties and interest may be enforced in the same manner as provided for unpaid replacement tax under this chapter.

2. A taxpayer, or officer, member, or employee of the taxpayer, who willfully attempts to evade the replacement tax imposed or the payment of the replacement tax is guilty of a class "D" felony.

3. The issuance of a certificate by the director or a county treasurer stating that a replacement tax has not been paid, that a return has not been filed, or that information has not been supplied pursuant to this chapter is prima facie evidence of such failure.

4. A taxpayer, or officer, member, or employee of the taxpayer, required to pay a replacement tax, or required to make, sign, or file an annual return or supplemental return, who willfully makes a false or fraudulent annual return, or who willfully fails to pay at least ninety percent of the replacement tax or willfully fails to make, sign, or file the annual return, as required, is guilty of a fraudulent practice.

5. For purposes of determining the place of trial for a violation of this section, the situs of an offense is in the county of the residence of the taxpayer, officer, member, or employee of the taxpayer charged with the offense, unless the taxpayer, officer, member, or employee of the taxpayer is a nonresident of this state or the residence cannot be established, in which event the situs of the offense is in Polk county.

6. Prosecution for an offense specified in this section shall be commenced within six years after the commission of the offense.

Sec. 19. NEW SECTION. **437B.10 Correction of errors — refunds or credits of replacement tax paid — information confidential — penalty.**

1. *a.* If an amount of replacement tax, penalty, or interest has been paid which was not due under this chapter, a county treasurer to whom such erroneous payment was made shall do one of the following:

(1) Credit the amount of the erroneous payment against any replacement tax due, or to become due, from the taxpayer on the books of the city or county.

(2) Refund the amount of the erroneous payment to the taxpayer.

b. Claims for refund or credit of replacement taxes paid shall be filed with the director. A claim for refund or credit that is not filed with the director within three years after the replacement tax payment upon which a refund or credit is claimed became due, or one year after the replacement tax payment was made, whichever time is later, shall not be allowed. A claim for refund or credit of tax alleged to be unconstitutional not filed with the director within ninety days after the replacement tax payment upon which a refund or credit is claimed became due shall not be allowed. As a precondition for claiming a refund or credit of alleged unconstitutional taxes, such taxes must be paid under written protest which specifies the particulars of the alleged unconstitutionality. Claims for refund or credit may only be made by, and refunds or credits may only be made to, the person responsible for paying the replacement tax, or such person's successors. The director shall notify affected county treasurers of the acceptance or denial of any refund claim. Section 421.10 applies to claims denied by the director.

2. *a.* It is unlawful for any present or former officer or employee of the state to divulge or to make known in any manner to any person the gallons of water delivered by a water utility disclosed on a tax return, return information, or investigative or audit information. A person who violates this section is guilty of a serious misdemeanor. If the offender is an officer or employee of the state, such person, in addition to any other penalty, shall also be dismissed from office or discharged from employment. This section does not prohibit turning over to duly authorized officers of the United States or tax officials of other states such information pursuant to agreement between the director and the secretary of the treasury of the United States or the secretary's delegate or pursuant to a reciprocal agreement with another state.

b. Local taxing authority employees are deemed to be officers and employees of the state for purposes this of[3] subsection.

3. Unless otherwise expressly permitted by a section referencing this chapter, the gallons of water delivered by a taxpayer in a service area shall not be divulged to any person or entity, other than the taxpayer, the department of revenue, or the internal revenue service for use in a matter unrelated to tax administration. This prohibition precludes persons or entities other than the taxpayer, the department of revenue, or the internal revenue service from obtaining such information from the department of revenue. A subpoena, order, or process which requires the department of revenue to produce such information to a person or entity, other than the taxpayer, the department of revenue, or internal revenue service, for use in a nontax proceeding is void.

4. Notwithstanding subsections 2 and 3, the chief financial officer of any local taxing authority and any designee of such officer shall have access to any computations made by the director pursuant to the provisions of this chapter, and any tax return or other information used by the director in making such computations, which affect the replacement tax owed by any such taxpayer.

5. Claims for refund or credit of special utility property tax levies shall be filed with the appropriate county treasurer. Subsection 1 applies with respect to the special utility property tax levy and the county treasurer shall have the same authority as is granted to the director under this section.

Sec. 20. NEW SECTION. **437B.11 Allocation of revenue.**

1. The director and the department of management shall compute the allocation of all replacement tax revenues among the local taxing districts in accordance with this section and shall report such allocation by local taxing districts to the county treasurers on or before August 15 following a tax year.

2. The director shall determine and report to the department of management the total replacement taxes to be collected from each taxpayer for the tax year on or before July 30 following such tax year.

[3] See chapter 140, §69 herein

3. *a.* All replacement taxes owed by a taxpayer shall be allocated among the local taxing districts in which such taxpayer's property is located in accordance with a general allocation formula determined by the department of management on the basis of general property tax equivalents. General property tax equivalents shall be determined by applying the levy rates reported by each local taxing district to the department of management on or before June 30 following a tax year to the taxable value of taxpayer property allocated to each such local taxing district as adjusted and reported to the department of management in such tax year by the director pursuant to the procedures required pursuant to section 437B.15. The general allocation formula for a tax year shall allocate to each local taxing district that portion of the replacement taxes owed by each taxpayer which bears the same ratio as such taxpayer's general property tax equivalents for each local taxing district bears to such taxpayer's total general property tax equivalents for all local taxing districts in Iowa.

b. If, during the tax year, a taxpayer transferred operating property or an interest in operating property to another taxpayer, the transferee taxpayer's replacement tax associated with that property shall be allocated, for the tax year in which the transfer occurred, under this section in accordance with the general allocation formula on the basis of the general property tax equivalents of the transferor taxpayer.

c. Notwithstanding the provisions of this section, if during the tax year a person who was not a taxpayer during the prior tax year acquires a new major addition, as defined in section 437B.2, subsection 8, paragraph *"a"*, subparagraph (4), the replacement tax associated with that major addition shall be allocated, for that tax year, under this section in accordance with the general allocating formula on the basis of the general property tax equivalents established under paragraph *"a"* of this subsection, except that the levy rates established and reported to the department of management on or before June 30 following the tax year in which the major addition was acquired shall be applied to the prorated assessed value of the major addition. For purposes of this paragraph, *"prorated assessed value of the major addition"* means the assessed value of the major addition as of January 1 of the year following the tax year in which the major addition was acquired multiplied by the percentage derived by dividing the number of months that the major addition existed during the tax year by twelve, counting any portion of a month as a full month.

4. On or before August 31 following tax years 2013, 2014, and 2015, each county treasurer shall compute a special utility property tax levy or tax credit for each taxpayer for which a replacement tax liability for each such tax year is reported to the county treasurer pursuant to subsection 1, and shall notify the taxpayer of the amount of such tax levy or tax credit. The amount of the special utility property tax levy or credit shall be determined for each taxpayer by the county treasurer by comparing the taxpayer's total replacement tax liability allocated to taxing districts in the county pursuant to this section with the anticipated tax revenues from the taxpayer for all taxing districts in the county. If the taxpayer's total replacement tax liability allocated to taxing districts in the county is less than the anticipated tax revenues from the taxpayer for all taxing districts in the county, the county treasurer shall levy a special utility property tax equal to the shortfall which shall be added to and collected with the replacement tax owed by the taxpayer to the county treasurer for the tax year pursuant to section 437B.4, subsection 3. If the taxpayer's total replacement tax liability allocated to taxing districts in the county exceeds the anticipated tax revenues from the taxpayer for all taxing districts in the county, the county treasurer shall issue a credit to the taxpayer which shall be applied to reduce the taxpayer's replacement tax liability to the county treasurer for the tax year. If the taxpayer's total replacement tax liability allocated to taxing districts in the county equals the anticipated tax revenues from the taxpayer for all taxing districts in the county, no levy or credit is required. Replacement tax liability for purposes of this subsection means replacement tax liability before credits allowed by section 437B.4, subsection 5. A recalculation of a special utility property tax levy or credit shall not be made as a result of a subsequent recalculation of replacement tax liability under section 437B.4, subsection 5, or adjustment to assessed value under section 437B.15. *"Anticipated tax revenues from a taxpayer"* means the product of the total levy rates imposed by the taxing districts and the value of taxpayer property allocated to the taxing districts and reported to the county auditor. Special utility property tax levies and credits shall be treated as replacement taxes for purposes of section 437B.7. If a special utility property tax levy

payment becomes delinquent, the delinquent payment shall accrue interest and penalty in the same manner and amount as the replacement tax under section 437B.9.

5. The replacement tax, as adjusted by any special utility property tax levy or credit and remitted to a county treasurer by each taxpayer, shall be treated as a property tax when received and shall be disbursed by the county treasurer as taxes on real estate. Notwithstanding the allocation provisions of this section, nothing in this section shall deny any municipality which has enacted an ordinance or entered into an agreement for the division and allocation of taxes authorized under section 403.19 and under which ordinance or agreement the taxes collected in respect of properties owned by any of the taxpayers remitting replacement taxes pursuant to the provisions of this chapter are being divided and allocated, the right to receive its share of the replacement tax revenues collected for any year which would otherwise be paid to such municipality under the terms of any such ordinance or agreement had this chapter not been enacted. To the extent that adjustment must be made to the allocation described in this section to give effect to the terms of such ordinances or agreements, the department of management and the county treasurer shall make such adjustments.

6. In lieu of the adjustment provided for in subsection 5, the assessed value of property described in section 403.19, subsection 1, may be reduced by the city or county by the amount of the taxable value of the property described in section 437B.12 included in such area on January 1, 2011, pursuant to amendment of the ordinance adopted by such city or county pursuant to section 403.19.

7. The utility replacement tax task force created in section 437A.15 shall study the effects of the replacement tax on local taxing authorities, local taxing districts, consumers, and taxpayers through January 1, 2016. If the task force recommends modifications to the replacement tax that will further the purposes of tax neutrality for local taxing authorities, local taxing districts, taxpayers, and consumers, consistent with the stated purposes of this chapter, the department of management shall transmit those recommendations to the general assembly.

Sec. 21. NEW SECTION. **437B.12 Assessment exclusive.**

All operating property and all other property that is primarily and directly used in the delivery of water subject to replacement tax is exempt from taxation except as otherwise provided by this chapter.

Sec. 22. NEW SECTION. **437B.13 Statutes applicable — rate calculations.**

1. The director shall administer and enforce the replacement tax imposed by this chapter in the same manner as provided in and subject to sections 422.68, 422.70, 422.71, and 422.75.

2. The calculation of tax rates and adjustments to such rates by the director pursuant to this chapter do not constitute rulemaking subject to the provisions of chapter 17A.

Sec. 23. NEW SECTION. **437B.14 Tax imposition.**

An annual statewide property tax of three cents per one thousand dollars of assessed value is imposed upon all property described in section 437B.12 on the assessment date of January 1.

Sec. 24. NEW SECTION. **437B.15 Adjustment to assessed value — reporting requirements.**

1. *a.* A taxpayer whose property is subject to the statewide property tax shall report to the director by July 1, 2013, and by May 1 of each subsequent tax year, on forms prescribed by the director, the book value, as of the beginning and end of the preceding calendar year, of all of the following:

(1) The local amount of any major addition by local taxing district.

(2) The statewide amount of any major addition without notation of location.

(3) Any building in Iowa at acquisition cost of more than ten million dollars that was originally placed in service by the taxpayer prior to January 1, 2012, and that was transferred or disposed of in the preceding calendar year, listed by local taxing district.

(4) All other taxpayer property without notation of location.

(5) The local amount of any major addition eligible for the urban revitalization exemption provided for in chapter 404, by situs.

(6) All other transferred taxpayer property, in addition to any transferred property reported under subparagraph (3), listed by local taxing district.

(7) Any water utility operating property at acquisition cost of more than one million dollars that was transferred or disposed of in the preceding calendar year, listed by local taxing district.

b. For purposes of this section:

(1) *"Book value"* means acquisition cost less accumulated depreciation determined under generally accepted accounting principles.

(2) *"Taxpayer property"* means property described in section 437B.12.

(3) *"To dispose of"* means to sell, abandon, decommission, or retire an asset.

(4) *"Transfer"* means a transaction which results in a change of ownership of taxpayer property and includes a capital lease transaction.

c. For purposes of this subsection, *"taxpayer"* includes a person who would have been a taxpayer in calendar year 2012 had the provisions of this chapter been in effect for the 2012 assessment year.

d. If a taxpayer owns or leases pursuant to a capital lease less than the entire interest in a major addition, the local amount and statewide amount, if any, of such major addition shall be apportioned to the taxpayer on the basis of its percentage interest in such major addition.

2. *a.* Beginning January 1, 2013, the assessed value of taxpayer property shall be adjusted annually as provided in this section. The director, with respect to each taxpayer, shall do all of the following:

(1) Adjust the assessed value of taxpayer property in each local taxing district by the change in book value during the preceding calendar year of the local amount of any major addition reported within such local taxing district.

(2) Adjust the assessed value of taxpayer property in each local taxing district by allocating the change in book value during the preceding calendar year of the statewide amount and all other taxpayer property described in subsection 1, paragraph *"a"*, subparagraph (5), to the assessed value of all taxpayer property in the state pro rata according to its preadjustment value.

(3) In the case of taxpayer property described in subsection 1, paragraph *"a"*, subparagraphs (3), (4), and (7), decrease the assessed value of taxpayer property in each local taxing district by the assessed value reported within such local taxing district.

(4) In the event of a merger or consolidation of two or more taxpayers, to determine the assessed value of the surviving taxpayer, combine the assessed values of such taxpayers immediately prior to the merger or consolidation.

(5) In the event any taxpayer property is eligible for the urban revitalization tax exemption described in chapter 404, adjust the assessed value of taxpayer property within each affected local taxing district to reflect such exemption.

(6) In the event the assessed value of taxpayer property is adjusted as a result of taxpayer appeals, reduce the assessed value of taxpayer property in each local taxing district to reflect such adjustment. The adjustment shall be allocated in proportion to the allocation of the taxpayer's assessed value among the local taxing districts determined without regard to this adjustment. An adjustment to the assessed value of taxpayer property shall be made as of January 1 of the year following the date on which the adjustment is finally determined.

b. In no event shall the adjustments set forth in this subsection reduce the assessed value of taxpayer property in any local taxing district below zero.

c. The director, on or before October 31 of each assessment year, shall report to the department of management and to the auditor of each county the adjusted assessed value of taxpayer property as of January 1 of such assessment year for each local taxing district. For purposes of this subsection, the assessed value of taxpayer property in each local taxing district subject to adjustment under this section by the director means the assessed value of such property as of the preceding January 1 as determined and allocated among the local taxing districts by the director.

d. Nothing in this chapter shall be interpreted to authorize local taxing authorities to exclude from the calculation of levy rates the taxable value of taxpayer property reported to county auditors pursuant to this subsection.

e. In addition to reporting the assessed values as described in this subsection, the director, on or before October 31 of each assessment year, shall also report to the department of management and to the auditor of each county the taxable value of taxpayer property as of January 1 of such assessment year for each local taxing district. For purposes of this chapter, *"taxable value"* means the value for all property subject to the replacement tax annually determined by the director, by dividing the estimated annual replacement tax liability for that property by the current fiscal year's consolidated taxing district rate for the taxing district where that property is located, then multiplying the quotient by one thousand. A taxpayer who paid more than five hundred thousand dollars in replacement tax in the previous tax year or who believes the taxpayer's replacement tax liability will vary more than ten percent from the previous tax year shall report to the director by October 1 of the current calendar year, on forms prescribed by the director, the estimated replacement tax liability that will be attributable to all of the taxpayer's property subject to replacement tax for the current tax year. The department shall utilize the estimated replacement tax liability as reported by the taxpayer or the taxpayer's prior year's replacement tax amounts to estimate the current tax year's taxable value for that property. Furthermore, a taxpayer who has a new major addition of operating property which is put into service for the first time in the current calendar year shall report to the director by October 1 of the current calendar year, or at the time the major addition is put into service, whichever time is later, on forms prescribed by the director, the cost of the major addition and, if not previously reported, shall report the estimated replacement taxes which that asset will generate in the current calendar year. For the purposes of computing the taxable value of property in a taxing district, the taxing district's share of the estimated replacement tax liability shall be the taxing district's percentage share of the assessed value allocated by property tax equivalent multiplied by the total estimated replacement tax. The assessed value allocated by property tax equivalent shall be determined by dividing the taxpayer's current year assessed valuation in a taxing district by one thousand, and then multiplying by the prior year's consolidated tax rate.

Sec. 25. NEW SECTION. **437B.16 Tax exemptions.**

Except as provided in section 437B.12, all property tax exemptions in the Code do not apply to property subject to the statewide property tax unless such exemptions expressly refer to the statewide property tax, except that if property was exempt from property tax on January 1, 2013, such exemption shall continue until the exemption expires, is phased out, or is repealed. The property of a taxpayer who does not owe any replacement tax is exempt from the statewide property tax for the coinciding assessment year.

Sec. 26. NEW SECTION. **437B.17 Return and payment requirements.**

1. Each water utility whose property is subject to the statewide property tax shall file with the director a return, on or before March 31 following the assessment year, including but not limited to the following information:

a. The assessed value of property subject to the statewide property tax.

b. The amount of statewide property tax computed on such assessed value.

2. The first return under subsection 1 is due on or before February 28, 2014.

3. A return shall be signed by an officer, or other person duly authorized by the taxpayer, and must be certified as correct and in accordance with rules and forms prescribed by the director.

4. At the time of filing the return with the director, the taxpayer shall calculate the statewide property tax owed for the assessment year and shall remit to the director the statewide property tax required to be shown due on the return.

5. Notwithstanding subsections 1 through 4, a taxpayer is not required to file a return under this section or to remit any statewide property tax for any tax year in which the taxpayer's statewide property tax liability is one dollar or less.

Sec. 27. NEW SECTION. **437B.18 Statutes applicable.**

1. Sections 437B.5, 437B.6, 437B.8, and 437B.9, and section 437B.10, subsection 1, are applicable to water utilities whose property is subject to the statewide property tax.

2. *a.* Section 422.26 applies with respect to the statewide property tax and penalties imposed by this chapter, except that, as applied to any tax imposed by this chapter, the lien provided shall be prior to and superior over all subsequent liens upon any personal property within this state or right to such personal property belonging to the taxpayer, without the necessity of recording the lien as provided in section 422.26. The requirement for recording, as applied to the statewide property tax imposed by this chapter, shall apply only to a lien upon real property. In order to preserve such lien against subsequent mortgagees, purchasers, or judgment creditors, for value and without notice of the lien, on any real property situated in a county, the director shall file with the recorder of the county in which the real property is located a notice of the lien.

b. The county recorder of each county shall index each lien showing the applicable entries specified in sections 558.49 and 558.52 and showing, under the names of taxpayers arranged alphabetically, all of the following:

(1) The name of the taxpayer.
(2) The name "State of Iowa" as claimant.
(3) Time the notice of lien was filed for recording.
(4) Date of notice.
(5) Amount of lien then due.
(6) Date of assessment.
(7) Date when the lien is satisfied.

c. The recorder shall endorse on each notice of lien the day, hour, and minute when filed for recording and the document reference number, shall preserve such notice, and shall promptly record the lien in the manner provided for recording real estate mortgages. The lien is effective from the time of the indexing of the lien.

d. The director, from moneys appropriated to the department of revenue for this purpose, shall pay recording fees as provided in section 331.604 for the recording of the lien, or for its satisfaction.

e. Upon the payment of the statewide property tax as to which the director has filed notice with a county recorder, the director shall promptly file with the recorder a satisfaction of the statewide property tax. The recorder shall enter the satisfaction on the notice on file in the recorder's office and indicate that fact on the index.

Sec. 28. NEW SECTION. **437B.19 Deposit of tax proceeds.**

All revenues received from imposition of the statewide property tax shall be deposited in the general fund of the state. Fifty percent of the revenues shall be available, as appropriated by the general assembly, to the department of management for salaries, support, services, and equipment to administer the replacement tax. The balance of the revenues shall be available, as appropriated by the general assembly, to the department of revenue for salaries, support, services, and equipment to administer and enforce the replacement tax and the statewide property tax.

Sec. 29. NEW SECTION. **437B.20 Records.**

Each water utility that is subject to the replacement tax or the statewide property tax shall maintain records associated with the replacement tax and the assessed value of property subject to the statewide property tax for a period of five years following the later of the original due date for filing a return pursuant to sections 437B.4 and 437B.17 in which such taxes are reported, or the date on which either such return is filed. Such records shall include those associated with any additions or dispositions of property, and the allocation of such property among local taxing districts.

Sec. 30. NEW SECTION. **437B.21 Rules.**

The director of revenue may adopt rules pursuant to chapter 17A for the administration and enforcement of this chapter.

Sec. 31. Section 441.73, subsection 1, Code 2013, is amended to read as follows:

1. A litigation expense fund is created in the state treasury. The litigation expense fund shall be used for the payment of litigation expenses incurred by the state to defend property valuations established by the director of revenue pursuant to section 428.24 and chapters 433, 434, 437, 437A, 437B, and 438, and for the payment of litigation expenses incurred by the state to defend the imposition of replacement taxes and statewide property taxes under ~~chapter~~ chapters 437A and 437B.

Sec. 32. Section 443.2, unnumbered paragraph 2, Code 2013, is amended to read as follows:

The county auditor shall list the aggregate actual value and the aggregate taxable value of all taxable property within the county and each political subdivision including property subject to the statewide property tax imposed under section 437A.18 or 437B.14 on the tax list in order that the actual value of the taxable property within the county or a political subdivision may be ascertained and shown by the tax list for the purpose of computing the debt-incurring capacity of the county or political subdivision. As used in this section, *"actual value"* is the value determined under section 441.21, subsections 1 to 3, prior to the reduction to a percentage of actual value as otherwise provided in section 441.21. *"Actual value"* of property subject to statewide property tax is the assessed value under section 437A.18 or 437B.14.

Sec. 33. Section 476.6, subsection 19, paragraphs a and b, Code 2013, are amended to read as follows:

a. The costs of the replacement tax imposed pursuant to chapter 437A or 437B shall be reflected in the charges of utilities subject to rate regulation, in lieu of the utilities' costs of property taxes. The imposition of the replacement taxes pursuant to chapter 437A is not intended to initiate any change in the rates and charges for the sale of electricity, the sale of natural gas, or the transportation of natural gas that is subject to regulation by the board and in effect on January 1, 1999. The implementation and initial imposition of the replacement taxes pursuant to chapter 437B is not intended to result in an increase in the rates and charges for the sale of water that is subject to regulation by the board and in effect on January 1, 2013.

b. The cost of the replacement taxes imposed by chapter 437A or 437B shall be allocated among and within customer classes in a manner that will replicate the tax cost burden of the current property tax on individual customers to the maximum extent practicable.

Sec. 34. IMPLEMENTATION — EMERGENCY RULES. The department of revenue shall adopt administrative rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph "b", to implement this Act including but not limited to rules requiring water utilities to report all information and data necessary for the department to carry out the provisions of this Act and the rules shall be effective immediately upon filing unless a later date is specified in the rules. Any rules adopted in accordance with the provisions of this section shall also be published as notice of intended action as provided in section 17A.4.

Sec. 35. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 36. RETROACTIVE APPLICABILITY. This Act applies retroactively to property tax assessment years and replacement tax years beginning on or after January 1, 2013.

Approved May 9, 2013

CHAPTER 95

ACTIONS ON CLAIMS FOR RENT — LIMITATIONS — EXECUTION ON JUDGMENTS

H.F. 356

AN ACT relating to the statute of limitation periods in bringing suit and executing a judgment in an action on a claim for rent.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 614.1, subsection 5, Code 2013, is amended to read as follows:

5. *Written contracts — judgments of courts not of record — recovery of real property and rent.*

a. ~~Those~~ Except as provided in paragraph "*b*", those founded on written contracts, or on judgments of any courts except those provided for in subsection 6, and those brought for the recovery of real property, within ten years.

b. Those founded on claims for rent, within five years.

Sec. 2. Section 615.1, subsection 1, Code 2013, is amended to read as follows:

1. After the expiration of a period of two years from the date of entry of judgment, exclusive of any time during which execution on the judgment was stayed pending a bankruptcy action or order of court, a judgment entered in any of the following actions shall be null and void, all liens shall be extinguished, and no execution shall be issued except as a setoff or counterclaim:

a. ~~(1)~~ For a real estate mortgage, deed of trust, or real estate contract executed prior to July 1, 2009, an action for the foreclosure of the real estate mortgage, deed of trust, or real estate contract upon property which at the time the foreclosure is commenced is either used for an agricultural purpose as defined in section 535.13 or as a one-family or two-family dwelling which is the residence of the mortgagor.

~~(2)~~ *b.* For a real estate mortgage, deed of trust, or real estate contract executed on or after July 1, 2009, an action for the foreclosure of the real estate mortgage, deed of trust, or real estate contract upon property which at the time of the execution of the mortgage, deed, or contract is either used for, or is being acquired for, an agricultural purpose as defined in section 535.13 or as a one-family or two-family dwelling which is the residence of the mortgagor.

~~*b.* An action on a claim for rent.~~

Sec. 3. NEW SECTION. **615.1A Execution on judgment — claim for rent.**

After the expiration of a period of five years from the date of entry of judgment in an action on a claim for rent, exclusive of any time during which execution on the judgment was stayed pending a bankruptcy action or order of court, such judgment shall be null and void, all liens shall be extinguished, and no execution shall be issued. However, in the event that the judgment or the right to collect thereon is sold or otherwise assigned for value to a third party other than a state or federally chartered bank or credit union, such judgment shall be null and void, all liens shall be extinguished, and no execution shall be issued after the expiration of two years from the date of entry of the judgment, exclusive of any time during which execution on the judgment was stayed pending a bankruptcy action or order of court.

Approved May 9, 2013

CHAPTER 96

RETAILER APPLICATIONS FOR CERTIFICATE OF TITLE FOR USED MOBILE OR MANUFACTURED HOMES

H.F. 487

AN ACT relating to a manufactured or mobile home retailer's application to a county treasurer for a certificate of title for a used mobile home or manufactured home.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 321.45, subsection 4, Code 2013, is amended to read as follows:

4. After acquiring a used mobile home or manufactured home to be titled in Iowa, a manufactured or mobile home retailer, as defined in section 103A.51, shall within thirty days apply for and obtain from the county treasurer of the ~~retailer's~~ county ~~of residence~~ where the mobile home or manufactured home is located a new certificate of title for the mobile home or manufactured home. In the event that there is a prior lien or encumbrance to be released, as required by section 321.50, subsection 5, the thirty-day time period in this subsection does not begin to run until the lien or encumbrance is released.

Sec. 2. Section 321.49, subsection 3, Code 2013, is amended to read as follows:

3. A manufactured or mobile home retailer who acquires a used mobile home or manufactured home, titled in Iowa, and who does not apply for and obtain a certificate of title from the county treasurer of the county where the manufactured or mobile home ~~retailer's county of residence~~ is located within thirty days of the date of acquisition, as required under section 321.45, subsection 4, is subject to a penalty of ten dollars. A certificate of title shall not be issued to the manufactured or mobile home retailer until the penalty is paid.

Approved May 9, 2013

CHAPTER 97

LANDLORD AND TENANT LAW — FORCIBLE ENTRY AND DETAINER

H.F. 495

AN ACT relating to the residential landlord and tenant laws and related forcible entry and detainer laws and making penalties applicable.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 535.2, subsection 7, Code 2013, is amended to read as follows:

7. This section does not apply to a charge imposed for late payment of rent. ~~However, in the case of a residential lease, a late payment fee shall not exceed ten dollars a day or forty dollars per month.~~

Sec. 2. Section 562A.6, Code 2013, is amended by adding the following new subsections:

NEW SUBSECTION. 7A. *"Presumption"* means that the trier of fact must find the existence of the fact presumed unless and until evidence is introduced which would support a finding of its nonexistence.

NEW SUBSECTION. 11A. *"Resident"* means an occupant of a dwelling unit who is at least eighteen years of age.

Sec. 3. Section 562A.9, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. For rental agreements in which the rent does not exceed seven hundred dollars per month, a rental agreement shall not provide for a late fee that exceeds

twelve dollars per day or a total amount of sixty dollars per month. For rental agreements in which the rent is greater than seven hundred dollars per month, a rental agreement shall not provide for a late fee that exceeds twenty dollars per day or a total amount of one hundred dollars per month.

Sec. 4. Section 562A.12, subsection 7, Code 2013, is amended to read as follows:

7. The bad faith retention of a deposit by a landlord, or any portion of the rental deposit, in violation of this section shall subject the landlord to punitive damages not to exceed ~~two hundred dollars~~ twice the monthly rental payment in addition to actual damages.

Sec. 5. Section 562A.17, subsection 6, Code 2013, is amended to read as follows:

6. Not deliberately or negligently destroy, deface, damage, impair or remove a part of the premises or knowingly permit a person to do so. If damage, defacement, alteration, or destruction of property by the tenant is intentional, the tenant may be criminally charged with criminal mischief pursuant to chapter 716.

Sec. 6. Section 562A.26, Code 2013, is amended to read as follows:

562A.26 Tenant's remedies for landlord's unlawful ouster, exclusion, or diminution of service.

If the landlord unlawfully removes or excludes the tenant from the premises or willfully diminishes services to the tenant by interrupting or causing the interruption of electric, gas, water, or other essential service to the tenant, the tenant may recover possession pursuant to section 648.1, subsection 1, or terminate the rental agreement and, in either case, recover the actual damages sustained by the tenant, punitive damages not to exceed twice the monthly rental payment, and reasonable attorney fees. If the rental agreement is terminated, the landlord shall return all prepaid rent and security.

Sec. 7. Section 562A.29A, subsection 1, unnumbered paragraph 1, Code 2013, is amended to read as follows:

A written notice of termination required under section 562A.27, subsection 1, 2, or 5, a notice of termination and notice to quit required under section 562A.27A, a landlord's written notice of termination to the tenant required under section 562A.34, subsection 1, 2, or 3, or a notice to quit required by section 648.3, shall be served upon the tenant by one or more of the following methods:

Sec. 8. Section 562A.30, Code 2013, is amended to read as follows:

562A.30 Waiver of landlord's right to terminate.

1. Acceptance of performance by the tenant that varies from the terms of the rental agreement or rules subsequently adopted by the landlord constitutes a waiver of the landlord's right to terminate the rental agreement for that breach~~, unless otherwise agreed after the breach has occurred~~.

2. Nothing in this section shall prohibit a landlord from granting a waiver for a term of days, provided the landlord gives notice of the breach and temporary waiver to a tenant consistent with section 562A.8 prior to a tenant acting or failing to act in reliance on the grant of a temporary waiver.

Sec. 9. Section 562A.36, subsection 2, Code 2013, is amended to read as follows:

2. If the landlord acts in violation of subsection 1 of this section, the tenant may recover from the landlord the actual damages sustained by the tenant and reasonable attorney fees, and has a defense in action against the landlord for possession. In an action by or against the tenant, evidence of a ~~good faith~~ good-faith complaint within one year prior to the alleged act of retaliation creates a presumption that the landlord's conduct was in retaliation. The presumption does not arise if the tenant made the complaint after notice of a proposed rent increase or diminution of services. Evidence by the landlord that legitimate costs and charges of owning, maintaining or operating a dwelling unit have increased shall be a defense against the presumption of retaliation when a rent increase is commensurate with the increase in costs and charges. ~~"*Presumption*" means that the trier of fact must find the existence of the~~

~~fact presumed unless and until evidence is introduced which would support a finding of its nonexistence.~~

Sec. 10. Section 562B.10, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. For rental agreements in which the rent does not exceed seven hundred dollars per month, a rental agreement shall not provide for a late fee that exceeds twelve dollars per day or a total amount of sixty dollars per month. For rental agreements in which the rent is greater than seven hundred dollars per month, a rental agreement shall not provide for a late fee that exceeds twenty dollars per day or a total amount of one hundred dollars per month.

Sec. 11. Section 562B.27A, subsection 1, unnumbered paragraph 1, Code 2013, is amended to read as follows:

A landlord's written notice of termination to the tenant required under section 562B.10, subsection 4, a notice of termination required under section 562B.25, a notice of termination and notice to quit required under section 562B.25A, or a notice to quit required by section 648.3, shall be served upon the tenant according to one or more of the following methods:

Approved May 9, 2013

CHAPTER 98

VETERANS TRUST FUND — SERVICE-CONNECTED BRAIN INJURIES

H.F. 545

AN ACT creating a new category of allowable expenditures from the veterans trust fund.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 35A.13, subsection 6, Code 2013, is amended by adding the following new paragraph:

NEW PARAGRAPH. *m.* Expenses related to initial screening for any military service-connected traumatic brain injury sustained while on federal active duty, state active duty, or national guard duty, as defined in section 29A.1, or sustained while on federal reserve duty pursuant to orders issued under Tit. 10 of the United States Code for which payment or reimbursement is not otherwise available through any other federal or state program or, if applicable, through a veteran's private insurance or managed care organization. A veteran seeking moneys for expenses pursuant to this paragraph *"m"* shall not be subject to an income limit.

Approved May 9, 2013

CHAPTER 99

MECHANICS' LIENS

H.F. 565

AN ACT relating to mechanic's liens and the mechanics' notice and lien registry.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 572.8, subsection 1, paragraph b, Code 2013, is amended to read as follows:

b. The legal description ~~of~~ that adequately describes the property to be charged with the lien.

Sec. 2. Section 572.11, Code 2013, is amended to read as follows:

572.11 Extent of lien posted after ninety days.

Liens perfected under section 572.10 shall be enforced against the property or upon the bond, if given, by the owner or by the owner-builder's buyer, only to the extent of the balance due from the owner to the general contractor or from the owner-builder's buyer to the owner-builder at the time of the service of such notice; but if the bond was given by the general contractor or owner-builder, or person contracting with the subcontractor ~~filing~~ posting the claim for a lien, such bond shall be enforced to the full extent of the amount found due the subcontractor.

Sec. 3. Section 572.13A, subsections 1 and 2, Code 2013, are amended to read as follows:

1. A general contractor or owner-builder who has contracted or will contract with a subcontractor to provide labor or furnish material for the property shall post a notice of commencement of work to the mechanics' notice and lien registry internet website ~~within~~ no later than ten days ~~of~~ after the commencement of work on the property. A notice of commencement of work is effective only as to any labor, service, equipment, or material furnished to the property subsequent to the posting of the notice of commencement of work. A notice of commencement of work shall include all of the following information:

a. The name and address of the owner.

b. The name, address, and telephone number of the general contractor or owner-builder.

c. The address of the property or a description of the location of the property if the property cannot be reasonably identified by an address.

d. The legal description ~~of~~ that adequately describes the property to be charged with the lien.

e. The date work commenced.

f. The tax parcel identification number.

g. Any other information prescribed by the administrator pursuant to rule.

2. If a general contractor or owner-builder fails to post the required notice of commencement of work to the mechanics' notice and lien registry internet website pursuant to subsection 1, within ten days of commencement of the work on the property, a subcontractor may post the notice in conjunction with the ~~filing~~ posting of the required preliminary notice pursuant to section 572.13B. A notice of commencement of work must be posted to the mechanics' notice and lien registry internet website before preliminary notices pursuant to section 572.13B may be posted.

Sec. 4. Section 572.13A, subsection 3, paragraph c, Code 2013, is amended to read as follows:

c. The notice described in subsection 1 shall be sent to the owner's address as posted to the mechanics' notice and lien registry by the general contractor, owner-builder, or subcontractor. If the owner's address is different than the property address, a copy of the notice shall also be sent to the property address, addressed to the owner if a mailing address has been assigned to the property by the United States postal service.

Sec. 5. Section 572.13A, subsection 3, Code 2013, is amended by adding the following new paragraph:

NEW PARAGRAPH. *d.* Notices under this section shall not be sent to owner-builders.

Sec. 6. Section 572.13B, subsection 1, paragraph g, Code 2013, is amended to read as follows:

g. The legal description ~~of~~ that adequately describes the property to be charged with the lien.

Sec. 7. Section 572.13B, subsection 2, Code 2013, is amended to read as follows:

2. At the time a preliminary notice is posted to the mechanics' notice and lien registry, the administrator shall send notification to the owner, including the owner notice described in section 572.13, subsection 1, and shall ~~docket~~ post the mailing of the notice on the mechanics' notice and lien registry as prescribed by the administrator pursuant to rule. Notices under this section shall not be sent to owner-builders. Upon request, the administrator shall provide ~~an affidavit of mailing~~ proof of service at no cost for the notice required under this section.

Sec. 8. Section 572.15, Code 2013, is amended to read as follows:

572.15 Discharge of mechanic's lien — bond.

A mechanic's lien may be discharged at any time by submitting a bond to the administrator in twice the amount of the sum for which the claim for the lien is ~~filed~~ posted, with surety or sureties, to be approved by the administrator, conditioned for the payment of any sum for which the claimant may obtain judgment upon the claim.

Sec. 9. Section 572.19, Code 2013, is amended to read as follows:

572.19 Priority over garnishments of the owner.

Mechanics' liens shall take priority ~~of~~ over all garnishments of the owner for the contract debts, whether made prior or subsequent to the commencement of the furnishing of the material or performance of the labor, without regard to the date of ~~filing~~ posting the claim for such lien.

Sec. 10. Section 572.22, unnumbered paragraph 1, Code 2013, is amended to read as follows:

~~The administrator shall endorse upon every claim for a mechanic's lien posted to the mechanics' notice and lien registry internet website the date and hour of posting.~~ Each claim posted to the mechanics' notice and lien registry internet website shall be properly indexed and shall contain the following items:

Sec. 11. Section 572.22, subsection 5, Code 2013, is amended to read as follows:

5. The legal description ~~of~~ that adequately describes the property to be charged with the lien.

Sec. 12. Section 572.23, subsection 2, Code 2013, is amended to read as follows:

2. If satisfaction is not acknowledged within thirty days after service of the demand in writing, the party serving the demand or causing the demand to be served may file for record with the administrator a copy of the demand with proofs of service attached and endorsed and, in case of service by publication, a personal affidavit that personal service could not be made within this state. Upon completion of the requirements of this subsection, the ~~record~~ posting shall be constructive notice to all parties of the due forfeiture and cancellation of the lien. Upon the ~~filing~~ posting of the demand with the required attachments, the administrator shall mail a date-stamped copy of the demand to both parties.

Sec. 13. Section 572.28, subsection 1, Code 2013, is amended to read as follows:

1. Upon the written demand of the owner served on the ~~lienholder~~ claimant requiring the ~~lienholder~~ claimant to commence action to enforce the lien, such action shall be commenced within thirty days thereafter, or the lien and all benefits derived therefrom shall be forfeited.

Sec. 14. Section 572.30, subsection 2, Code 2013, is amended to read as follows:

2. Within fifteen days after receiving notice of nonpayment the general contractor or owner-builder gives a bond ~~or makes a deposit with the administrator~~, in an amount not less than the amount necessary to satisfy the nonpayment for which notice has been given under this section, and in a form approved by ~~a judge of the district court~~ the administrator, to hold harmless the owner or person having the improvement made from any claim for payment of anyone furnishing labor or material for the improvement, other than the general contractor or owner-builder.

Sec. 15. Section 572.31, Code 2013, is amended to read as follows:

572.31 Cooperative and condominium housing.

A lien arising under this chapter as a result of the construction of an apartment house or apartment building which is owned on a cooperative basis under chapter 499A, or which is submitted to a horizontal property regime under chapter 499B, is not enforceable, notwithstanding any contrary provision of this chapter, as against the interests of an owner in a unit contained in the apartment house or apartment building acquired in good faith and for valuable consideration, unless a lien statement specifically describing the unit is ~~filed~~ posted under section 572.8 within the applicable time period specified in section 572.9, but determined from the date on which the last of the material was supplied or the last of the labor was performed in the construction of that unit.

Sec. 16. Section 572.33A, Code 2013, is amended to read as follows:

572.33A Liability of owner to general contractor — commercial construction.

1. An owner of a building, land, or improvement upon which a mechanic's lien of a subcontractor may be ~~filed~~ posted, is not required to pay the general contractor for compensation for work done or material furnished for the building, land, or improvement until the expiration of ninety days after the completion of the building or improvement unless the general contractor furnishes to the owner one of the following:

~~1.~~ *a.* Receipts and waivers of claims for mechanics' liens, signed by all persons who furnished material or performed labor for the building, land, or improvement.

~~2.~~ *b.* A good and sufficient bond to be approved by the owner, conditioned that the owner shall be held harmless from any loss which the owner may sustain by reason of the ~~filing~~ posting of mechanics' liens by subcontractors.

2. This section applies only to commercial construction properties.

Sec. 17. Section 572.34, Code 2013, is amended to read as follows:

572.34 Mechanics' notice and lien registry ~~— residential construction~~.

1. A mechanics' notice and lien registry is created and shall be administered by the administrator. The administrator shall adopt rules pursuant to chapter 17A for the creation and administration of the registry.

2. The mechanics' notice and lien registry shall be accessible to the general public through the administrator's internet website.

3. The registry shall be indexed by owner name, general contractor name, mechanics' notice and lien registry number, property address, legal description, tax parcel identification number, and any other identifier considered appropriate as determined by the administrator pursuant to rule.

4. ~~A general contractor, owner-builder, or subcontractor~~ Any person who posts fictitious, forged, or false information to the mechanics' notice and lien registry shall be subject to a penalty as determined by the administrator by rule in addition to all other penalties and remedies available under applicable law.

5. A person may post a correction statement with respect to a record indexed ~~in~~ on the mechanics' notice and lien registry internet website if the person believes the record is inaccurate or wrongfully posted.

6. The administrator shall charge and collect fees as established by rule necessary for the administration and maintenance of the registry and the registry's internet website. The administrator shall not charge a ~~filing~~ posting fee for a preliminary notice required pursuant to this chapter that exceeds the cost of sending such notice by certified mail with restricted delivery and return receipt. The administrator shall not charge a ~~filing~~ posting fee for a mechanic's lien that exceeds forty dollars.

7. Notices may be posted to the mechanics' notice and lien registry electronically on the administrator's internet website, or may be sent to the administrator for posting by United States mail or facsimile transmission, or other alternate method as provided by the administrator pursuant to rule. Notices received by United States mail or facsimile transmission shall be posted by the administrator to the mechanics' notice and lien registry within three business days of receipt.

8. Mechanics' liens may be posted to the mechanics' notice and lien registry electronically on the administrator's internet website or may be sent to the administrator for posting by United States mail. Liens received by United States mail shall be posted by the administrator to the mechanics' notice and lien registry within three business days of receipt.

9. The administrator shall send a receipt acknowledging a notice or lien submitted by United States mail or facsimile transmission, as provided by the administrator by rule.

10. Information collected by and furnished to the administrator in conjunction with the submission and posting of notices pursuant to sections 572.13A and 572.13B shall be used by the administrator solely for the purposes of the mechanics' notice and lien registry.

11. Registration under chapter 91C shall not be required in order to post a notice or a lien under this chapter.

12. A preliminary notice that remains posted on the mechanics' notice and lien registry internet website two years after the date of posting shall be declared inactive by the administrator, unless renewed. A notice of commencement of work, if there are no related active postings, shall be declared inactive two years from the date of posting, unless renewed. The administrator shall establish a process for the removal of inactive notices and for the renewal of notices pursuant to rule.

~~12.~~ 13. The administrator shall make, or cause to be made, preservation duplicates of mechanics' notice and lien registry records, including records stored in a computer database. Any preservation duplicate record shall be accurate, complete, and clear, and shall be made, preserved, and made accessible to the public by means designated by the administrator by rule.

Approved May 9, 2013

CHAPTER 100

POWERS, DUTIES, AND ORGANIZATION OF THE IOWA FINANCE AUTHORITY — AGRICULTURAL DEVELOPMENT

H.F. 607

AN ACT relating to the state government, by providing for the transfer of powers and duties from the agricultural development authority to the Iowa finance authority, the composition of the Iowa finance authority board of directors, implementation of law by the board, and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I
GENERAL PROVISIONS

Section 1. Section 16.1, subsection 1, Code 2013, is amended by adding the following new paragraphs:

NEW PARAGRAPH. *0c. "Board"* means the Iowa finance authority board of directors created pursuant to section 16.2.

NEW PARAGRAPH. *0j. "Executive director"* means the executive director of the Iowa finance authority as appointed pursuant to section 16.6.

Sec. 2. NEW SECTION. **16.1A Creation — administration of programs.**

1. The Iowa finance authority is created, and constitutes a public instrumentality and agency of the state exercising public and essential governmental functions.

2. The authority shall undertake and administer the following:

a. Programs established under this chapter to assist in attainment of adequate housing for low- or moderate-income families, elderly families, and families which include one or more persons with disabilities, and to undertake the various finance programs under this chapter.

b. Programs which assist qualified farmers or agricultural producers, including beginning farmers, as provided in chapter 175.

3. The Iowa finance authority board of directors shall have general control, supervision, and regulation of all authority programs established under this chapter and chapter 175. The authority is charged with the broad administrative authority to make, administer, interpret, construe, repeal, and execute the rules, and to administer, interpret, construe, and execute the laws of this state relating to such programs. The board may, by resolution, delegate to the agricultural development board, executive director, or other authority employee such of its powers, under such terms and conditions, as it deems appropriate.

Sec. 3. Section 16.2, subsection 1, Code 2013, is amended to read as follows:

1. ~~The Iowa finance authority is established, and constituted a public instrumentality and agency of the state exercising public and essential governmental functions, to undertake programs which assist in attainment of adequate housing for low or moderate income families, elderly families, and families which include one or more persons with disabilities, and to undertake the various finance programs.~~ An Iowa finance authority board of directors is created. The powers of the authority are vested in and shall be exercised by ~~a~~ the board ~~of~~. The board includes nine members appointed by the governor subject to confirmation by the senate.

a. ~~No~~ Not more than five members shall belong to the same political party.

b. As far as possible, the governor shall include within the membership persons who represent community and housing development industries, housing finance industries, the real estate sales industry, elderly families, minorities, lower income families, very low income families, families which include persons with disabilities, average taxpayers, local government, business interests, and any other person specially interested in community housing, finance, or small business.

Sec. 4. Section 16.2A, subsections 5 and 7, Code 2013, are amended to read as follows:

5. Members of the board and the executive director shall give bond as required for public officers in chapter 64.

7. Members shall elect a chair and vice chair annually and other officers as they determine. The executive director shall serve as secretary to the board.

Sec. 5. Section 16.103, subsection 1, Code 2013, is amended to read as follows:

1. Make secured and unsecured loans for both the acquisition and the construction of projects on terms the authority determines. ~~Any loan made with respect to any project for which a loan may be made pursuant to chapter 175 shall be made only upon the request and with the consent of the agricultural development authority. The loans~~ A loan may be made to any person or entity including, but not limited to, a city~~, a~~ or county~~, and the agricultural development authority~~ for ~~projects~~ a project approved by the ~~Iowa finance~~ authority. The ~~Iowa finance~~ authority may take any action which is reasonable and lawful to protect its security and to avoid losses from its loans.

Sec. 6. NEW SECTION. **16.221 Agricultural development division — administration of programs.**

1. An agricultural development division is created within the authority. The division shall administer chapter 175, by providing assistance to beginning farmers, agricultural producers, displaced farmers, or other persons qualifying for such assistance under chapter 175.

2. The agricultural development division shall be administered in accordance with the policies of the agricultural development board created in section 175.3. The executive director of the authority may organize the division and employ necessary qualified personnel to administer this chapter and chapter 175.

3. The division shall, to every extent practical, assist such persons to do all of the following:

a. Acquire agricultural land, agricultural improvements, or depreciable agricultural property, including as provided in section 175.12 or 175.33.

b. Implement the installation of permanent soil and water conservation practices and the acquisition of conservation farm equipment for agricultural land, including as provided in section 175.34.

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

d. Begin or expand beef cattle operations, including as provided in section 175.36.

e. Obtain agricultural assets transfer tax credits, including by issuing tax credit certificates pursuant to section 175.37.

f. Develop programs to assist qualified agricultural producers within the state with financing other capital requirements or operating expenses.

4. A program established in chapter 175 may be combined with any other program established in this chapter, or a federal program, in order to facilitate, as far as practical, the types of assistance described in this section.

5. The net earnings of the division, beyond that necessary for retirement of its notes, bonds, or other obligations or to implement the public purposes and programs authorized in this chapter or chapter 175, shall not inure to the benefit of any person other than the state.

6. *a.* At least two of the authority's full-time equivalent positions, as defined in section 8.36A, shall be entirely dedicated to administering programs established pursuant to chapter 175. One of those full-time equivalent positions shall be dedicated to overseeing the administration of those programs, and to the extent that the programs are affected, the full-time equivalent position shall be provided the powers and duties necessary to do all of the following:

(1) Participate in making managerial decisions.

(2) Provide for outreach and promotion.

(3) Improve delivery of services.

b. This subsection is repealed on July 1, 2015.

Sec. 7. Section 175.2, subsection 1, paragraph e, Code 2013, is amended to read as follows:

e. "Authority" means the ~~agricultural development~~ Iowa finance authority ~~established~~ created in section ~~175.3~~ 16.1A.

Sec. 8. Section 175.2, subsection 1, Code 2013, is amended by adding the following new paragraphs:

NEW PARAGRAPH. *0h. "Board"* means the agricultural development board created in section 175.3.

NEW PARAGRAPH. *0k. "Executive director"* means the executive director of the Iowa finance authority appointed pursuant to section 16.6.

Sec. 9. Section 175.3, Code 2013, is amended by striking the section and inserting in lieu thereof the following:

175.3 Agricultural development board.

1. The powers of the agricultural development division, created within the Iowa finance authority under section 16.221, are vested in and shall be exercised by the agricultural development board as provided in section 16.221 and this section.

2. The agricultural development board is created to exercise all powers and perform all duties necessary to administer this chapter according to policies established by the Iowa finance authority. The authority shall establish policies and practices for the division and oversee its operations. The authority may review or approve decisions affecting the division or administration of this chapter, including decisions of the agricultural development board.

3. The agricultural development board consists of five members appointed by the governor. The executive director of the Iowa finance authority or the executive director's designee shall serve as an ex officio nonvoting member.

4. The appointed members of the agricultural development board shall be appointed and retain office as follows:

a. Not more than three members shall belong to the same political party.

b. As far as possible the governor shall include within the membership persons who represent financial institutions experienced in agricultural lending, real estate sales, farmers,

beginning farmers, average taxpayers, local government, soil and water conservation district officials, agricultural educators, and other persons specially interested in family farm development.

c. Members shall serve for staggered terms of six years beginning and ending as provided in section 69.19. A person appointed to fill a vacancy shall serve only for the unexpired portion of the member's term. A member is eligible for reappointment. An appointed member may be removed from office by the governor for misfeasance, malfeasance, willful neglect of duty, or other just cause, after notice and hearing, unless the notice and hearing is expressly waived in writing.

5. The agricultural development board shall conduct business according to all of the following:

a. Three appointed members constitute a quorum and the affirmative vote of a majority of the appointed members is necessary for any substantive action taken by the board. A majority of appointed members shall not include any member who has a conflict of interest and a statement by a member that the member has a conflict of interest is conclusive for this purpose. A vacancy in the membership does not impair the right of a quorum to exercise all rights and perform all duties of the board.

b. Meetings of the board shall be held at the call of the chairperson or whenever two appointed members so request.

c. The appointed members shall elect a chairperson and vice chairperson annually, and other officers as they determine. The executive director of the Iowa finance authority or the executive director's designee shall serve as secretary to the board.

6. An appointed member of the agricultural development board is entitled to receive a per diem as specified in section 7E.6 for each day spent in performance of duties as a member, and shall be reimbursed for all actual and necessary expenses incurred in the performance of duties as a member.

7. An appointed member of the agricultural development board shall give bond as required for public officers in chapter 64.

Sec. 10. Section 175.4, subsection 11, Code 2013, is amended to read as follows:

11. It is necessary to create an ~~agricultural development~~ authority to encourage ownership of farms by beginning farmers by providing purchase money loans to beginning farmers who are not able to obtain adequate capital elsewhere to provide such funds and to lower costs through the use of public financing.

Sec. 11. Section 175.5, unnumbered paragraph 1, Code 2013, is amended to read as follows:

In the performance of its duties, implementation of its powers, selection of specific programs and projects to receive its assistance under this chapter, the authority shall be guided by the following principles:

Sec. 12. Section 175.6, unnumbered paragraph 1, Code 2013, is amended to read as follows:

The authority has all of the general powers needed to carry out its purposes and duties, and to exercise its specific powers~~,~~ under this chapter including but not limited to the power to do any of the following:

Sec. 13. Section 175.8, subsection 1, unnumbered paragraph 1, Code 2013, is amended to read as follows:

~~The authority shall submit to the governor and to the members of the general assembly as request it, not later than January 15 of each year, a complete and economically designed and reproduced~~ As part of the authority's report ~~setting forth:~~ required in section 16.7, the authority shall detail its activities under this chapter, which shall include all of the following:

Sec. 14. Section 175.8, subsections 3 and 4, Code 2013, are amended to read as follows:

~~3. For fiscal years beginning on or after July 1, 2007, the auditor of state shall conduct an annual audit of the agricultural development authority to be paid from resources of the authority notwithstanding any other audit conducted on behalf of the authority's board of~~

~~directors. The auditor of state may acquire the services of an outside audit firm, if necessary, to conduct the audit as required in this subsection.~~

~~4.~~ 3. The ~~authority's~~ executive director~~, appointed pursuant to section 175.7,~~ shall report semiannually to the general assembly's standing committees on government oversight regarding the operations of the authority.

Sec. 15. Section 175.26, Code 2013, is amended by striking the section and inserting in lieu thereof the following:

175.26 Conflicts of interest.

The requirements and procedures for conflicts of interest by a member or employee of the authority set forth in section 16.3A shall also apply to this chapter.

Sec. 16. REPEAL. Section 175.7, Code 2013, is repealed.

Sec. 17. EFFECTIVE DATE. This division of this Act takes effect on July 1, 2013.

DIVISION II
COORDINATING PROVISIONS

Sec. 18. Section 7C.4A, subsection 4, Code 2013, is amended to read as follows:

4. Twenty-one percent of the state ceiling shall be allocated to qualified small issue bonds issued for first-time farmers under chapter 175. However, at any time during the calendar year the governor's designee, with the approval of the Iowa ~~agricultural development~~ finance authority, may determine that a lesser amount need be allocated to qualified small issue bonds for first-time farmers and on that date this lesser amount shall be the amount allocated for those bonds and the excess shall be allocated under subsection 7.

Sec. 19. Section 12.28, subsection 1, paragraph b, Code 2013, is amended to read as follows:

b. "State agency" means a board, commission, bureau, division, office, department, or branch of state government. However, state agency does not mean the state board of regents, institutions governed by the board of regents, or authorities created under chapter 16, ~~175,~~ 257C, or 261A.

Sec. 20. Section 12.30, subsection 1, paragraph a, Code 2013, is amended to read as follows:

a. "Authority" means a department, or public or quasi-public instrumentality of the state including but not limited to the authority created under chapter 12E, 16, ~~175,~~ 257C, 261A, or 463C, which has the power to issue obligations, except that *"authority"* does not include the state board of regents or the Iowa finance authority to the extent it acts pursuant to chapter 260C. *"Authority"* also includes a port authority created under chapter 28J.

Sec. 21. Section 16.1, subsection 1, paragraph b, Code 2013, is amended to read as follows:

b. "Authority" means the Iowa finance authority ~~established~~ created in section ~~16.2~~ 16.1A.

Sec. 22. Section 159.18, subsection 1, Code 2013, is amended to read as follows:

1. As used in this section, *"farm programs"* includes, but is not limited to, financial incentive programs established within the division of soil conservation of the department of agriculture and land stewardship as provided in section 161A.70 and the beginning farmer loan program administered by the ~~agricultural development~~ Iowa finance authority as provided in section 175.12.

Sec. 23. Section 422.7, subsection 19, Code 2013, is amended to read as follows:

19. Subtract interest earned on bonds and notes issued by the ~~agricultural development~~ Iowa finance authority as provided in section 175.17, subsection 10.

Sec. 24. Section 422.35, subsection 13, Code 2013, is amended to read as follows:

13. Subtract the interest earned from bonds and notes issued by the ~~agricultural development~~ Iowa finance authority as provided in section 175.17, subsection 10.

Sec. 25. Section 455B.291, subsection 2, Code 2013, is amended to read as follows:

2. *"Authority"* means the Iowa finance authority ~~established~~ created in section ~~16.2~~ 16.1A.

Sec. 26. Section 502.201, subsection 9B, Code 2013, is amended to read as follows:

9B. ~~*Agricultural development*~~ *Iowa finance authority.* Any security issued by the ~~agricultural development~~ Iowa finance authority under chapter 175.

Sec. 27. EFFECTIVE DATE. This division of this Act takes effect on July 1, 2013.

DIVISION III
TRANSITIONAL PROVISIONS — GENERAL

Sec. 28. ADMINISTRATIVE RULES AND OTHER ACTIONS AND DOCUMENTS. Any rule, regulation, form, order, or directive promulgated by agricultural development authority under the umbrella of the department of agriculture and land stewardship pursuant to section 175.3, Code 2013, as required to administer and enforce the provisions of chapter 175 shall continue in full force and effect until amended, repealed, or supplemented by affirmative action of the Iowa finance authority.

Sec. 29. PENDING ADMINISTRATIVE OR JUDICIAL PROCEEDINGS.

1. An administrative or judicial proceeding arising under chapter 175 pending on the effective date of this division of this Act shall not be affected due to this Act.

2. Any cause of action or statute of limitation relating to an action taken by a party in a matter arising under chapter 175 shall not be affected by this Act, except that the Iowa finance authority shall replace the agricultural development authority as a party.

3. The department of agriculture and land stewardship or the office of attorney general acting on behalf of the agricultural development authority in an administrative or judicial proceeding shall not be affected as result of this Act. Any statue of limitation shall apply to the parties as if this Act had not been enacted. [1]

Sec. 30. PERSONNEL. Any personnel in the state merit system of employment who are transferred due to the effect of this Act shall be so transferred without any loss in salary, benefits, or accrued years of service.

Sec. 31. REPLACEMENT ITEMS. Any replacement of signs, logos, stationery, insignia, uniforms, and related items that are made due to the effect of this Act shall be done as part of the normal replacement cycle for such items.

Sec. 32. APPOINTMENTS. In making appointments to the agricultural development board as created in section 175.3, as enacted in this Act, the governor shall appoint a number of initial members to serve for less than six years to ensure that members serve staggered terms.

Sec. 33. OUTSTANDING LEGAL OBLIGATIONS AND RIGHTS. Any interest in real property, tangible personal property, or intangible personal property held by the agricultural development authority shall be transferred to the Iowa finance authority. Any property right, security interest, or lien held by the agricultural development authority shall vest in the Iowa finance authority without an instrument of transfer including but not limited to a deed, contract, or endorsement. However, nothing in this section prohibits the execution of such instrument if the Iowa finance authority determines it is necessary or prudent. Any debt, obligation, or liability incurred by the agricultural development authority shall be assumed by the Iowa finance authority, and shall continue according to the same terms and conditions as applied to the agricultural development authority. Any right or benefit arising from a legal

[1] See chapter 140, §80 herein

instrument in which the agricultural development authority was a party shall be transferred to the Iowa finance authority and shall continue as if the transfer had not occurred.

Sec. 34. ADMINISTRATION OF ONGOING PROGRAMS. The Iowa finance authority shall complete the administration of ongoing programs of the agricultural development authority as provided in chapter 175, to the extent that the administration of those programs are in progress on the effective date of this Act. The Iowa finance authority shall assume all rights and obligations of the agricultural development authority to the extent that moneys have been committed, obligations incurred, or rights accrued prior to the effective date of this Act. Moneys owing due to the rights and obligations of the agricultural development authority and assumed by the Iowa finance authority shall be paid as directed by the Iowa finance authority.[2]

Sec. 35. IOWA RURAL REHABILITATION CORPORATION.

1. The assets and liabilities of the former Iowa rural rehabilitation corporation assumed by the agricultural development authority pursuant to section 175.28 shall be transferred to the Iowa finance authority on the effective date[3] of this Act. On such effective date, the Iowa finance authority shall be the successor in interest to the agreements in effect between the United States government and the agricultural development authority on behalf of this state.

2. The United States, acting through the United States department of agriculture, and its officials, shall be held harmless against any liability arising out of the transfer of assets from the agricultural development authority to the Iowa finance authority, or from the Iowa finance authority carrying out the provisions of any agreement relating to the use by this state of the Iowa rural rehabilitation corporation assets under the management of agricultural development authority as contained in the Iowa rural rehabilitation corporation trust liquidation.

Sec. 36. EFFECTIVE DATE. This division of this Act takes effect July 1, 2013.

DIVISION IV
TRANSITIONAL PROVISIONS — REQUIREMENTS OF THE IOWA FINANCE AUTHORITY AND THE AGRICULTURAL DEVELOPMENT AUTHORITY

Sec. 37. GENERAL. The Iowa finance authority shall provide for the implementation of this Act according to a schedule approved by the Iowa finance authority's board of directors which is consistent with this Act.

Sec. 38. EMERGENCY RULEMAKING. The Iowa finance authority may adopt emergency rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph "b", to implement the provisions of this Act, and the rules shall be effective July 1, 2013, unless a later date is specified in the rules. Any rules adopted in accordance with this section shall also be published as a notice of intended action as provided in section 17A.4.

Sec. 39. INTERAUTHORITY COOPERATION. The Iowa finance authority shall consult with the agricultural development board when implementing this Act. The agricultural development authority shall assist the Iowa finance authority in implementing this Act by providing for an effective transition of powers and duties from one authority to the other authority under chapter 175 and related administrative rules.

Sec. 40. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 9, 2013

[2] See chapter 140, §81 herein
[3] See chapter 140, §82 herein

CHAPTER 101

PROPANE EDUCATION AND RESEARCH COUNCIL CHANGES

H.F. 631

AN ACT modifying provisions applicable to the propane education and research council.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 101C.3, subsection 3, paragraph a, Code 2013, is amended to read as follows:

a. A professional fire fighter designated by the Iowa ~~association of~~ professional ~~fire chiefs~~ fire fighters association.

Sec. 2. Section 101C.3, subsection 5, Code 2013, is amended to read as follows:

5. A council member shall serve a term of three years ~~and shall not serve more than two full consecutive terms. A council member filling an unexpired term may serve not more than a total of seven consecutive years. A former council member may be appointed to the council if the former member has not been a member of the council for a period of at least two years~~.

Sec. 3. REPEAL. Section 101C.14, Code 2013, is repealed.

Approved May 9, 2013

CHAPTER 102

POSSESSION OF DANGEROUS WILD ANIMALS — BENGALS AND SAVANNAHS EXCEPTION

S.F. 247

AN ACT providing for the possession of cats classified as bengals and savannahs.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 717F.1, subsection 5, paragraph b, Code 2013, is amended to read as follows:

b. "Dangerous wild animal" includes an animal which is the offspring of an animal provided in paragraph *"a"*, and another animal provided in that paragraph or any other animal. It also includes animals which are the offspring of each subsequent generation. However, a dangerous wild animal does not include any of the following:

(1) The offspring of a domestic dog and a wolf, or the offspring from each subsequent generation in which at least one parent is a domestic dog.

(2) (a) The offspring of a domestic cat and another member of the family felidae classified as a bengal with an ancestor classified as an Asian leopard cat which is a member of the species prionailurus bengalensis. The bengal must be the fourth or later filial generation of offspring with the first filial generation being the offspring of a domestic cat and an Asian leopard cat, and each subsequent generation being the offspring of a domestic cat.

(b) The offspring of a domestic cat and another member of the family felidae classified as a savannah with an ancestor classified as a serval which is a member of the species leptailurus serval. The savannah must be the fourth or later filial generation of offspring with the first filial generation being the offspring of a domestic cat and a serval, and each subsequent generation being the offspring of a domestic cat.

Approved May 15, 2013

CHAPTER 103

TRANSPORTATION — MISCELLANEOUS CHANGES

S.F. 386

AN ACT relating to matters under the purview of the department of transportation, including the use of information contained in electronic driver and nonoperator identification records, the form of motor vehicle financial liability coverage cards, motor truck registration periods, regulation of glider kit vehicles, grounds for disqualification of commercial vehicle operators, provisions for the issuance of temporary restricted licenses for persons convicted of operating while intoxicated, county issuance of driver's licenses, and the administration of highway contracts, and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 22.7, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 65. Personal information contained on electronic driver's license or nonoperator's identification card records that is provided by the licensee or card holder to the department of transportation for use by law enforcement, first responders, emergency medical service providers, and other medical personnel responding to or assisting with an emergency.

Sec. 2. Section 321.1, subsections 12A, 37, 59, and 74, Code 2013, are amended to read as follows:

12A. *"Completed motor vehicle"* means a motor vehicle which does not require any additional manufacturing operations to perform its intended function except the addition of readily attachable equipment, components, or minor finishing operations. *"Completed motor vehicle"* also includes a glider kit vehicle.

37. *"Manufacturer"* means every person engaged in the business of fabricating or assembling vehicles of a type required to be registered. ~~It~~ *"Manufacturer"* does not include a person who converts, modifies, or alters a completed motor vehicle manufactured by another person or a person who assembles a glider kit vehicle. ~~It~~ *"Manufacturer"* includes a person who uses a completed motor vehicle manufactured by another person to construct a class "B" motor home as defined in section 321.124.

59. *"Reconstructed vehicle"* means every vehicle of a type required to be registered under this chapter materially altered from its original construction by the removal, addition, or substitution of essential parts, new or used. *"Reconstructed vehicle"* does not include a street rod, ~~or~~ replica vehicle, or glider kit vehicle.

74. *"Specially constructed vehicle"* means every vehicle of a type required to be registered under this chapter not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction. ~~A "specially~~ *"Specially constructed vehicle"* does not include a street rod, ~~or~~ replica vehicle, or glider kit vehicle.

Sec. 3. Section 321.1, subsection 60, Code 2013, is amended to read as follows:

60. *"Registration year"* means the period of twelve consecutive months beginning on the first day of the month following the month of the birth of the owner of the vehicle for vehicles registered by the county treasurer, except that *"registration year"* means the calendar year for motor trucks and truck tractors ~~with a combined gross weight exceeding five tons~~ which are registered by the county treasurer in two equal semiannual installments pursuant to sections 321.120, 321.121, and 321.122, and *"registration year"* means the period of twelve consecutive months, as determined by the owner, for motor trucks and truck tractors that are registered by the county treasurer on an annual basis pursuant to sections 321.120, 321.121, and 321.122. For leased vehicles registered by the county treasurer, except for motor trucks and truck tractors ~~with a combined gross weight exceeding five tons~~ registered pursuant to sections 321.120, 321.121, and 321.122, *"registration year"* means the period of twelve consecutive months beginning on the first day of the month following the month in which

the lease expires. For vehicles registered under chapter 326, *"registration year"* means the twelve-month period determined by the department pursuant to section 326.14.

Sec. 4. Section 321.1, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 28B. *"Glider kit vehicle"* means a commercial motor vehicle, as defined in subsection 11, that is a combination of a new cab and a new frame with an engine, transmission, and drive axle that are not new such that the resulting vehicle is not a newly manufactured vehicle pursuant to 49 C.F.R. § 571.7(e).

Sec. 5. Section 321.20B, subsection 1, paragraph a, Code 2013, is amended to read as follows:

a. Notwithstanding chapter 321A, which requires certain persons to maintain proof of financial responsibility, a person shall not drive a motor vehicle on the highways of this state unless financial liability coverage, as defined in section 321.1, subsection 24B, is in effect for the motor vehicle and unless the driver has in the motor vehicle the proof of financial liability coverage card issued for the motor vehicle, or if the vehicle is registered in another state, other evidence that financial liability coverage is in effect for the motor vehicle. A proof of financial liability coverage card may be produced in paper or electronic format. Acceptable electronic formats include electronic images displayed on a cellular telephone or any other portable electronic device that has a display screen with touch input or a miniature keyboard.

Sec. 6. Section 321.20B, subsection 2, paragraph a, Code 2013, is amended to read as follows:

a. An insurance company transacting business in this state shall issue to its insured owners of motor vehicles registered in this state a financial liability coverage card for each motor vehicle insured. Each financial liability coverage card shall identify the registration number or vehicle identification number of the motor vehicle insured and shall indicate the expiration date of the applicable insurance coverage. The financial liability coverage card shall also contain the name and address of the insurer or the name of the insurer and the name and address of the insurance agency, the name of the insured, and an emergency telephone number of the insurer or emergency telephone number of the insurance agency. An insurance company may issue a financial liability coverage card in either paper format or, if requested by the insured, electronic format.

Sec. 7. Section 321.26, subsection 3, Code 2013, is amended to read as follows:

3. ~~Vehicles~~ Except for motor trucks or truck tractors registered by the county treasurer pursuant to sections 321.120, 321.121, and 321.122, vehicles subject to registration which are owned by a person other than a natural person shall be registered for a registration year as determined by the county treasurer.

Sec. 8. Section 321.45, subsection 1, Code 2013, is amended by adding the following new paragraph:

NEW PARAGRAPH. *d.* Notwithstanding paragraph "c", a glider kit vehicle shall take the identity of the new cab and the new frame used in the assembly of the glider kit vehicle.

Sec. 9. Section 321.106, subsection 1, Code 2013, is amended to read as follows:

1. When a motor truck, truck tractor, or road tractor is registered by the county treasurer ~~for a combined gross weight exceeding five tons~~ pursuant to section 321.120, 321.121, or 321.122 and there is no delinquency and the registration is made in February or succeeding months through November, the annual registration fee shall be prorated for the remaining unexpired months of the registration year. A fee shall not be required for the month of December for a vehicle registered on a calendar year basis on which there is no delinquency. However, when such a vehicle is registered in November, the vehicle may be registered for the remaining unexpired months of the registration year or for the remaining unexpired months of the registration year and for the next registration year, upon payment of the applicable registration fees.

Sec. 10. Section 321.134, subsections 2 and 3, Code 2013, are amended to read as follows:

2. The annual registration fee for trucks, truck tractors, and road tractors registered by the county treasurer, as provided in sections 321.120, 321.121, and 321.122, may be payable in two equal semiannual installments if the annual registration fee exceeds the annual registration fee for a vehicle with a gross weight exceeding five tons. The penalties provided in subsection 1 shall be computed on the amount of the first installment only and on the first day of the seventh month of the registration period the same rate of penalty shall apply to the second installment, until the fee is paid.

3. If a penalty applies to an annual vehicle registration fee provided for in sections 321.120, 321.121, and 321.122, the same penalty shall be assessed on the fees collected to increase the registered gross weight of the vehicle, if the increased gross weight is requested within forty-five days from the date the delinquent vehicle is registered for the current registration period.

Sec. 11. Section 321.208, subsection 6, unnumbered paragraph 1, Code 2013, is amended to read as follows:

A person is disqualified from operating a commercial motor vehicle if the person receives convictions for committing within any three-year period two or more of the following offenses while operating a commercial motor vehicle, or while operating a noncommercial motor vehicle and holding a commercial driver's license if the convictions result in the revocation, cancellation, or suspension of the person's commercial driver's license or noncommercial motor vehicle driving privileges:

Sec. 12. Section 321.208, subsection 6, Code 2013, is amended by adding the following new paragraphs:

NEW PARAGRAPH. *i.* Violating a state or local law or ordinance on motor vehicle traffic control prohibiting texting while driving a commercial motor vehicle.

NEW PARAGRAPH. *j.* Violating a state or local law or ordinance on motor vehicle traffic control restricting or prohibiting the use of a hand-held mobile telephone while driving a commercial motor vehicle.

Sec. 13. Section 321.466, subsection 1, Code 2013, is amended by striking the subsection.

Sec. 14. Section 321.466, subsection 2, Code 2013, is amended to read as follows:

2. ~~During or after the seventh month of a current registration year, the~~ The owner of a motor truck, truck tractor, or road tractor, if the owner's operation has not resulted in a conviction or action pending under this section, may increase the gross weight registration of the vehicle to a higher gross weight registration by payment of one-twelfth of the difference between the annual fee for the higher gross weight and the amount of the fee for the gross weight at which the vehicle is registered, multiplied by the number of unexpired months of the registration year. If the owner's operation has resulted in a conviction or action pending under this section, any increase in the gross weight registration shall be obtained by payment of the difference between the annual fee for the higher gross weight and the amount of the fee for the gross weight at which the vehicle is registered.

Sec. 15. Section 321J.17, subsections 1 and 3, Code 2013, are amended to read as follows:

1. If the department revokes a person's driver's license or nonresident operating privilege under this chapter, the department shall assess the person a civil penalty of two hundred dollars. The money collected by the department under this section shall be transmitted to the treasurer of state who shall deposit one-half of the money in the separate fund established in section 915.94 and one-half of the money in the general fund of the state. A temporary restricted license shall not be issued unless an ignition interlock device has been installed pursuant to section 321J.4. ~~A driver's license or nonresident operating privilege shall not be reinstated unless proof of deinstallation of an ignition interlock device installed pursuant to section 321J.4 has been submitted to the department.~~ Except as provided in section 321.210B, a temporary restricted license shall not be issued or a driver's license or nonresident operating privilege reinstated until the civil penalty has been paid. A person assessed a penalty under this section may remit the civil penalty along with a processing fee of five dollars to a county

treasurer authorized to issue driver's licenses under chapter 321M, or the civil penalty may be paid directly to the department.

3. The department shall also require certification of installation of an ignition interlock device of a type approved by the commissioner of public safety on all motor vehicles owned or operated by any person seeking reinstatement following a second or subsequent revocation under section 321J.4, 321J.9, or 321J.12~~, unless such a person has previously received a temporary restricted license during the term of the revocation as authorized by this chapter~~. The requirement for the installation of an approved ignition interlock device shall be for one year from the date of reinstatement unless a ~~different~~ longer time period is required by statute. The one-year period a person is required to maintain an ignition interlock device under this subsection shall be reduced by any period of time the person held a valid temporary restricted license during the revocation for the occurrence from which the arrest arose. The person shall not operate any motor vehicle which is not equipped with an approved ignition interlock device during the period in which an ignition interlock device must be maintained, and the department shall not grant reinstatement unless the person certifies installation of an ignition interlock device as required in this subsection.

Sec. 16. Section 321J.20, subsection 1, paragraph d, Code 2013, is amended to read as follows:

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

Sec. 17. Section 321J.20, subsection 2, Code 2013, is amended to read as follows:

2. *a.* Notwithstanding section 321.560, the department may, on application, and upon the expiration of the minimum period of ineligibility for a temporary restricted license provided for under section 321.560, 321J.4, 321J.9, or 321J.12, issue a temporary restricted license to a person whose noncommercial driver's license has either been revoked under this chapter, or revoked or suspended under chapter 321 solely for violations of this chapter, or who has been determined to be a habitual offender under chapter 321 based solely on violations of this chapter or on violations listed in section 321.560, subsection 1, paragraph *"b"*, and who is not eligible for a temporary restricted license under subsection 1. However, the department may not issue a temporary restricted license under this subsection for a violation of section 321J.2A or to a person under the age of twenty-one whose license is revoked under section 321J.4, 321J.9, or 321J.12. A temporary restricted license issued under this subsection may allow the person to drive to and from the person's home and specified places at specified times which can be verified by the department and which are required by the person's full-time or part-time employment~~,~~; continuing education while enrolled in an educational institution on a part-time or full-time basis and while pursuing a course of study leading to a diploma, degree, or other certification of successful educational completion~~,~~; or substance abuse treatment.

~~*b.* Notwithstanding paragraph *"a"*, a temporary restricted license issued to a person whose noncommercial driver's license has been revoked under section 321J.4, subsection 2, section 321J.9, subsection 1, paragraph *"b"*, or section 321J.12, subsection 1, paragraph *"b"*, shall provide for but not exceed the uses permitted by 23 U.S.C. § 164. This restriction applies only during the first three hundred sixty-five days of the person's revocation.~~

~~*c.*~~ *b.* A temporary restricted license issued under this subsection shall ~~be conditioned upon the installation of~~ not be issued until the applicant installs an approved ignition interlock device on all motor vehicles owned or operated by the ~~person~~ applicant. Installation of an ignition interlock device under this subsection shall be required for the period of time for which the temporary restricted license is issued, and for such additional period of time following reinstatement as is required under section 321J.17, subsection 3. However, a person whose driver's license or nonresident operating privilege has been revoked under section 321J.21 may apply to the department for a temporary restricted license without the

requirement of an ignition interlock device if at least twelve years have elapsed since the end of the underlying revocation period for a violation of section 321J.2.

Sec. 18. Section 321M.9, subsection 4, Code 2013, is amended by striking the subsection.

Sec. 19. Section 322.2, subsections 2 and 11, Code 2013, are amended to read as follows:

2. *"Completed motor vehicle"* means a motor vehicle which does not require any additional manufacturing operations to perform its intended function except the addition of readily attachable equipment, components, or minor finishing operations. *"Completed motor vehicle"* also includes a glider kit vehicle as defined in section 321.1.

11. *"Manufacturer"* means any person engaged in the business of fabricating or assembling motor vehicles. ~~It~~ *"Manufacturer"* does not include a person who converts, modifies, or alters a completed motor vehicle manufactured by another person or a person who assembles a glider kit vehicle as defined in section 321.1. ~~It~~ *"Manufacturer"* includes a person who uses a completed motor vehicle manufactured by another person to construct a class "B" motor home as defined in section 321.124.

Sec. 20. REPEAL. 1984 Iowa Acts, chapter 1229, section 2, is repealed.

Sec. 21. EFFECTIVE UPON ENACTMENT. The following provision or provisions of this Act, being deemed of immediate importance, take effect upon enactment:

1. The section of this Act amending section 321.1, subsections 12A, 37, 59, and 74.
2. The section of this Act enacting section 321.1, subsection 28B.
3. The section of this Act enacting section 321.45, subsection 1, paragraph "d".
4. The section of this Act amending section 322.2, subsections 2 and 11.

Approved May 15, 2013

CHAPTER 104

DRIVER'S LICENSE RENEWALS

H.F. 355

AN ACT relating to driver's licenses, including the renewal of driver's licenses electronically and including effective date and transition provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 321.196, subsection 4, Code 2013, is amended to read as follows:

4. The department in its discretion may authorize the renewal of a valid driver's license other than a commercial driver's license upon application without an examination provided that the applicant meets one of the following conditions:

a. The applicant satisfactorily passes a vision test as prescribed by the department ~~or~~.

b. The applicant files a vision report in accordance with section 321.186A which shows that the applicant's visual acuity level meets or exceeds those required by the department.

c. The applicant is eligible for license renewal electronically, pursuant to rules adopted by the department. An applicant shall not be eligible for electronic renewal of a driver's license if the most recent previous renewal of the applicant's driver's license occurred electronically.

4A. An application for renewal of a driver's license shall include a statement for the applicant to sign that acknowledges the applicant's knowledge of the requirement to notify the department of a mailing address change under section 321.182, subsection 1.

Sec. 2. 2013 Iowa Acts, Senate File 224, [1] if enacted, is amended by adding the following new section:

SEC. ___. TRANSITION FROM FIVE-YEAR TO EIGHT-YEAR RENEWAL PERIODS. To implement section 321.190, subsection 1, paragraph "d", as amended in this Act, and section 321.196, subsection 1, as amended in this Act, the department of transportation may provide for a transition from five-year to eight-year renewal periods for driver's licenses and nonoperator's identification cards. During the transition, the department may issue driver's licenses and nonoperator's identification cards valid for periods of five, six, seven, or eight years to equalize renewal periods and applicants over succeeding years.

Sec. 3. EMERGENCY RULES. The department of transportation may adopt emergency rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph "b", to implement section 321.196, subsection 4, paragraph "c", as enacted in this Act, and the rules shall be effective immediately upon filing unless a later date is specified in the rules. Any rules adopted in accordance with this section shall also be published as a notice of intended action as provided in section 17A.4.

Sec. 4. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 15, 2013

CHAPTER 105

PARENTAL RIGHTS

H.F. 471

AN ACT relating to parental rights, including the payment of reasonable attorney fees in juvenile court or appellate proceedings relating to a termination of parental rights petition and the awarding of visitation when a history of crimes against a minor is involved, and including effective, retroactive, and applicability date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 598.41A, Code 2013, is amended to read as follows:

598.41A Visitation — history of crimes against a minor.

1. Notwithstanding section 598.41, the court shall consider, in the award of visitation rights to a parent of a child, the criminal history of the parent if the parent has been convicted of a sex offense against a minor as defined in section 692A.101.

2. Notwithstanding section 598.41, an individual who is a parent of a minor child and who has been convicted of a sex offense against a minor as defined in section 692A.101, is not entitled to visitation rights while incarcerated. While on probation, parole, or any other type of conditional release including a special sentence for such offense, visitation shall be denied until the parent successfully completes a treatment program approved by the court, if required by the court. The circumstances described in this subsection shall be considered a substantial change in circumstances.

Sec. 2. Section 600A.6B, Code 2013, is amended to read as follows:

600A.6B Payment of attorney fees.

1. A person filing a petition for termination of parental rights under this chapter or the person on whose behalf the petition is filed shall be responsible for the payment of reasonable attorney fees for services provided by counsel appointed pursuant to section

[1] Chapter 82 herein

600A.6A in juvenile court or in an appellate proceeding initiated by the person filing the petition unless the person filing the petition is a private child-placing agency as defined in section 238.1 or unless the court determines that the person filing the petition or the person on whose behalf the petition is filed is indigent.

2. If the person filing the petition is a private child-placing agency as defined in section 238.1 or if the person filing the petition or the person on whose behalf the petition is filed is indigent, the appointed attorney shall be paid reasonable attorney fees for services provided in juvenile court or an appellate proceeding as determined by the state public defender.

3. If the parent against whom the petition is filed appeals a termination order under section 600A.9, subsection 1, paragraph *"b"*, the person who filed the petition or the person on whose behalf the petition is filed shall not be responsible for the payment of attorney fees for services provided by counsel appointed pursuant to section 600A.6A in the appellate proceeding. Instead, the appointed attorney shall be paid reasonable attorney fees as determined by the state public defender from the indigent defense fund established pursuant to section 815.11.

~~3.~~ 4. The state public defender shall review all the claims submitted under this section and shall have the same authority with regard to the payment of these claims as the state public defender has with regard to claims submitted under chapters 13B and 815, including the authority to adopt rules concerning the review and payment of claims submitted.

Sec. 3. EFFECTIVE UPON ENACTMENT. The following provision or provisions of this Act, being deemed of immediate importance, take effect upon enactment:

1. The section of this Act amending section 598.41A.

Sec. 4. RETROACTIVE APPLICABILITY. The following provision or provisions of this Act apply retroactively to an order or decree involving child custody or visitation issued on or after July 1, 2000:

1. The section of this Act amending section 598.41A.

Approved May 15, 2013

CHAPTER 106

SMALL ANIMAL FEEDING OPERATIONS

H.F. 512

AN ACT providing for the determination of animal units which are part of confinement feeding operations, and making penalties applicable.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 459.301, subsection 3, Code 2013, is amended to read as follows:

3. *a.* In calculating the animal unit capacity of a confinement feeding operation, the animal unit capacity shall include the animal unit capacity of all confinement feeding operation buildings which are part of the confinement feeding operation, unless a confinement feeding operation building has been abandoned as provided in section 459.201.

b. In calculating animal unit capacity for purposes of an election to be considered a small animal feeding operation as provided in section 459.312A, the animal unit capacity of a confinement feeding operation shall include all confinement feeding operation buildings that are used to do any of the following:

(1) House animals.

(2) Store manure.

Sec. 2. NEW SECTION. **459.312A Election to be a small animal feeding operation.**

A person otherwise required to submit an updated manure management plan as required in section 459.312 and pay an annual compliance fee as required in section 459.400 may make a small animal feeding operation election as provided in this section.

1. Upon the effective date of the election, the confinement feeding operation covered by the updated manure management plan shall be considered a small animal feeding operation only for purposes of submitting the updated manure management plan and paying the annual compliance fee, during the period of the election.

2. A person is eligible to make an election only if all of the following apply:

a. The confinement feeding operation has a capacity of five hundred or fewer animal units which shall be calculated by determining all of the following:

(1) The number of animal units housed at the confinement feeding operation at any one time during the period of election.

(2) The animal unit capacity of each confinement feeding operation building that is used to store manure during the period of the election. However, this subparagraph does not apply if a confinement feeding operation building stores manure pursuant to a temporary approval issued by the department. The department shall not issue a temporary approval unless the manure is stored on an emergency basis for a limited period. The department shall establish terms and conditions for a temporary approval. The department may issue one or more extensions to a temporary approval if necessary.

b. The department is notified of the election in a manner required by the department. The department may require that a person submit a notice of election as part of an updated manure management plan form or as a separate document.

3. The department shall provide for the period of election, including its effective and expiration dates. However, the period of election shall be at least for the same period covered by the updated manure management plan. An election automatically terminates when more than five hundred animal units are housed at the confinement feeding operation at any one time.

4. This section does not affect any of the following:

a. A condition associated with a construction permit as provided in this subchapter, including but not limited to a master matrix as provided in section 459.305.

b. A requirement unrelated to filing an updated manure management plan or paying an annual compliance fee, including but not limited to the filing of a construction design statement as provided in section 459.306, the application of manure as provided in section 459.313A, or the certification of a person as a confinement site manure applicator as provided in section 459.315.

Approved May 15, 2013

CHAPTER 107

DNA SAMPLES FROM AGGRAVATED MISDEMEANANTS

H.F. 527

AN ACT requiring certain aggravated misdemeanants to submit a DNA sample and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 81.1, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 01. *"Aggravated misdemeanor"* means an offense classified as an aggravated misdemeanor committed by a person eighteen years of age or older on or after the effective date of this Act, other than any of the following offenses:

a. A violation of chapter 321.

b. A second offense violation of section 321J.2, unless the person has more than one previous revocation as determined pursuant to section 321J.2, subsection 8, within the twelve-year period immediately preceding the commission of the offense in question.

c. A violation of chapter 716B.

d. A violation of chapter 717A.

e. A violation of section 725.7.

Sec. 2. Section 81.2, subsection 1, Code 2013, is amended to read as follows:

1. A person who receives a deferred judgment for a felony or against whom a judgment or conviction for a felony or aggravated misdemeanor has been entered shall be required to submit a DNA sample for DNA profiling pursuant to section 81.4.

Sec. 3. Section 81.10, subsection 1, Code 2013, is amended to read as follows:

1. A defendant who has been convicted of a felony or aggravated misdemeanor and who has not been required to submit a DNA sample for DNA profiling may make a motion to the court for an order to require that DNA analysis be performed on evidence collected in the case for which the person stands convicted.

Sec. 4. IMPLEMENTATION OF ACT. Section 25B.2, subsection 3, shall not apply to this Act.

Sec. 5. EFFECTIVE DATE. This Act takes effect July 1, 2014.

Approved May 15, 2013

CHAPTER 108

BUSINESS AND NONPROFIT ENTITIES — STATEMENTS OF AUTHORITY — REAL ESTATE TRANSFERS

H.F. 566

AN ACT to establish requirements relating to the transfer of an interest in real estate by or on behalf of certain entities formed or organized on a profit, cooperative, or not-for-profit basis, and including warranties and a limitation on actions.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I
STATEMENT OF AUTHORITY

Section 1. Section 486A.303, subsection 7, Code 2013, is amended to read as follows:

7. ~~Unless earlier canceled, a filed~~ A statement of partnership authority ~~is canceled by operation of law five years after the date on which the statement, or the most recent amendment, was~~ filed ~~with~~ by the secretary of state is effective until amended or canceled, unless an earlier cancellation date is specified in the statement.

Sec. 2. Section 489.302, subsection 10, Code 2013, is amended to read as follows:

10. ~~Unless earlier canceled, an effective~~ A statement of authority ~~is canceled by operation of law five years after the date on which the statement, or its most recent amendment, becomes effective~~ filed by the secretary of state under section 489.205, subsection 1, is effective until amended or canceled as provided in subsection 2, unless an earlier cancellation date is specified in the statement. ~~This cancellation operates without need for any recording under subsection 6 or 7.~~

Sec. 3. Section 501B.7, subsection 7, Code 2013, is amended to read as follows:

7. ~~Unless canceled earlier, a filed~~ A statement of authority ~~and its most recent amendment expire five years after the date of the most recent filing~~ filed by the county recorder as provided in subsection 2 is effective until amended or canceled, unless an earlier cancellation date is specified in the statement.

DIVISION II
LIMITED LIABILITY COMPANIES

Sec. 4. NEW SECTION. **489.407A Real estate interest transferred by limited liability company or foreign limited liability company.**

1. A transfer of an interest in real estate situated in this state held by a limited liability company or a foreign limited liability company authorized to transact business in this state is subject to the provisions of this section.

2. *a.* In a member-managed company, a transfer of an interest in real estate held by the company may be undertaken by any of the following:

(1) As provided in the operating agreement, or if the operating agreement does not so provide, only with the consent of all members.

(2) As provided in a statement of authority filed by the company with the secretary of state and the recorder of the county where the real estate is situated pursuant to section 489.302.

b. A requirement of paragraph *"a"* is applicable to every transfer of an interest in real estate situated in this state held by a member-managed company, whether or not the transfer is in the ordinary course of the company's business.

3. *a.* In a manager-managed company, a transfer of an interest in real estate held by the company may be undertaken by any of the following:

(1) As provided in the operating agreement, or if the operating agreement does not so provide, only with the consent of a majority of all managers.

(2) As provided in a statement of authority filed by the company with the secretary of state and the recorder of the county where the real estate is situated pursuant to section 489.302.

b. A requirement in paragraph *"a"* is applicable to every transfer of an interest in real estate situated in this state held by a manager-managed limited liability company, whether or not the transfer is in the ordinary course of the company's business.

DIVISION III
TRANSFERS BY ENTITIES — WARRANTY AND STATUTE OF LIMITATIONS

Sec. 5. NEW SECTION. **558.72 Real estate transfers by certain entities.**

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

a. *"Entity"* means any of the following:

(1) A partnership, limited liability partnership, or foreign limited liability partnership as provided in chapter 486A.

(2) A limited partnership, foreign limited partnership, limited liability limited partnership, or foreign limited liability limited partnership as provided in chapter 488.

(3) A limited liability company or foreign limited liability company as provided in chapter 489.

(4) A corporation or foreign corporation as provided in chapter 490 or a nonprofit corporation or foreign nonprofit corporation as provided in chapter 504.

(5) A cooperative association as provided in chapter 497 or 498; an association, corporation, or foreign corporation as provided in chapter 499; a cooperative as provided in chapter 499A; a cooperative as provided in chapter 501; or a cooperative or foreign cooperative as provided in chapter 501A.

(6) An unincorporated nonprofit association as provided in chapter 501B.

b. *"Instrument transferring an interest in real estate"* means a deed, real estate contract, lease, easement, mortgage, deed of trust, or any other instrument used to effect the transfer of an interest in real estate situated in this state by any act to sell, transfer, convey, assign, lease, mortgage, or encumber the interest in the real estate.

2. An instrument transferring an interest in real estate situated in this state by an entity, unless clearly and conspicuously provided to the contrary in the instrument, includes a warranty to the transferee by the person executing the instrument of all of the following:

a. That the transferor entity is in existence at the time of the transfer.

b. That the person executing the instrument has been duly authorized by the transferor entity to execute the instrument on behalf of the entity.

c. That the person executing the instrument has the legal capacity to execute the instrument.

d. That the person knows of no facts or legal claims that might impair the validity of the transfer, including whether the instrument was given in the ordinary course of business.

3. An action to invalidate a transfer of real estate by deed or real estate contract by an entity shall be subject to the time limitations set forth in section 614.14A.

Sec. 6. NEW SECTION. **614.14A Real estate interests transferred by entities.**

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

a. (1) *"Adverse claim"* means a claim that the transfer of an interest in real estate to a transferee is invalid and should be set aside based on an allegation that the execution and delivery of a deed or real estate contract was not authorized by the entity.

(2) *"Adverse claim"* does not include a claim that a deed or real estate contract purports to transfer a greater interest than the entity legally could transfer.

b. *"Entity"* means the same as defined in section 558.72.

2. A transfer of an interest in real estate situated in this state by an entity by a deed or real estate contract is subject to the provisions of this section.

3. *a.* With regard to any deed or real estate contract executed by an entity and filed of record with the recorder of the county in which the real estate is situated, which is recorded prior to the effective date of this Act, the holder of an adverse claim shall not file an action, at law or in equity, to enforce the adverse claim or to invalidate such transfer five years after the effective date of this Act.

b. With regard to any deed or real estate contract executed by an entity and filed of record with the recorder of the county in which the real estate is situated, which is recorded on or after the effective date of this Act, the holder of an adverse claim shall not file an action, at law or in equity, to enforce the adverse claim or to invalidate such transfer more than two years after the date of recording of the instrument.

4. This section shall not be construed to limit any personal action against a person who executed an instrument purportedly transferring an interest in real estate on behalf of an entity for damages based on a claim arising out of an allegation that the execution and delivery of the instrument was not authorized by the entity or that a warranty required in section 558.72 was false.

Approved May 15, 2013

CHAPTER 109

FAIRGROUNDS PROPERTY TAX EXEMPTION

H.F. 627

AN ACT establishing a property tax exemption for fairgrounds owned by a county or a fair and including applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 427.1, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 39. *County fair property.* Fairgrounds, as defined in section 174.1, that are owned by a county or a fair, as defined in section 174.1. The use of such fairgrounds

for purposes other than a fair event, as defined in section 174.1, by the owner or by a lessee, including uses for pecuniary profit, shall not affect the exemption.

Sec. 2. IMPLEMENTATION OF ACT. Section 25B.7 does not apply to the property tax exemption established in this Act.

Sec. 3. APPLICABILITY. This Act applies to assessment years beginning on or after January 1, 2014.

Approved May 15, 2013

CHAPTER 110

ADMINISTRATION OF INCOME, SALES AND USE, EXCISE, AND PROPERTY TAXES AND ENVIRONMENTAL SURCHARGES

S.F. 432

AN ACT relating to the administration of the tax and related laws of the department of revenue, including administration of income taxes, sales and use and excise taxes, an environmental protection charge, and property taxes, and including effective date and retroactive applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I
INCOME TAXES

Section 1. Section 422.25, subsection 1, paragraph b, Code 2013, is amended to read as follows:

b. The period for examination and determination of the correct amount of tax is unlimited in the case of a false or fraudulent return made with the intent to evade tax or in the case of a failure to file a return. In lieu of the period of limitation for any prior year for which an overpayment of tax or an elimination or reduction of an underpayment of tax due for that prior year results from the carryback to that prior year of a net operating loss or net capital loss, the period is the period of limitation for the taxable year of the net operating loss or net capital loss which results in the carryback. If the tax found due is greater than the amount paid, the department shall compute the amount due, together with interest and penalties as provided in subsection 2, and shall mail a notice of assessment to the taxpayer and, if applicable, to the taxpayer's authorized representative of the total, which shall be computed as a sum certain ~~if paid on or before~~, with interest computed to the last day of the month in which the notice is dated~~, or on or before the last day of the following month if the notice is dated after the twentieth day of any month. The notice shall also inform the taxpayer of the additional interest and penalty which will be added to the total due if not paid on or before the last day of the applicable month~~.

DIVISION II
SALES TAXES

Sec. 2. Section 423.37, subsection 2, Code 2013, is amended to read as follows:

2. If a return required by this subchapter is not filed, or if a return when filed is incorrect or insufficient ~~and the maker fails to file a corrected or sufficient return within twenty days after the same is required by notice from the department~~, the department shall determine the amount of tax due from information as the department may be able to obtain and, if necessary, may estimate the tax on the basis of external indices, such as number of

employees of the person concerned, rentals paid by the person, stock on hand, or other factors. The determination may be made using any generally recognized valid and reliable sampling technique, whether or not the person being audited has complete records, as mutually agreed upon by the department and the taxpayer. The department shall give notice of the determination to the person liable for the tax. The determination shall fix the tax unless the person against whom it is assessed shall, within sixty days after the giving of notice of the determination, apply to the director for a hearing or unless the taxpayer contests the determination by paying the tax, interest, and penalty and timely filing a claim for refund. At the hearing, evidence may be offered to support the determination or to prove that it is incorrect. After the hearing the director shall give notice of the decision to the person liable for the tax.

DIVISION III
ENVIRONMENTAL PROTECTION CHARGE

Sec. 3. Section 424.10, subsection 2, paragraph a, Code 2013, is amended to read as follows:

a. If a return required by this chapter is not filed, or if a return when filed is incorrect or insufficient ~~and the maker fails to file a corrected or sufficient return within twenty days after the return is required by notice from the department~~, the department shall determine the amount of charge due from information as the department may be able to obtain and, if necessary, may estimate the charge on the basis of external indices or factors. The department shall give notice of the determination to the person liable for the charge. The determination shall fix the charge unless the person against whom it is assessed shall, within sixty days after the date of the notice of the determination, apply to the director for a hearing or unless the person against whom it is assessed contests the determination by paying the charge, interest, and penalty and timely filing a claim for refund. At the hearing evidence may be offered to support the determination or to prove that it is incorrect. After the hearing the director shall give notice of the decision to the person liable for the charge.

DIVISION IV
PROPERTY TAX

Sec. 4. Section 421.17, subsection 2, Code 2013, is amended by adding the following new paragraph:

NEW PARAGRAPH. *d.* To facilitate uniformity and equalization of assessments throughout the state of Iowa and to facilitate transfers of funds to local governments, the director may use geographic information system technology and may require assessing authorities and local governments that have adopted compatible technology to provide information to the department electronically using electronic geographic information system file formats.

Sec. 5. Section 441.5, subsection 1, Code 2013, is amended to read as follows:

1. For the purpose of examining and certifying candidates for the positions of assessor and deputy assessor, the director of revenue shall prepare ~~and administer a written~~ an examination and provide for an examination process. ~~The examinations shall be administered twice each year in the city of Des Moines. Notification of the time, place, and date of the examinations shall be mailed to each city and county assessor, county auditor and chairperson of each city and county conference board~~ The director shall approve one or more examination locations and shall make a list of the approved locations available to applicants. Each applicant shall select an examination location from the list of approved locations. The director shall notify applicants of the date and time of the examination at least thirty days prior to the date of the examination.

Sec. 6. Section 441.5, subsection 4, Code 2013, is amended to read as follows:

4. The director of revenue shall grade the examination taken. The director shall notify~~, in writing,~~ each applicant of the score attained by the applicant on the examination. An individual who attains a score of seventy percent or greater on the examination is eligible to

be certified by the director of revenue as a candidate for any assessor position. Any person who passes the examination and who possesses at least two years of appraisal related experience as determined by the director of revenue shall be granted regular certification and become eligible for appointment to a six-year term as assessor. Any person who passes the examination but who lacks such experience shall be granted temporary certification, and shall be eligible for a provisional appointment as assessor.

DIVISION V
EDUCATIONAL INSTITUTION PROPERTY TAX EXEMPTION

Sec. 7. EDUCATIONAL INSTITUTION PROPERTY TAX EXEMPTION — FILING. Notwithstanding the requirement for the filing of a statement claiming the property tax exemption by February 1 as provided in section 427.1, subsection 9, for the assessment year beginning January 1, 2013, the statement claiming the exemption under section 427.1, subsection 9, for property owned by an educational institution as part of its endowment fund that was acquired by the educational institution from a governmental entity after January 1, 2012, and that is located in a county having a population of at least two hundred thousand but not more than two hundred fifty thousand according to the 2010 federal decennial census, shall be filed not later than thirty days following the effective date of this division of this Act.

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

Sec. 9. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to January 1, 2013, for assessment years beginning on or after that date.

Approved May 16, 2013

CHAPTER 111

TARGETED JOBS WITHHOLDING CREDITS — QUALIFYING INVESTMENTS AND AGREEMENTS

S.F. 433

AN ACT relating to the requirements and administration of the targeted jobs withholding credit pilot project and including applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 403.19A, subsection 1, paragraphs c, e, f, and g, Code 2013, are amended to read as follows:

c. "Employer" means a business creating or retaining targeted jobs in ~~an urban renewal area of~~ a pilot project city pursuant to a withholding agreement.

e. "Qualifying investment" means a capital investment in real property including the purchase price of land and existing buildings, site preparation, building construction, and long-term lease costs. *"Qualifying investment"* also means a capital investment in depreciable assets. For purposes of this paragraph, *"long-term lease costs"* means those costs incurred or expected to be incurred under a lease during the duration of a withholding agreement.

f. "Targeted job" means a job in a business which is or will be located in ~~an urban renewal area of~~ a pilot project city that pays a wage at least equal to the countywide average wage. *"Targeted job"* includes new or retained jobs from Iowa business expansions or retentions within the city limits of the pilot project city and those jobs resulting from established out-of-state businesses, as defined by the economic development authority, moving to or expanding in Iowa.

g. "*Withholding agreement*" means the agreement between a pilot project city, the economic development authority, and an employer concerning the targeted jobs withholding credit authorized in subsection 3.

Sec. 2. Section 403.19A, subsection 1, Code 2013, is amended by adding the following new paragraph:

NEW PARAGRAPH. *0f.* "*Retained job*" means a full-time equivalent position in existence at the time an employer applies to the authority for approval of a withholding agreement and which remains continuously filled and which is at risk of elimination if the project for which the employer is seeking assistance under the withholding agreement does not proceed.

Sec. 3. Section 403.19A, subsection 3, paragraphs a, b, c, and f, Code 2013, are amended to read as follows:

a. A pilot project city may provide by ~~ordinance~~ resolution for the deposit into a designated ~~account in the special~~ withholding project fund ~~described in section 403.19, subsection 2,~~ of the targeted jobs withholding credit described in this section. The targeted jobs withholding credit shall be based upon the wages paid to employees pursuant to a withholding agreement.

b. An amount equal to three percent of the gross wages paid by an employer to each employee under a withholding agreement shall be credited from the payment made by the employer pursuant to section 422.16. If the amount of the withholding by the employer is less than three percent of the gross wages paid to the employees covered by the withholding agreement, the employer shall receive a credit against other withholding taxes due by the employer or may carry the credit forward for up to ten years or until depleted, whichever is the earlier. The employer shall remit the amount of the credit quarterly, in the same manner as withholding payments are reported to the department of revenue, to the pilot project city to be allocated to and when collected paid into a designated ~~account in the special~~ withholding project fund for the ~~urban renewal area in which the targeted jobs are located~~ project. All amounts so deposited shall be used or pledged by the pilot project city for ~~an urban renewal~~ a project related to the employer pursuant to the withholding agreement.

c. (1) The pilot project city and the economic development authority shall enter into a withholding agreement with each employer concerning the targeted jobs withholding credit. The withholding agreement shall provide for the total amount of withholding credits awarded, as negotiated by the economic development authority, the pilot project city, and the employer. An agreement shall not provide for an amount of withholding credits that exceeds the amount of the qualifying investment made in the project. An agreement shall not be entered into ~~by a pilot project city~~ with a business currently located in this state unless the business either creates or retains ten ~~new~~ jobs or makes a qualifying investment of at least five hundred thousand dollars within the ~~urban renewal area~~ pilot project city. The withholding agreement may have a term of years negotiated by the economic development authority, the pilot project city, and the employer, of up to ten years. A withholding agreement specifying a term of years or a total amount of withholding credits shall terminate upon the expiration of the term of years specified in the agreement or upon the award of the total amount of withholding credits specified in the agreement, whichever occurs first. An employer shall not be obligated to enter into a withholding agreement. An agreement shall not be entered into with an employer not already located in a pilot project city when another Iowa community is competing for the same project and both the pilot project city and the other Iowa community are seeking assistance from the authority.

(2) The pilot project city and the economic development authority shall not enter into a withholding agreement after June 30, ~~2013~~ 2018.

(3) The employer, in conjunction with the pilot project city, shall provide on an annual basis to the economic development authority information documenting the total amount of payments and receipts under a withholding agreement, including all agreements with an employer to suspend, abate, exempt, rebate, refund, or reimburse property taxes, to provide a grant for property taxes paid or a grant not related to property taxes, or to make a direct payment of taxes, with moneys in the ~~special~~ withholding project fund. The economic development authority shall verify the information provided ~~by the pilot project city~~ and

determine whether the pilot project city and the employer are in compliance with this section and the rules adopted by the economic development authority to implement this section.

(4) The economic development authority board, on behalf of the authority, shall have the authority to approve or deny a withholding agreement ~~and~~ according to the provisions of this section. Each withholding agreement, and the total amount of withholding credits allowed under the withholding agreement, shall be approved by the economic development authority board after taking into account the incentives or assistance received by or to be received by the employer under other economic development programs. The economic development authority board shall only deny an agreement if the agreement fails to meet the requirements of this paragraph *"c"* or the local match requirements in paragraph *"j"*, or if an employer is not in good standing as to prior or existing agreements with the economic development authority. The authority shall have the authority to negotiate a withholding agreement and may suggest changes to ~~an~~ any of the terms of the agreement.

f. If the economic development authority, following an eighteen-month performance period beginning on the date the withholding agreement is approved by the authority board, determines that the employer ceases to meet the requirements of the withholding agreement relating to retaining jobs, if applicable, the agreement shall be terminated by the economic development authority and the pilot project city and any withholding credits for the benefit of the employer shall cease. ~~However, in regard to the number of jobs that are to be created or retained, if the employer has met the number of jobs to be created or retained pursuant to the withholding agreement and subsequently the number of jobs falls below the required level, the employer shall not be considered as not meeting the job requirement until eighteen months after the date of the decrease in the number of jobs created or retained.~~ If the economic development authority, following a three-year performance period beginning on the date the withholding agreement is approved by the authority board, determines that the employer has not or is incapable of meeting the requirements of the withholding agreement relating to creating jobs, if applicable, or the requirement of the withholding agreement relating to the qualifying investment prior to the end of the withholding agreement, the economic development authority may reduce the future benefits to the employer under the agreement or negotiate with the other parties to terminate the agreement early. Notice shall be provided promptly by the pilot project city to the department of revenue following termination of a withholding agreement.

Sec. 4. Section 403.19A, subsection 3, paragraph d, subparagraph (1), Code 2013, is amended to read as follows:

(1) A copy of the adopted local development agreement ~~plan of~~ between the pilot project city and the employer that outlines local incentives or assistance for the project using urban renewal or urban revitalization incentives, if applicable.

Sec. 5. Section 403.19A, subsection 3, Code 2013, is amended by adding the following new paragraph:

NEW PARAGRAPH. *0f.* Pursuant to rules adopted by the economic development authority, the pilot project city shall provide on an annual basis to the economic development authority information documenting the compliance of each employer with each requirement of the withholding agreement, including but not limited to the number of jobs created or retained and the amount of investment made by the employer. The economic development authority shall, in response to receiving such information from the pilot project city, assess the level of compliance by each employer and provide to the pilot project city recommendations for either maintaining employer compliance with the withholding agreement or terminating the agreement for noncompliance under paragraph *"f"*. The economic development authority shall also provide each such assessment and recommendation report to the department of revenue.

Sec. 6. APPLICABILITY.

1. Except as provided in subsection 2, this Act applies to withholding agreements entered into on or after the effective date of this Act and withholding agreements entered into by a

pilot project city prior to the effective date of this Act shall be governed by section 403.19A, Code 2013.

2. The section of this Act enacting section 403.19A, subsection 3, paragraph "0f", applies to withholding agreements entered into prior to the effective date of this Act or entered into on or after the effective date of this Act.

Approved May 16, 2013

CHAPTER 112

HISTORIC PRESERVATION AND CULTURAL AND ENTERTAINMENT DISTRICT TAX CREDITS

S.F. 436

AN ACT relating to the historic preservation and cultural and entertainment district tax credit by modifying the definition of substantial rehabilitation, the qualifications for certain projects, and including effective date and applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 404A.1, subsection 2, paragraph e, Code 2013, is amended to read as follows:

e. "*Substantial rehabilitation*" means qualified rehabilitation costs that meet or exceed the following:

(1) In the case of commercial property, costs totaling at least fifty thousand dollars or fifty percent of the assessed value of the property, excluding the land, prior to the rehabilitation, whichever is less.

(2) In the case of ~~residential~~ property ~~or barns~~ other than commercial property, costs totaling at least twenty-five thousand dollars or twenty-five percent of the assessed value, excluding the land, prior to rehabilitation, whichever is less.

Sec. 2. Section 404A.3, subsection 3, paragraph b, Code 2013, is amended to read as follows:

b. The eligible property shall be placed in service within either sixty months of the date on which the project application was approved under this section, or seventy-two months of the date on which the project application was approved under this section if more than fifty percent of the qualified rehabilitation costs are incurred within sixty months of the date on which the project application was approved under this section.

Sec. 3. Section 404A.4, subsection 4, paragraph b, subparagraph (1), Code 2013, is amended to read as follows:

(1) Ten percent of the dollar amount of tax credits shall be allocated for purposes of new projects with final qualified rehabilitation costs of ~~five~~ seven hundred fifty thousand dollars or less.

Sec. 4. EFFECTIVE UPON ENACTMENT. The following provision or provisions of this Act, being deemed of immediate importance, take effect upon enactment:

1. The section of this Act amending section 404A.3.

Sec. 5. APPLICABILITY. The following provision or provisions of this Act apply to eligible property to be placed in service on or after the effective date of this Act: [1]

[1] See chapter 140, §84 herein

1. The section of this Act amending section 404A.3.

Approved May 16, 2013

CHAPTER 113

COUNTY ATTORNEY DUTIES AND JUVENILE COURT ACTIONS

H.F. 119

AN ACT relating to county attorney duties when representing the department of human services in juvenile court.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 232.71C, subsection 1, Code 2013, is amended to read as follows:

1. If, upon completion of an assessment performed under section 232.71B, the department determines that the best interests of the child require juvenile court action, the department shall act appropriately to initiate the action. If at any time during the assessment process the department believes court action is necessary to safeguard a child, the department shall act appropriately to initiate the action. The county attorney shall assist the department ~~as provided under section 232.90, subsection 2~~.

Sec. 2. Section 232.90, Code 2013, is amended to read as follows:

232.90 Duties of county attorney.

1. As used in this section, *"state"* means the general interest held by the people in the health, safety, welfare, and protection of all children living in this state.

~~1.~~ 2. The county attorney shall represent the state in proceedings arising from a petition filed under this division and shall present evidence in support of the petition. The county attorney shall be present at proceedings initiated by petition under this division filed by an intake officer or the county attorney, or if a party to the proceedings contests the proceedings, or if the court determines there is a conflict of interest between the child and the child's parent, guardian, or custodian or if there are contested issues before the court.

~~2.~~ 3. ~~The county attorney shall represent the department in proceedings arising under this division. However, if~~ If there is disagreement between the department and the county attorney regarding the appropriate action to be taken, the department may request ~~to~~ that the state be represented by the attorney general in place of the county attorney. If the state is represented by the attorney general, the county attorney may continue to appear in the proceeding and may present the position of the county attorney regarding the appropriate action to be taken in the case.

4. The county attorney shall comply with the requirements of chapter 232B and the federal Indian Child Welfare Act, Pub. L. No. 95-608, when either chapter 232B or the federal Indian Child Welfare Act is determined to be applicable in any proceeding under this division.

Sec. 3. Section 232.114, Code 2013, is amended to read as follows:

232.114 Duties of county attorney.

1. As used in this section, *"state"* means the general interest held by the people in the health, safety, welfare, and protection of all children living in this state.

~~1.~~ 2. Upon the filing of a petition the county attorney shall represent the state in all adversary proceedings arising under this division and shall present evidence in support of the petition.

~~2.~~ 3. ~~The county attorney shall represent the department in proceedings arising under this division. However, if~~ If there is disagreement between the department and the county attorney regarding the appropriate action to be taken, the department may request ~~to~~ that the state be represented by the attorney general in place of the county attorney. If the state is represented

by the attorney general, the county attorney may continue to appear in the proceeding and may present the position of the county attorney regarding the appropriate action to be taken in the case.

4. The county attorney shall comply with the requirements of chapter 232B and the federal Indian Child Welfare Act, Pub. L. No. 95-608, when either chapter 232B or the federal Indian Child Welfare Act is determined to be applicable in any proceeding under this division.

Approved May 24, 2013

CHAPTER 114

STATE ADMINISTRATIVE PROCEDURE

H.F. 586

AN ACT relating to the rulemaking process and state agency decision making.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 17A.4, subsection 3, Code 2013, is amended to read as follows:

3. *a.* ~~When an agency for good cause finds that notice and public participation would be unnecessary, impracticable, or contrary to the public interest~~ When the statute so provides, or with the approval of the administrative rules review committee, if the committee finds good cause that notice and public participation would be unnecessary, impracticable, or contrary to the public interest, the provisions of subsection 1 shall be inapplicable. ~~The agency shall incorporate in each rule issued in reliance upon this provision either the finding and a brief statement of the reasons for the finding, or a statement that the rule is within a very narrowly tailored category of rules whose issuance has previously been exempted from subsection 1 by a special rule relying on this provision and including such a finding and statement of reasons for the entire category.~~

b. (1) If the administrative rules review committee by a two-thirds vote, the governor, or the attorney general files with the administrative code editor an objection to the adoption of ~~any~~ a rule or portion of a rule pursuant to this subsection, ~~that~~ the rule or portion of the rule shall cease to be effective one hundred eighty days after the date the objection was filed. ~~A~~

(2) If the administrative rules review committee files with the administrative code editor an objection to the adoption of a rule or portion of a rule pursuant to this subsection, the administrative rules review committee, by a separate two-thirds vote, may suspend the applicability of the rule or portion of the rule until the rule ceases to be effective under this paragraph "*b*". The determination to suspend the applicability of the rule or portion of the rule shall be included in the copy of the objection to be forwarded to the agency.

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

Sec. 2. Section 17A.4, subsection 7, Code 2013, is amended to read as follows:

7. *a.* Upon the vote of two-thirds of its members the administrative rules review committee may delay the effective date of a rule or portion of a rule seventy days beyond that permitted in section 17A.5, unless the rule was promulgated under section 17A.5, subsection 2, paragraph "*b*". ~~This provision shall be utilized by the committee only if further time is necessary to study and examine the rule.~~ If the rule was promulgated under section 17A.5, subsection 2, paragraph "*b*", the administrative rules review committee, within thirty-five days of the

effective date of the rule and upon the vote of two-thirds of its members, may suspend the applicability of the rule or portion of the rule for seventy days.

b. Notice of an effective date that was delayed under this provision shall be published in the Iowa administrative code and bulletin.

Sec. 3. Section 17A.4, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 9. Upon the vote of two-thirds of its members, the administrative rules review committee, following notice of intended action as provided in subsection 1 and prior to adoption of a rule pursuant to that notice, may suspend further action relating to that notice for seventy days. Notice of a notice of intended action that was suspended under this provision shall be published in the Iowa administrative code and bulletin.

Sec. 4. Section 17A.8, subsection 9, Code 2013, is amended to read as follows:

9. *a.* Upon a vote of two-thirds of its members, the administrative rules review committee may delay the effective date of a rule or portion of a rule until the adjournment of the next regular session of the general assembly, unless the rule was promulgated under section 17A.5, subsection 2, paragraph *"b"*. If the rule was promulgated under section 17A.5, subsection 2, paragraph *"b"*, the administrative rules review committee, within thirty-five days of the effective date of the rule and upon the vote of two-thirds of its members, may suspend the applicability of the rule or portion of the rule until the adjournment of the next regular session of the general assembly.

b. The committee shall refer a rule or portion of a rule whose effective date has been delayed or applicability has been suspended to the speaker of the house of representatives and the president of the senate who shall refer the delayed or suspended rule or portion of the rule to the appropriate standing committees of the general assembly. A standing committee shall review ~~a~~ the rule within twenty-one days after the rule is referred to the committee by the speaker of the house of representatives or the president of the senate and shall take formal committee action by sponsoring a joint resolution to disapprove the rule, by proposing legislation relating to the rule, or by refusing to propose a joint resolution or legislation concerning the rule. The standing committee shall inform the administrative rules review committee of the committee action taken concerning the rule. If the general assembly has not disapproved of the rule by a joint resolution, the rule shall become effective. The speaker of the house of representatives and the president of the senate shall notify the administrative code editor of the final disposition of each rule or portion of a rule whose effective date has been delayed or whose applicability has been suspended pursuant to this subsection. If ~~a~~ the rule is disapproved, ~~it~~ the rule shall not ~~become~~ be effective and the agency shall rescind the rule. ~~This section shall not apply to rules made effective under section 17A.5, subsection 2, paragraph *"b"*.~~

Sec. 5. Section 17A.23, Code 2013, is amended to read as follows:

17A.23 Construction — delegation of authority.

1. Except as expressly provided otherwise by this chapter or by another statute referring to this chapter by name, the rights created and the requirements imposed by this chapter shall be in addition to those created or imposed by every other statute in existence on July 1, 1975, or enacted after that date. If any other statute in existence on July 1, 1975, or enacted after that date diminishes a right conferred upon a person by this chapter or diminishes a requirement imposed upon an agency by this chapter, this chapter shall take precedence unless the other statute expressly provides that it shall take precedence over all or some specified portion of this ~~named~~ cited chapter.

2. This chapter shall be construed broadly to effectuate its purposes. This chapter shall also be construed to apply to all agencies not expressly exempted by this chapter or by another statute specifically referring to this chapter by ~~name~~ citation; and except as to proceedings in process on July 1, 1975, this chapter shall be construed to apply to all covered agency proceedings and all agency action not expressly exempted by this chapter or by another statute specifically referring to this chapter by ~~name~~ citation.

3. An agency shall have only that authority or discretion delegated to or conferred upon the agency by law and shall not expand or enlarge its authority or discretion beyond the powers

delegated to or conferred upon the agency. Unless otherwise specifically provided in statute, a grant of rulemaking authority shall be construed narrowly.

Approved May 24, 2013

CHAPTER 115

CHILD ABUSE ASSESSMENT AND REPORTING PROCEDURES

H.F. 590

AN ACT relating to child abuse reporting, assessment procedures, and placement on the central registry for child abuse, and including effective date and applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 232.68, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. *"Differential response"* means an assessment system in which there are two discrete pathways to respond to accepted reports of child abuse, a child abuse assessment and a family assessment. The child abuse assessment pathway shall require a determination of abuse and a determination of whether criteria for placement on the central abuse registry are met. As used in this subsection and this part:

a. "Assessment" means the process by which the department responds to all accepted reports of alleged child abuse. An *"assessment"* addresses child safety, family functioning, culturally competent practice, and identifies the family strengths and needs, and engages the family in services if needed. The department's assessment process occurs either through a child abuse assessment or a family assessment.

b. "Child abuse assessment" means an assessment process by which the department responds to all accepted reports of child abuse which allege child abuse as defined in subsection 2, paragraph *"a"*, subparagraphs (1) through (3) and subparagraphs (5) through (10), or which allege child abuse as defined in subsection 2, paragraph *"a"*, subparagraph (4), that also allege imminent danger, death, or injury to a child. A *"child abuse assessment"* results in a disposition and a determination of whether a case meets the definition of child abuse and a determination of whether criteria for placement on the registry are met.

c. "Family assessment" means an assessment process by which the department responds to all accepted reports of child abuse which allege child abuse as defined in subsection 2, paragraph *"a"*, subparagraph (4), but do not allege imminent danger, death, or injury to a child. A *"family assessment"* does not include a determination of whether a case meets the definition of child abuse and does not include a determination of whether criteria for placement on the registry are met.

Sec. 2. Section 232.70, subsection 5, Code 2013, is amended to read as follows:

5. Upon receipt of a report, the department shall do all of the following:

a. Immediately~~, upon receipt of an oral report,~~ make a determination as to whether the report constitutes an allegation of child abuse as defined in section 232.68.

b. Notify the appropriate county attorney of the receipt of the report.

Sec. 3. Section 232.71B, subsections 1, 3, 4, 10, 12, 13, and 14, Code 2013, are amended to read as follows:

1. *Commencement of assessment — differential response — purpose.*

a. If the department determines a report constitutes a child abuse allegation, the department shall promptly commence ~~an appropriate~~ either a child abuse assessment within twenty-four hours of receiving the report or a family assessment within seventy-two hours of receiving the report.

(1) Upon acceptance of a report of child abuse, the department shall commence a child abuse assessment when the report alleges child abuse as defined in section 232.68, subsection 2, paragraph "*a*", subparagraphs (1) through (3) and subparagraphs (5) through (10), or which alleges child abuse as defined in section 232.68, subsection 2, paragraph "*a*", subparagraph (4), that also alleges imminent danger, death, or injury to a child.

(2) Upon acceptance of a report of child abuse, the department shall commence a family assessment when the report alleges child abuse as defined in section 232.68, subsection 2, paragraph "*a*", subparagraph (4), but does not allege imminent danger, death, or injury to a child.

b. The primary purpose of either the child abuse assessment or the family assessment shall be the protection of the child named in the report. The secondary purpose of ~~the assessment~~ either type of assessment shall be to engage the child's family in services to enhance family strengths and to address needs.

3. *Involvement of law enforcement*. The department shall apply protocols, developed with the local child protection assistance team established pursuant to section 915.35, to prioritize the actions taken in response to a child abuse ~~reports~~ assessment and ~~to~~ shall work jointly with child protection assistance teams and law enforcement agencies in performing assessment and investigative processes for child abuse ~~reports~~ assessments in which a criminal act harming a child is alleged. The county attorney and appropriate law enforcement agencies shall also take any other lawful action which may be necessary or advisable for the protection of the child. If a report is determined not to constitute a child abuse allegation or if the child abuse report is accepted but assessed under the family assessment, but a criminal act harming a child is alleged, the department shall immediately refer the matter to the appropriate law enforcement agency.

4. *Assessment process*. ~~The~~

a. A child abuse assessment ~~is subject to~~ or family assessment shall include all of the following:

(1) A safety assessment and risk assessment. If at any time during a family assessment, a child is determined unsafe or in imminent danger, it appears that the immediate safety or well-being of a child is endangered, it appears that the family may flee or the child may disappear, or the facts otherwise warrant, the department shall immediately commence a child abuse assessment.

(2) An evaluation of the home environment. If concerns regarding protection of children are identified by the child protection worker, the child protection worker shall evaluate the child named in the report and any other children in the same home as the parents or other persons responsible for their care.

b. In addition to the requirements of paragraph "*a*", a child abuse assessment shall include the following:

~~*a*.~~ (1) Identification of the nature, extent, and cause of the injuries, if any, to the child named in the report.

~~*b*.~~ (2) Identification of the person or persons responsible for the alleged child abuse.

~~*c*.~~ (3) A description of the name, age, and condition of other children in the same home as the child named in the report.

~~*d*. An evaluation of the home environment. If concerns regarding protection of children are identified by the child protection worker, the child protection worker shall evaluate the child named in the report and any other children in the same home as the parents or other persons responsible for their care.~~

~~*e*.~~ (4) An interview of the person alleged to have committed the child abuse, if the person's identity and location are known. The offer of an interview shall be made to the person prior to any consideration or determination being made that the person committed the alleged abuse. The person shall be informed of the complaint or allegation made regarding the person. The person shall be informed in a manner that protects the confidentiality rights of the individual who reported the child abuse or provided information as part of the assessment process. The purpose of the interview shall be to provide the person with the opportunity to explain or rebut the allegations of the child abuse report or other allegations made during the assessment. The court may waive the requirement to offer the interview only for good cause. The person

offered an interview, or the person's attorney on the person's behalf, may decline the offer of an interview of the person.

~~*f.* Unless otherwise prohibited under section 234.40 or 280.21, the use of corporal punishment by the person responsible for the care of a child which does not result in a physical injury to the child shall not be considered child abuse.~~

10. *Multidisciplinary team.* In each county or multicounty area in which more than fifty child abuse reports are made per year, the department shall establish a multidisciplinary team, as defined in section 235A.13, subsection 8. Upon the department's request, a multidisciplinary team shall assist the department in the assessment, diagnosis, and disposition of a child abuse ~~report~~ assessment.

12. ~~*Assessment*~~ *Written assessment report.*

a. The department, upon completion of the child abuse assessment or the family assessment, shall make a written report of the assessment, in accordance with all of the following:

~~*a.*~~ (1) The written assessment report shall incorporate the information required by subsection 4, paragraph "*a*".

~~*b.*~~ (2) ~~The~~ A written child abuse assessment report shall be completed within twenty business days of the receipt of the child abuse report. A written family assessment report shall be completed within ten business days of the receipt of the child abuse report.

~~*c.* The written assessment shall include a description of the child's condition, identification of the injury or risk to which the child was exposed, the circumstances which led to the injury or risk to the child, and the identity of any person alleged to be responsible for the injury or risk to the child.~~

~~*d.*~~ (3) The written assessment report shall identify the strengths and needs of the child, and of the child's parent, home, and family.

~~*e.*~~ (4) The written assessment report shall identify services available from the department and informal and formal services and other support available in the community to address the strengths and needs identified in the assessment.

~~*f.*~~ (5) Upon completion of the assessment, the department shall consult with the child's family in offering services to the child and the child's family to address strengths and needs identified in the assessment.

b. In addition to the requirements of paragraph "*a*", a written child abuse assessment report shall include a description of the child's condition, identification of the injury or risk to which the child was exposed, the circumstances which led to the injury or risk to the child, and the identity of any person alleged to be responsible for the injury or risk to the child.

~~*g.*~~ *c.* ~~The~~ Following a child abuse assessment, the department shall notify each subject of the child abuse report, as identified in section 235A.15, subsection 2, paragraph "*a*", of the results of the child abuse assessment, of the subject's right, pursuant to section 235A.19, to correct the report data or disposition data which refers to the subject, and of the procedures to correct the data.

d. Following a family assessment, the department shall notify the parent or guardian of each child listed in the report of suspected child abuse of the completion of the family assessment and any service recommendations. For cases assessed pursuant to a family assessment, there shall be no right to a contested case hearing pursuant to chapter 17A.

~~*h.*~~ *e.* If after completing the assessment ~~process~~ the child protection worker determines, with the concurrence of the worker's supervisor and the department's area administrator, that a report of suspected child abuse is a spurious report or that protective concerns are not present, the portions of the written assessment report described under ~~paragraphs "*d*" and "*e*"~~ paragraph "*a*", subparagraphs (3) and (4) shall not be required.

13. *Court-ordered and voluntary services.* The department shall provide or arrange for and monitor services for abused children and their families on a voluntary basis or under a final or intermediate order of the juvenile court. The department may provide or arrange for and monitor services for children and their families on a voluntary basis for cases in which a family assessment is completed.

14. *County attorney — juvenile court.* The department shall provide the juvenile court and the county attorney with a copy of the ~~portion of the~~ written child abuse assessment ~~pertaining to the child abuse~~ report, the written family assessment report for cases in which

the department requests a child in need of assistance petition, or other reports for cases in which the department requests a child in need of assistance petition. The juvenile court and the county attorney shall notify the department of any action taken concerning an assessment provided by the department.

Sec. 4. Section 232.71B, Code 2013, is amended by adding the following new subsections:

NEW SUBSECTION. 4A. *Child abuse determination.* Unless otherwise prohibited under section 234.40 or 280.21, the use of corporal punishment by the person responsible for the care of a child which does not result in a physical injury to the child shall not be considered child abuse.

NEW SUBSECTION. 13A. *Safety issue.* If the department determines that a safety issue continues to require a child to reside outside of the child's home at the conclusion of a family assessment, the department shall transfer the assessment to the child abuse assessment pathway for a disposition.

NEW SUBSECTION. 13B. *Conclusion of family assessment.* At the conclusion of a family assessment, the department shall transfer the case, if appropriate, to a contracted provider to review the service plan for the child and family. The contracted provider shall make a referral to the department abuse hotline if a family's noncompliance with a service plan places a child at risk. If any of the criteria for child abuse as defined in section 232.68, subsection 2, paragraph *"a"*, are met, the department shall commence a child abuse assessment. If any of the criteria for a child in need of assistance, as defined in section 232.2, subsection 6, are met, the department shall determine whether to request a child in need of assistance petition.

NEW SUBSECTION. 16. *Rules.* The department shall adopt rules regarding the intake process, assessment process, assessment reports, contact with juvenile court or the county attorney, involvement with law enforcement, case record retention, and dissemination of records for both child abuse assessments and family assessments.

NEW SUBSECTION. 17. *Quality assurance.* The department shall engage external stakeholders, including but not limited to representatives of the county attorneys' offices, service providers, and parent partners to develop a quality assurance component to the differential response system.

Sec. 5. Section 232.71C, Code 2013, is amended to read as follows:

232.71C Court action following ~~child abuse~~ assessment — guardian ad litem.

1. If, upon completion of an assessment performed under section 232.71B, the department determines that the best interests of the child require juvenile court action, the department shall act appropriately to initiate the action. If at any time during the assessment process the department believes court action is necessary to safeguard a child, the department shall act appropriately to initiate the action. The county attorney shall assist the department as provided under section 232.90, subsection 2.

2. The department shall assist the juvenile court or district court during all stages of court proceedings involving an alleged child abuse case in accordance with the purposes of this chapter.

3. In every case involving child abuse which results in a child protective judicial proceeding, whether or not the proceeding arises under this chapter, a guardian ad litem shall be appointed by the court to represent the child in the proceedings. Before a guardian ad litem is appointed pursuant to this section, the court shall require the person responsible for the care of the child to complete under oath a detailed financial statement. If, on the basis of that financial statement, the court determines that the person responsible for the care of the child is able to bear the cost of the guardian ad litem, the court shall so order. In cases where the person responsible for the care of the child is unable to bear the cost of the guardian ad litem, the expense shall be paid out of the county treasury.

Sec. 6. Section 232.71D, subsection 1, Code 2013, is amended to read as follows:

1. The requirements of this section shall apply to child abuse information relating to a report of child abuse and to ~~an~~ a child abuse assessment performed in accordance with section 232.71B.

Sec. 7. Section 232.71D, subsection 3, paragraph b, subparagraph (2), Code 2013, is amended to read as follows:

(2) The department determines the acts or omissions of the alleged perpetrator meet the definition of child abuse and the department has previously determined within the ~~eighteen-month~~ five-year period preceding the issuance of the department's report that the acts or omissions of the alleged perpetrator in a prior case met the definition of child abuse.

Sec. 8. Section 232.71D, subsection 6, paragraph a, Code 2013, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (03) Information pertaining to a report of suspected child abuse for which there was an assessment performed but no determination was made as to whether the definition of child abuse was met.

Sec. 9. Section 232.77, subsection 1, Code 2013, is amended to read as follows:

1. A person who is required to report ~~a case of~~ suspected child abuse may take or cause to be taken, at public expense, photographs, X rays, or other physical examinations or tests of a child which would provide medical indication of allegations arising from ~~a child abuse~~ an assessment. A health practitioner may, if medically indicated, cause to be performed radiological examination, physical examination, or other medical tests of the child. A person who takes any photographs or X rays or performs physical examinations or other tests pursuant to this section shall notify the department that the photographs or X rays have been taken or the examinations or other tests have been performed. The person who made notification shall retain the photographs or X rays or examination or test findings for a reasonable time following the notification. Whenever the person is required to report under section 232.69, in that person's capacity as a member of the staff of a medical or other private or public institution, agency or facility, that person shall immediately notify the person in charge of the institution, agency, or facility or that person's designated delegate of the need for photographs or X rays or examinations or other tests.

Sec. 10. Section 232.141, subsection 6, Code 2013, is amended to read as follows:

6. If a child is given physical or mental examinations or treatment relating to ~~a child abuse~~ an assessment performed pursuant to section 232.71B with the consent of the child's parent, guardian, or legal custodian and no other provision of law otherwise requires payment for the costs of the examination and treatment, the costs shall be paid by the state. Reimbursement for costs of services described in this subsection is subject to subsection 5.

Sec. 11. Section 235A.14, subsection 1, Code 2013, is amended to read as follows:

1. There is created within the state department of human services a central registry for certain child abuse information. The department shall organize and staff the registry and adopt rules for its operation.

Sec. 12. Section 235A.15, subsection 12, Code 2013, is amended to read as follows:

12. If an individual who is the subject of a child abuse report listed in subsection 2, paragraph *"a"*, or another party involved in ~~a child abuse~~ an assessment under section 232.71B releases in a public forum or to the media information concerning a case of child abuse including but not limited to child abuse information which would otherwise be confidential, the director of human services, or the director's designee, may respond with relevant information concerning the case of child abuse that was the subject of the release. Prior to releasing the response, the director or the director's designee shall consult with the child's parent or guardian, or the child's guardian ad litem, and apply to the court under section 235A.24 requesting a review of the information proposed for release and an order authorizing release of the information.

Sec. 13. Section 235A.18, subsection 1, paragraph a, Code 2013, is amended to read as follows:

a. (1) Report and disposition data relating to a particular case of alleged child abuse shall be sealed ten years after the initial placement of the data in the registry unless good cause be shown why the data should remain open to authorized access. If a subsequent report of an

alleged case of child abuse involving the child named in the initial data placed in the registry as the victim of abuse or a person named in the data as having abused a child is received by the department within this ten-year period, or within the period in which the person's name is in the central registry, the data shall be sealed ten years after receipt of the subsequent report unless good cause be shown why the data should remain open to authorized access. ~~However, a person named in the initial data placed in the registry as having abused a child shall have the person's name removed from the registry if that person has not had a subsequent case of alleged abuse which resulted in the person's name being placed in the registry as the person responsible for the abuse within the ten-year period.~~ Report and disposition data shall be made available to the department of justice if the department requests access to the alleged child abuse records for purposes of review by the prosecutor's review committee or commitment of sexually violent predators under chapter 229A.

(2) Notwithstanding subparagraph (1), a person named in the initial data placed in the registry as having abused a child shall have the person's name removed from the registry after ten years, if not previously removed from the registry pursuant to the other provisions of this subsection, if that person has not had a subsequent case of alleged abuse which resulted in the person's name being placed in the registry as the person responsible for the abuse within the ten-year period.

(3) (a) A person named in the initial data placed in the registry as having abused a child shall have the person's name removed from the registry after five years if the department determined in the report and disposition data that the person committed child abuse as defined in section 232.68, subsection 2, paragraph "*a*", subparagraph (1), (4), or (6).

(b) Subparagraph division (a) shall not apply, and the name of a person named in the initial data as having abused a child shall remain in the registry as described in subparagraph (1), if the department determined in the initial report and disposition data the person committed child abuse as defined in section 232.68, subsection 2, paragraph "*a*", subparagraph (1), (4), or (6) and the child abuse resulted in the child's death or a serious injury.

Sec. 14. Section 235A.19, subsection 2, Code 2013, is amended to read as follows:

2. At the time the notice of the results of ~~an~~ a child abuse assessment performed in accordance with section 232.71B is issued, the department shall provide notice to a person named in the report as having abused a child of the right to a contested case hearing and shall provide notice to subjects other than the person named in the report as having abused a child of the right to intervene in a contested case proceeding, as provided in subsection 3.

Sec. 15. Section 235A.19, subsection 3, paragraph a, Code 2013, is amended to read as follows:

a. A subject of a child abuse report may file with the department within ninety days of the date of the notice of the results of ~~an~~ a child abuse assessment performed in accordance with section 232.71B, a written statement to the effect that report data and disposition data referring to the subject is in whole or in part erroneous, and may request a correction of that data or of the findings of the child abuse assessment report.

Sec. 16. Section 915.35, subsection 4, paragraph b, Code 2013, is amended to read as follows:

b. A child protection assistance team may also consult with or include juvenile court officers, medical and mental health professionals, physicians or other hospital-based health professionals, court-appointed special advocates, guardians ad litem, and members of a multidisciplinary team created by the department of human services for child abuse investigations. A child protection assistance team may work cooperatively with the early childhood Iowa area board established under chapter 256I. The child protection assistance team shall work with the department of human services in accordance with section 232.71B, subsection 3, in developing the protocols for prioritizing the actions taken in response to child abuse ~~reports~~ assessments and for law enforcement agencies working jointly with the department at the local level in processes for child abuse ~~reports~~ assessments. The department of justice may provide training and other assistance to support the activities of a child protection assistance team.

Sec. 17. RULES. The department of human services shall adopt rules to implement this Act.

Sec. 18. EFFECTIVE UPON ENACTMENT. The following provision or provisions of this Act, being deemed of immediate importance, take effect upon enactment:

1. The section of this Act requiring the department of human services to adopt rules.

Sec. 19. EFFECTIVE DATE AND IMPLEMENTATION. The following provision or provisions of this Act take effect January 1, 2014, except that the department of human services may begin implementation prior to January 1, 2014, to the extent necessary to transition to full implementation of these provisions of this Act:

1. The sections of this Act amending sections 232.68, 232.70, 232.71B, 232.71C, 232.71D, 232.77, 232.141, 235A.14, 235A.15, 235A.18, 235A.19, and 915.35.

Sec. 20. APPLICABILITY.

1. The section of this Act amending section 232.71D, subsection 3, relating to the placement of the names of the child and the alleged perpetrator of the alleged child abuse and any other child abuse information on the central registry for child abuse information due to a prior case in which the department determined the case met the definition of child abuse, applies to cases in which the prior case which met the definition of child abuse occurred on or after the effective date of that section of this Act.

2. The section of this Act amending section 235A.18, subsection 1, paragraph "a", relating to removal of the name of a person named in the initial data placed in the central registry for child abuse information as having abused a child, shall apply to the name of an alleged perpetrator of the alleged child abuse which is placed in the central registry pursuant to section 232.71D on or after the effective date of that section of this Act.

Approved May 24, 2013

CHAPTER 116

INDIGENT DEFENSE — COMPENSATION RECORDS — JUVENILE CASES

H.F. 592

AN ACT relating to payments from the indigent defense fund by the state public defender.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. **13B.4B Confidentiality of indigent defense claim records.**

1. A claim for compensation and reimbursement for legal assistance and supporting documents submitted to the state public defender for payment of costs incurred in the legal representation of an indigent person from the indigent defense fund established in section 815.11 shall be kept confidential by the state public defender except as otherwise provided in subsection 2.

2. *a.* The claim and supporting documents shall be released to the client on whose behalf the costs were incurred, or the client's designee, upon written request by the client.

b. Summary claims data may be released if the data contains no information that is required to be kept confidential pursuant to an attorney's obligations under the Iowa rules of professional conduct. Such summary data may include:

(1) The name of the attorney or vendor who provided the legal services.

(2) The name of the county in which legal services were provided.

(3) The case number and name of the client unless the information is a confidential juvenile record under section 232.147.

(4) The type of claim and the type of cases for which legal services were provided.

(5) The number of hours and expenses claimed, and the total amount paid.

c. The state public defender may in the state public defender's sole discretion release claims and supporting documents to the auditor of state, the Iowa supreme court attorney disciplinary board, the grievance commission of the supreme court of Iowa, or to other state or local agencies to the extent necessary to investigate fraud or other criminal activity against the attorney or vendor submitting the claim.

d. The state public defender may release the claim and supporting documents to the court with respect to a hearing held under section 13B.4, subsection 4, paragraph "*d*".

Sec. 2. Section 22.7, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 10. A claim for compensation and reimbursement for legal assistance and supporting documents submitted to the state public defender for payment from the indigent defense fund established in section 815.11, as provided in section 13B.4B.

Sec. 3. Section 232.147, subsection 3, Code 2013, is amended by adding the following new paragraph:

NEW PARAGRAPH. *h.* The state public defender.

Sec. 4. Section 814.11, subsections 2, 3, and 4, Code 2013, are amended to read as follows:

2. *a.* If the appeal involves an indictable offense or denial of postconviction relief, the appointment shall be made to the state appellate defender unless the state appellate defender notifies the court that the state appellate defender is unable to handle the case.

b. If the state appellate defender is unable to handle the case, the state public defender may transfer the case to a local public defender office, nonprofit organization, or private attorney designated by the state public defender to handle such a case. The state appellate defender shall notify the supreme court of the transfer of a case, and upon such notification the responsibility of the state appellate defender in the case terminates.

c. If, after transfer of the case to a local public defender office, nonprofit organization, or private attorney, the local public defender office, nonprofit organization, or private attorney withdraws from the case, the court shall appoint an attorney who has a contract with the state public defender to provide legal services in appellate cases.

3. *a.* In a juvenile case under chapter 232 or a proceeding under chapter 600A, the trial attorney shall continue representation throughout the appeal without an additional appointment order unless the court grants the attorney permission to withdraw from the case.

b. If the court grants the attorney permission to withdraw, the court shall appoint the state public defender's designee pursuant to section 13B.4.

c. If the state public defender has not made a designation pursuant to section 13B.4 to handle the type of case or the state public defender's designee is unable to handle the case, the court shall appoint an attorney who has a contract with the state public defender to provide legal services in appellate cases.

4. *a.* In all other cases not specified in subsection 2 or 3, or except as otherwise provided in this section, the court shall appoint the state public defender's designee pursuant to section 13B.4.

b. If the state public defender has not made a designation pursuant to section 13B.4 to handle these other types of cases or the state public defender's designee is unable to handle the case, the court shall appoint an attorney to represent an indigent person who has a contract with the state public defender to provide legal services in appellate cases.

Approved May 24, 2013

CHAPTER 117

INNOVATION FUND INVESTMENT TAX CREDIT

H.F. 615

AN ACT relating to the innovation fund investment tax credit and including effective date and retroactive applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 2.48, subsection 3, Code 2013, is amended by adding the following new paragraph:

NEW PARAGRAPH. *f.* In 2017, the innovation fund investment tax credit available under section 15E.52.

Sec. 2. Section 15E.52, subsection 3, Code 2013, is amended to read as follows:

3. The amount of a tax credit allowed under this section shall equal ~~twenty~~ twenty-five percent of the taxpayer's equity investment in an innovation fund.

Sec. 3. Section 15E.52, subsection 5, Code 2013, is amended to read as follows:

5. *a.* To receive a tax credit, a taxpayer must submit an application to the board. The board shall issue certificates under this section on a first-come, first-served basis, which certificates may be redeemed for tax credits. The board shall issue such certificates so that not more than the amount allocated for such tax credits under section 15.119, subsection 2, may be claimed. ~~The certificates shall not be transferable.~~ The board shall not issue a certificate before September 1, 2014.

b. If in a fiscal year the aggregate amount of tax credits applied for exceeds the amount allocated for that fiscal year under section 15.119, subsection 2, the board shall establish a wait list for certificates. Applications that were approved but for which certificates were not issued shall be placed on the wait list in the order the applications were received by the board and shall be given priority for receiving certificates in succeeding fiscal years.

c. The board shall not issue a certificate to a taxpayer for an equity investment in an innovation fund until such fund has been certified as an innovation fund pursuant to subsection 7.

~~*b.*~~ *d.* The board shall, in cooperation with the department of revenue, establish criteria and procedures for the allocation and issuance of tax credits by means of certificates issued by the board. The criteria shall include the contingencies that must be met for a certificate to be redeemable in order to receive a tax credit. The procedures established by the board, in cooperation with the department of revenue, shall relate to the procedures for the issuance and transfer of the certificates and for the redemption of a certificate and related tax credit.

e. A certificate and related tax credit issued pursuant to this section shall be deemed a vested right of the original holder or any transferee thereof, and the state shall not cause either to be redeemed in such a way that amends or rescinds the certificate or that curtails, limits, or withdraws the related tax credit, except as otherwise provided in this section or upon consent of the proper holder. A certificate issued pursuant to this section cannot pledge the credit of the state and any such certificate so pledged to secure the debt of the original holder or a transferee shall not constitute a contract binding the state.

Sec. 4. Section 15E.52, subsection 6, Code 2013, is amended to read as follows:

6. ~~A taxpayer shall not redeem a certificate and related tax credit prior to the third tax year following the tax year in which the investment is made.~~ Any tax credit in excess of the taxpayer's liability for the tax year may be credited to the tax liability for the following five years or until depleted, whichever is earlier. A tax credit shall not be carried back to a tax year prior to the tax year in which the taxpayer claims the tax credit.

Sec. 5. Section 15E.52, subsection 7, Code 2013, is amended by adding the following new paragraphs:

NEW PARAGRAPH. *d.* The fund proposes to provide multiple rounds of funding and early-stage private sector funding to innovative businesses with a high growth potential, and

proposes to focus such funding on innovative businesses that show a potential to produce commercially viable products or services within a reasonable period of time.

NEW PARAGRAPH. *e.* The fund proposes to evaluate all prospective innovative businesses using a rigorous approach and proposes to collaborate and coordinate with the authority and other state and local entities in an effort to achieve policy consistency.

NEW PARAGRAPH. *f.* The fund proposes to collaborate with the regents institutions of this state and to leverage relationships with such institutions in order to potentially commercialize research developed at those institutions.

NEW PARAGRAPH. *g.* The fund proposes to obtain at least fifteen million dollars in binding investment commitments and to invest a minimum of fifteen million dollars in companies that have a principal place of business in the state.

Sec. 6. Section 15E.52, Code 2013, is amended by adding the following new subsections:

NEW SUBSECTION. 8. The board shall not certify an innovation fund after June 30, 2018.

NEW SUBSECTION. 9. An innovation fund shall collect and provide to the board the information required in subsection 10, paragraphs "*e*" and "*f*", in the manner and form prescribed by the board. An innovation fund failing to comply with this subsection may have its certification revoked by the board.

NEW SUBSECTION. 10. On or before January 31 of each year, the board, in cooperation with the department of revenue, shall submit to the general assembly and the governor a report describing the activities of the innovation funds during the preceding fiscal year. The report shall at a minimum include the following information:

a. The amount of tax credit certificates issued to equity investors in each innovation fund.

b. The amount of approved tax credit applications that were placed on the wait list for certificates.

c. The amount of tax credits claimed.

d. The amount of tax credits transferred to other persons.

e. The amount of investments in each innovation fund.

f. For each investment by an innovation fund in a business:

(1) The amount of the investment.

(2) The name and industry of the business.

(3) The location or locations from which the business operates.

(4) The number of employees of the business located in Iowa and the number of employees of the business located outside Iowa on the date of the initial investment by the innovation fund in the business.

(5) The number of employees of the business located in Iowa and the number of employees of the business located outside Iowa at the close of the fiscal year which is the subject of the report.

NEW SUBSECTION. 11. Tax credit certificates issued pursuant to this section may be transferred, in whole or in part, to any person. A tax credit certificate shall only be transferred once. Within ninety days of transfer, the transferee shall submit the transferred tax credit certificate to the department of revenue along with a statement containing the transferee's name, tax identification number, and address, the denomination that each replacement tax credit certificate is to carry, and any other information required by the department of revenue.

NEW SUBSECTION. 12. Within thirty days of receiving the transferred tax credit certificate and the transferee's statement, the department of revenue shall issue one or more replacement tax credit certificates to the transferee. Each replacement tax credit certificate must contain the information required for the original tax credit certificate. A replacement tax credit certificate may designate a different tax than the tax designated on the original tax credit certificate. A tax credit shall not be claimed by a transferee under this section until a replacement tax credit certificate identifying the transferee as the proper holder has been issued.

NEW SUBSECTION. 13. The transferee may use the amount of the tax credit transferred against the taxes imposed in chapter 422, divisions II, III, and V, and in chapter 432, and against the moneys and credits tax imposed in section 533.329, for any tax year the original transferor could have claimed the tax credit. Any consideration received for the transfer of

the tax credit shall not be included as income under chapter 422, divisions II, III, and V. Any consideration paid for the transfer of the tax credit shall not be deducted from income under chapter 422, divisions II, III, and V.

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

Sec. 8. RETROACTIVE APPLICABILITY. The sections of this Act amending section 15E.52 apply retroactively to January 1, 2013, for tax years beginning on or after that date and for equity investments in an innovation fund made on or after that date.

Approved May 24, 2013

CHAPTER 118

PROPERTY TAX ASSESSMENTS — PROPERTY USED FOR ALGAE PRODUCTION

H.F. 632

AN ACT relating to the assessment of certain real estate used in the cultivation and production of algae, and including effective date and retroactive applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 427A.1, subsection 4, Code 2013, is amended by adding the following new paragraph:

NEW PARAGRAPH. *d.* It is a photobioreactor used in the production of algae for harvesting as a crop for animal feed, food, nutritionals, or biofuel production.

Sec. 2. Section 441.21, subsection 12, Code 2013, is amended to read as follows:

12. ~~Beginning with valuations established on or after January 1, 2002, as~~ As used in this section, unless the context otherwise requires, "*agricultural property*" includes ~~the~~ all of the following:

a. Beginning with valuations established on or after January 1, 2002, the real estate of a vineyard and buildings used in connection with the vineyard, including any building used for processing wine if such building is located on the same parcel as the vineyard.

b. Beginning with valuations established on or after January 1, 2013, real estate used directly in the cultivation and production of algae for harvesting as a crop for animal feed, food, nutritionals, or biofuel production. The real estate must be an enclosed pond or land containing a photobioreactor.

Sec. 3. RETROACTIVE APPLICABILITY. This Act applies retroactively to January 1, 2013, for assessment years beginning on or after that date.

Sec. 4. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 24, 2013

CHAPTER 119

ECONOMIC DEVELOPMENT — MUNICIPAL REINVESTMENT DISTRICTS

H.F. 641

AN ACT authorizing the establishment of reinvestment districts following approval of the economic development authority board, providing for the remittance of certain state sales tax revenues and certain state hotel and motel tax revenues to municipalities, establishing a state reinvestment district fund, and making appropriations.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. **15J.1 Short title.**

This chapter shall be known and may be cited as the *"Iowa Reinvestment Act"*.

Sec. 2. NEW SECTION. **15J.2 Definitions.**

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

1. *"Board"* means the same as defined in section 15.102.

2. *"Commencement date"* means the date established for each district by the board under section 15J.4, subsection 3, upon which the calculation of new state sales tax and new state hotel and motel tax revenue shall begin under section 15J.5 for deposit in the fund.

3. *"Department"* means the department of revenue.

4. *"District"* means the area within a municipality that is designated a reinvestment district pursuant to section 15J.4.

5. *"Fund"* means the state reinvestment district fund created in section 15J.6.

6. *"Governing body"* means the county board of supervisors, city council, or other body in which the legislative powers of the municipality are vested.

7. *"Municipality"* means a county or an incorporated city.

8. *"New lessor"* means a lessor, as defined in section 423A.2, operating a business in the district that was not in operation in the area of the district before the effective date of the ordinance establishing the district, regardless of ownership. *"New lessor"* also includes any lessor, defined in section 423A.2, operating a business in the district if the place of business for that business is the subject of a project that was approved by the board.

9. *"New retail establishment"* means a business operated in the district by a retailer, as defined in section 423.1, that was not in operation in the area of the district before the effective date of the ordinance establishing the district, regardless of ownership. *"New retail establishment"* also includes any business operated in the district by a retailer, as defined in section 423.1, if the place of business for that retail establishment is the subject of a project that was approved by the board.

10. *"Project"* means a vertical improvement constructed or substantially improved within a district using sales tax revenues and hotel and motel tax revenues received by a municipality pursuant to this chapter. *"Project"* does not include any of the following:

a. A building, structure, or other facility that is in whole or in part used or intended to be used to conduct gambling games under chapter 99F.

b. A building, structure, or other facility that is in whole or in part used or intended to be used as a hotel or motel if such hotel or motel is connected to or operated in conjunction with a building, structure, or other facility described in paragraph *"a"*.

11. *"State hotel and motel tax"* means the state-imposed tax under section 423A.3.

12. *"State sales tax"* means the sales and services tax imposed pursuant to section 423.2.

13. *"Substantially improved"* means that the cost of the improvements are equal to or exceed fifty percent of the assessed value of the property, excluding the land, prior to such improvements.

14. *"Vertical improvement"* means a building that is wholly or partially above grade and all appurtenant structures to the building.

Sec. 3. NEW SECTION. **15J.3 Preapplication process.**

The board may establish by rule a preapplication process to provide information related to the requirements of this chapter, to determine the interest of municipalities in establishing

districts under this chapter, and to assist municipalities in preparing a proposed district plan.

Sec. 4. NEW SECTION. **15J.4 District establishment — approval.**

1. A municipality that has an area suitable for development within the boundaries of the municipality is eligible to seek approval from the board to establish a reinvestment district under this section consisting of the area suitable for development. To be designated a reinvestment district, an area shall meet the following requirements:

a. The area consists only of parcels of real property that the governing body of the municipality determines will be directly and substantially benefited by development in the proposed district.

b. The area is in whole or in part either an economic development enterprise zone designated under chapter 15E, division XVIII, or an urban renewal area established pursuant to chapter 403.

c. The area consists of contiguous parcels and does not exceed twenty-five acres in total.

d. For a municipality that is a city, the area does not include the entire incorporated area of the city.

e. The area is not located in whole or in part within another district established under this chapter.

2. Prior to submission to the board for approval under subsection 3, a proposed district plan shall be developed and approved by resolution of the governing body of the municipality. The proposed district plan shall state the governing body's intent to establish a district. The proposed district plan shall also include all of the following:

a. A finding by the governing body that the area in the proposed district is an area suitable for development.

b. A legal description of the real estate forming the boundaries of the area to be included in the proposed district along with a map depicting the existing parcels of real estate located in the proposed district.

c. A list of the names and addresses of the owners of record of the parcels to be included in the proposed district.

d. A list of all projects proposed to be undertaken within the district, a detailed description of those projects, and a project plan for each proposed project. Each project plan shall clearly state the estimated cost of the proposed project, the anticipated funding sources for the proposed project, the amount of anticipated funding from each such source, and the amount and type of debt, if any, to be incurred by the municipality to fund the proposed project, and shall include a proposed project feasibility study conducted by an independent professional with expertise in economic development and public finance. The project plan for the project that proposes the largest amount of capital investment among all proposed projects within the district shall include an estimate of the date that construction of the project will be completed and of the date that operations will begin at the project. The feasibility study shall include projections and analysis of all of the following:

(1) The amount of gross revenues expected to be collected in the district as a result of the proposed project for each year that the district is in existence.

(2) A detailed explanation of the manner and extent to which the proposed project will contribute to the economic development of the state and the municipality, including an analysis of the proposed project's economic impact. The analysis shall include the same components and be conducted in the same manner as the economic impact study required under paragraph "*e*".

(3) An estimate of the number of visitors or customers the proposed project will generate during each year that the district exists.

(4) A description of the unique characteristics of the proposed project.

e. An economic impact study for the proposed district conducted by an independent economist retained by the municipality. The economic impact study shall, at a minimum, do all of the following:

(1) Contain a detailed analysis of the financial benefit of the proposed district to the economy of the state and the municipality.

(2) Identify one or more projected market areas in which the district can reasonably be expected to have a substantial economic impact.

(3) Assess the fiscal and financial impact of the proposed district on businesses or on other economic development projects within the projected market area.

3. *a.* The municipality shall submit a copy of the resolution, the proposed district plan, and all accompanying materials adopted pursuant to this section to the board for evaluation. The board shall not approve a proposed district plan or an amendment to an existing district's plan on or after July 1, 2018.

b. The board shall evaluate each municipality's proposed district plan and accompanying materials and shall approve the district plan and establishment of the district if the board determines that, in addition to other criteria established by the board by rule, all of the following conditions are met:

(1) The area of the municipality proposed to be included in the district meets the requirements of subsection 1.

(2) The projects proposed to be undertaken in the district are of a unique nature and will have a substantial beneficial impact on the economy of the state and the economy of the municipality.

(3) The proposed funding sources for each proposed project are feasible.

(4) At least one of the projects proposed to be undertaken in the district includes a capital investment of at least ten million dollars.

(5) The total amount of proposed funding from state sales tax revenues and state hotel and motel tax revenue to be remitted to the municipality from the state reinvestment district fund under section 15J.6 for all proposed projects in the proposed district plan does not exceed thirty-five percent of the total cost of all proposed projects in the proposed district plan.

(6) The amount of proposed capital investment within the proposed district related to retail businesses in the proposed district does not exceed fifty percent of the total capital investment for all proposed projects in the proposed district plan. For the purposes of this subparagraph, *"retail business"* means any business engaged in the business of selling tangible personal property or taxable services at retail in this state that is obligated to collect state sales or use tax under chapter 423. However, for the purposes of this subparagraph, *"retail business"* does not include a new lessor.

c. If the board denies a proposed district plan, the board shall state the reasons for the denial and the municipality may resubmit the application.

d. As part of its approval of a proposed district plan, the board shall establish a commencement date for the district. The commencement date established by the board shall be the first day of the first calendar quarter beginning after the later of the two dates identified for the project that proposed the largest amount of capital investment among all proposed projects in the district pursuant to subsection 2, paragraph *"d"*.

e. As part of its approval of a proposed district plan, the board shall, subject to the authorized amounts under section 15J.5, establish maximum amounts of state sales tax revenues or state hotel and motel tax revenues, or both, that may be remitted to a municipality's reinvestment project fund. Such maximum amounts shall be determined based on the financing needs of the proposed project, the economic impact to the state, and the remittance limitations under paragraph *"f"*.

f. The total aggregate amount of state sales tax revenues and state hotel and motel tax revenues that may be approved by the board for remittance to all municipalities and that may be transferred to the state reinvestment district fund under section 423.2, subsection 11, or section 423A.6, and remitted to all municipalities having a reinvestment district under this chapter shall not exceed one hundred million dollars.

g. If a district plan is approved by the board, the district plan, along with the municipality's resolution and all accompanying materials shall be posted on the economic development authority's internet site for public viewing within ten days of approval by the board.

4. Upon receiving the approval of the board, the municipality may adopt an ordinance establishing the district and shall notify the director of revenue of the district's commencement date established by the board no later than thirty days after adoption of the ordinance. The ordinance adopted by the municipality shall include the district's commencement date and a detailed statement of the manner in which the approved projects to be undertaken in the district will be financed, including but not limited to the financial information included in the project plan under subsection 2, paragraph *"d"*.

Following establishment of the district, a municipality may use the moneys deposited in the municipality's reinvestment project fund created pursuant to section 15J.7 to fund the development of those projects included within the district plan.

5. A municipality may amend the district plan to add or modify projects. However, a proposed modification to a project and each project proposed to be added shall first be approved by the board in the same manner as provided for the original plan. In no case, however, shall an amendment to the district plan result in the extension of the commencement date established by the board. If a district plan is amended to add or modify a project, the municipality shall amend the ordinance, if necessary, to reflect any changes to the financial information required to be included under subsection 4.

6. Following establishment of a district, the municipality shall on or before October 1 of each year submit a report to the board detailing all of the following:

a. The status of each project undertaken within the district in the previous twelve months.

b. An itemized list of expenditures from the municipality's reinvestment project fund in the previous twelve months that have been made related to each project being undertaken within the district.

c. The amount of the total project cost remaining for each project being undertaken within the district as of the date the report is submitted.

d. The amounts, types, and sources of funding used for each project described in paragraph "*a*".

e. The amount of bonds issued or other indebtedness incurred for each project described in paragraph "*a*", including information related to the rate of interest, length of term, costs of issuance, and net proceeds. The report shall also include the amounts and types of moneys to be used for payment of such bonds or indebtedness.

7. All reports received by the board under subsection 6 shall be posted on the economic development authority's internet site as soon as practicable following receipt of the report. The board shall submit a written report to the governor and the general assembly on or before January 15 of each year. The report shall summarize and analyze the information submitted by municipalities under subsection 6.

Sec. 5. NEW SECTION. **15J.5 New state tax revenue calculations.**

1. *a.* The department shall calculate quarterly the amount of new state sales tax revenues for each district established in the state to be deposited in the state reinvestment district fund created in section 15J.6, pursuant to section 423.2, subsection 11, paragraph "*b*", subject to remittance limitations established by the board pursuant to section 15J.4, subsection 3.

b. The amount of new state sales tax revenue for purposes of paragraph "*a*" shall be the product of the amount of sales subject to the state sales tax in the district during the quarter from new retail establishments times four percent.

2. *a.* The department shall calculate quarterly the amount of new state hotel and motel tax revenues for each district established in the state to be deposited in the state reinvestment district fund created in section 15J.6, pursuant to section 423A.6, subject to remittance limitations established by the board pursuant to section 15J.4, subsection 3.

b. The amount of new state hotel and motel tax revenue for purposes of paragraph "*a*" shall be the product of the amount of sales subject to the state hotel and motel tax in the district during the quarter from new lessors times the state hotel and motel tax rate imposed under section 423A.3.

3. Each municipality that has established a district under this chapter shall assist the department in identifying new retail establishments in the district that are collecting state sales tax and new lessors in the district that are collecting state hotel and motel tax. This process shall be ongoing until the municipality ceases to utilize state sales tax revenue or state hotel and motel tax revenue under this chapter or the district is dissolved.

Sec. 6. NEW SECTION. **15J.6 State reinvestment district fund.**

1. A state reinvestment district fund is established in the state treasury under the control of the department consisting of the new state sales tax revenues collected within each district and deposited in the fund pursuant to section 423.2, subsection 11, paragraph "*b*", and the new state hotel and motel tax revenues collected within each district and deposited in the fund

pursuant to section 423A.6. Moneys deposited in the fund are appropriated to the department for the purposes of this section. Moneys in the fund shall only be used for the purposes of this section.

2. A district account is created within the fund for each district created by a municipality under this chapter.

3. The department shall deposit the moneys described in subsection 1 that were collected in a quarter beginning on or after the district's commencement date into the appropriate district account in the fund.

4. All moneys in each district account within the fund shall be remitted quarterly by the department to the municipality that established the district for deposit in the municipality's reinvestment project fund established pursuant to section 15J.7.

5. The department shall adopt rules for the administration of the department's duties under this chapter, including the remittance of moneys to municipalities.

Sec. 7. NEW SECTION. **15J.7 Reinvestment project fund.**

1. State sales tax revenue and state hotel and motel tax revenue remitted by the department to a municipality pursuant to section 15J.6 shall be deposited in a reinvestment project fund of the municipality and shall be used to fund projects within the district from which the revenues were collected. If the municipality determines that the revenue accruing to the reinvestment project fund exceeds the amount necessary for these purposes, the excess moneys that are remittances received under section 15J.6 and all interest in the fund attributable to such excess amounts shall be remitted by the municipality to the department for deposit in the general fund of the state.

2. In addition to the moneys received pursuant to section 15J.6, a municipality may deposit in the reinvestment project fund any other moneys lawfully at the municipality's disposal, including but not limited to local sales and services tax receipts collected under chapter 423B if such use is a purpose authorized for the municipality under chapter 423B.

3. The records of the municipality related to the district and the reinvestment project fund are subject to audit pursuant to section 11.6.

4. *a.* Moneys from any source deposited into the reinvestment project fund shall not be expended for or otherwise used in connection with a project that includes the relocation of a commercial or industrial enterprise not presently located within the municipality.

b. For the purposes of this subsection, "*relocation*" means the closure or substantial reduction of an enterprise's existing operations in one area of the state and the initiation of substantially the same operation in the same county or a contiguous county in the state. "*Relocation*" does not include an enterprise expanding its operations in another area of the state provided that existing operations of a similar nature are not closed or substantially reduced.

5. Upon dissolution of a district pursuant to section 15J.8, if moneys remitted to the municipality pursuant to section 15J.6 remain in the municipality's reinvestment project fund and those moneys are not necessary to support completion of a project in the dissolved district, such amounts and all interest remaining in the fund that was earned on such amounts shall be remitted by the municipality to the department for deposit in the general fund of the state.

6. Upon dissolution of a district pursuant to section 15J.8, moneys remaining in the reinvestment project fund that were deposited pursuant to subsection 2 and all interest remaining in the fund that was earned on such amounts shall be deposited in the general fund of the municipality.

Sec. 8. NEW SECTION. **15J.8 End of deposits — district dissolution.**

1. As of the date twenty years after the district's commencement date, the department shall cease to deposit state sales tax revenues and state hotel and motel tax revenues into the district's account within the fund, unless the municipality dissolves the district by ordinance prior to that date. Following the expiration of the twenty-year period, the district shall be dissolved by ordinance of the municipality adopted within twelve months of the conclusion of the twenty-year period.

2. If the municipality dissolves the district by ordinance prior to the expiration of the twenty-year period specified in subsection 1, the municipality shall notify the director of revenue of the dissolution as soon as practicable after adoption of the ordinance, and the department shall, as of the effective date of dissolution, cease to deposit state sales tax revenues and state hotel and motel tax revenues into the district's account within the fund.

Sec. 9. Section 423.2, subsection 11, paragraph b, Code 2013, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (6) Beginning the first day of the calendar quarter beginning on the reinvestment district's commencement date, subject to remittance limitations established by the economic development authority board pursuant to section 15J.4, subsection 3, transfer to a district account created in the state reinvestment district fund for each reinvestment district established under chapter 15J, the amount of new state sales tax revenue, determined in section 15J.5, subsection 1, paragraph *"b"*, in the district, that remains after the prior transfers required under this paragraph *"b"*. Such transfers shall cease pursuant to section 15J.8.

Sec. 10. Section 423A.6, unnumbered paragraph 1, Code 2013, is amended to read as follows:

The director of revenue shall administer the state and local hotel and motel tax as nearly as possible in conjunction with the administration of the state sales tax law, except that portion of the law which implements the streamlined sales and use tax agreement. The director shall provide appropriate forms, or provide on the regular state tax forms, for reporting state and local hotel and motel tax liability. All moneys received or refunded one hundred eighty days after the date on which a city or county terminates its local hotel and motel tax and all moneys received from the state hotel and motel tax shall be deposited in or withdrawn from the general fund of the state. Beginning the first day of the calendar quarter beginning on the reinvestment district's commencement date, the director of revenue shall, subject to remittance limitations established by the economic development authority board pursuant to section 15J.4, subsection 3, transfer from the general fund of the state to a district account created in the state reinvestment district fund for each reinvestment district established under chapter 15J, the new state hotel and motel tax revenue, determined in section 15J.5, subsection 2, paragraph *"b"*, in the district. Such transfers shall cease pursuant to section 15J.8.

Approved May 24, 2013

CHAPTER 120

ENHANCED E911 EMERGENCY COMMUNICATION SYSTEMS

H.F. 644

AN ACT relating to enhanced E911 emergency communication systems, and providing penalties.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 34A.7, subsection 1, paragraph a, Code 2013, is amended by striking the paragraph and inserting in lieu thereof the following:

a. To encourage local implementation of E911 service, one source of funding for E911 emergency communication systems shall come from a surcharge per month, per access line on each access line subscriber, of one dollar.

Sec. 2. Section 34A.7, subsection 1, paragraph b, subparagraph (1), Code 2013, is amended to read as follows:

(1) The program manager shall notify a local exchange service provider scheduled to provide exchange access line service to an E911 service area that implementation of an E911 service plan has been approved by the joint E911 service board ~~and by the service area referendum~~ and that collection of the surcharge is to begin within sixty days.

Sec. 3. Section 34A.7, subsection 5, Code 2013, is amended to read as follows:

5. *Use of moneys in fund — priority and limitations on expenditure.*

a. Moneys deposited in the E911 service fund shall be used for the repayment of any bonds issued for the benefit of or loan made to the joint E911 service board pursuant to sections 34A.20 through 34A.22, and as long as any such bond or loan remains unpaid the surcharge shall not be reduced or eliminated. Moneys deposited in the fund shall be subject to such terms and conditions as may be contained in the relevant bond documents, trust indenture, resolution, loan agreement, or other instrument pursuant to which bonds are issued or a loan is made, without regard to any limitation otherwise provided by law. ~~The surcharge may be increased, but shall not exceed the maximum allowed in subsection 1, upon approval of the authority upon such terms and conditions as may be contained in the relevant bond documents, trust indenture, resolution, loan agreement, or other instrument pursuant to which bonds are issued or a loan is made, as deemed necessary or prudent by the authority to secure repayment and assure marketability or a reasonable interest rate.~~

b. Moneys deposited in the E911 service fund shall be used for the following, in order of priority if paragraph "*a*" does not apply:

(1) Money shall first be spent for actual recurring costs of operating the E911 service plan.

(2) If money remains in the fund after fully paying for recurring costs incurred in the preceding year, the remainder may be spent to pay for nonrecurring costs, not to exceed actual nonrecurring costs as approved by the program manager.

(3) If money remains in the fund after fully paying obligations under subparagraphs (1) and (2), the remainder may be accumulated in the fund as a carryover operating surplus. ~~If the surplus is greater than twenty-five percent of the approved annual operating budget for the next year, the program manager shall reduce the surcharge by an amount calculated to result in a surplus of no more than twenty-five percent of the planned annual operating budget. After nonrecurring costs have been paid, if the surcharge is less than the maximum allowed and the fund surplus is less than twenty-five percent of the approved annual operating budget, the program manager shall, upon application of the joint E911 service board, increase the surcharge in an amount calculated to result in a surplus of twenty-five percent of the approved annual operating budget. The surcharge may only be adjusted once in a single year, upon sixty days' prior notice to the provider.~~

Sec. 4. Section 34A.7, subsection 7, Code 2013, is amended by striking the subsection.

Sec. 5. Section 34A.7A, subsection 1, paragraphs a and b, Code 2013, are amended to read as follows:

a. ~~Notwithstanding section 34A.6, the~~ The administrator shall adopt by rule a monthly surcharge of ~~up to sixty-five cents~~ one dollar to be imposed on each communications service number provided in this state. The surcharge shall be imposed uniformly on a statewide basis and simultaneously on all communications service numbers as provided by rule of the administrator. The surcharge shall not be imposed on wire-line-based communications or prepaid wireless telecommunications service.

b. The program manager shall provide no less than sixty days' notice of the surcharge to be imposed to each communications service provider. ~~The program manager, subject to the sixty-five cent limit in paragraph "*a*", may adjust the amount of the surcharge as necessary, but no more than once in any calendar year.~~

Sec. 6. Section 34A.7A, subsection 2, Code 2013, is amended by adding the following new paragraph:

NEW PARAGRAPH. *0b.* For the three-year period beginning July 1, 2013, and ending June 30, 2016, the program manager shall allocate thirteen percent of the total amount of surcharge

generated to wireless carriers to recover their costs to deliver E911 phase 1 services. If the allocation in this paragraph is insufficient to reimburse all wireless carriers for such carrier's eligible expenses, the program manager shall allocate a prorated amount to each wireless carrier equal to the percentage of such carrier's eligible expenses as compared to the total of all eligible expenses for all wireless carriers for the calendar quarter during which such expenses were submitted. When prorated expenses are paid, the remaining unpaid expenses shall no longer be eligible for payment under this paragraph.

Sec. 7. Section 34A.7A, subsection 2, paragraph e, Code 2013, is amended to read as follows:

e. If moneys remain in the fund after fully paying all obligations under paragraphs "*a*" ~~through~~, "*0b*", "*b*", "*c*", and "*d*", the remainder may be accumulated in the fund as a carryover operating surplus. This surplus shall be used to fund future network and public safety answering point improvements, including hardware and software for an internet protocol-enabled next generation network, and wireless carriers' transport costs related to wireless E911 services, if those costs are not otherwise recovered by wireless carriers through customer billing or other sources and approved by the program manager in consultation with the E911 communications council. Notwithstanding section 8.33, any moneys remaining in the fund at the end of each fiscal year shall not revert to the general fund of the state but shall remain available for the purposes of the fund.

Sec. 8. Section 34A.7A, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 5. *a*. The program manager, in consultation with the E911 communications council and the auditor of state, shall establish a methodology for determining and collecting comprehensive public safety answering point cost and expense data through the county joint E911 service boards. The methodology shall include the collection of data for all costs and expenses related to the operation of a public safety answering point and account for the extent to which identified costs and expenses are compensated for or addressed through E911 surcharges versus other sources of funding.

b. Data collection pursuant to paragraph "*a*" shall commence no later than January 1, 2014, and shall be subject to an audit by the auditor of state beginning July 1, 2014. The program manager shall prepare a report detailing the methodology developed and the data collected after such data has been collected for a two-year period. The report and the results of the initial audit shall be submitted to the general assembly by March 1, 2016. A new report regarding data collection and the results of an ongoing audit for each successive two-year period shall be submitted by March 1 every two years thereafter. Expenses associated with the audit shall be paid to the auditor of state by the program manager from the E911 emergency communications fund established in section 34A.7A.

c. A county joint E911 service board which fails to submit expenses and costs pursuant to the methodology developed pursuant to paragraph "*a*" by March 31 of each year shall be allocated sixty-five cents out of the one dollar emergency communications service surcharge until March 31 of the following year. Remaining funds shall be held in the carryover operating surplus fund until the expenses and cost report is submitted by the county joint E911 service board. If the county joint E911 service board submits the expense and cost report before March 30 of the following year, the set aside funds shall be provided to the county joint E911 service board. If the county joint E911 service board fails to submit the expense and cost report within one year, funds shall revert to the carryover operating surplus fund and be used in accordance with section 34A.7A, subsection 2, paragraph "*e*".

Sec. 9. REPEAL. Sections 34A.6 and 34A.6A, Code 2013, are repealed.

Sec. 10. E911 EMERGENCY COMMUNICATION SYSTEMS — EFFICIENCIES STUDIES.

1. The homeland security and emergency management division of the department of public defense shall conduct a study to identify areas in which efficiencies of operations and expenses could be achieved with regard to E911 emergency communication systems at both the state and local level. The division shall submit a report containing the results of the study to the general assembly by July 1, 2014.

2. The homeland security and emergency management division of the department of public defense shall conduct a study to review the administration of the enhanced E911 emergency telephone communication system and expenditures associated with maintaining and operating the system commencing July 1, 2013. The study shall include an assessment of the adequacy of and necessity for the one dollar wire-line E911 service surcharge imposed pursuant to section 34A.7 and the one dollar emergency communications service surcharge imposed pursuant to section 34A.7A, and a recommendation regarding continuation of the surcharges at those levels or at a reduced level. The division shall submit a report containing the results of the study to the general assembly by January 1, 2016.

Approved May 24, 2013

CHAPTER 121

EDUCATION REFORM

H.F. 215

AN ACT relating to and providing for education reform involving student, teacher, and administrator programs and activities under the purview of the department of education, the state board of education, the college student aid commission, school districts, and accredited nonpublic schools; providing for independent private instruction for students; providing for private instruction for students; concerning driver education by a teaching parent; making appropriations and providing for the establishment and retention of certain fees; and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I
SCHOOL DISTRICT FUNDING

Section 1. Section 257.2, subsection 9, Code 2013, is amended by adding the following new paragraph:

NEW PARAGRAPH. *d.* Property tax replacement payments received under section 257.16B.

Sec. 2. Section 257.4, subsection 1, paragraph a, Code 2013, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (8) The amount of the school district property tax replacement payment to be received by the school district under section 257.16B.

Sec. 3. Section 257.4, subsection 1, paragraph b, Code 2013, is amended to read as follows:

b. For the budget year beginning July 1, 2008, and succeeding budget years, the department of management shall annually determine an adjusted additional property tax levy and a statewide maximum adjusted additional property tax levy rate, not to exceed the statewide average additional property tax levy rate, calculated by dividing the total adjusted additional property tax levy dollars statewide by the statewide total net taxable valuation. For purposes of this paragraph, the adjusted additional property tax levy shall be that portion of the additional property tax levy corresponding to the state cost per pupil multiplied by a school district's weighted enrollment, and then multiplied by one hundred percent less the regular program foundation base per pupil percentage pursuant to section 257.1, and then reduced by the amount of the property tax replacement payment to be received under section 257.16B. The district shall receive adjusted additional property tax levy aid in an amount equal to the difference between the adjusted additional property tax levy

rate and the statewide maximum adjusted additional property tax levy rate, as applied per thousand dollars of assessed valuation on all taxable property in the district. ~~The statewide maximum adjusted additional property tax levy rate shall be annually determined by the department taking into account amounts allocated pursuant to section 257.15, subsection 4.~~ The statewide maximum adjusted additional property tax levy rate shall be annually determined by the department taking into account amounts allocated pursuant to section 257.15, subsection 4, and the balance of the property tax equity and relief fund created in section 257.16A at the end of the calendar year.

Sec. 4. Section 257.8, subsections 1 and 2, Code 2013, are amended to read as follows:

1. *State percent of growth.* ~~The state percent of growth for the budget year beginning July 1, 2010, is two percent.~~ The state percent of growth for the budget year beginning July 1, 2012, is two percent. The state percent of growth for the budget year beginning July 1, 2013, is two percent. The state percent of growth for the budget year beginning July 1, 2014, is four percent. The state percent of growth for each subsequent budget year shall be established by statute which shall be enacted within thirty days of the submission in the year preceding the base year of the governor's budget under section 8.21. The establishment of the state percent of growth for a budget year shall be the only subject matter of the bill which enacts the state percent of growth for a budget year.

2. *Categorical state percent of growth.* ~~The categorical state percent of growth for the budget year beginning July 1, 2010, is two percent.~~ The categorical state percent of growth for the budget year beginning July 1, 2012, is two percent. The categorical state percent of growth for the budget year beginning July 1, 2013, is two percent. The categorical state percent of growth for the budget year beginning July 1, 2014, is four percent. The categorical state percent of growth for each budget year shall be established by statute which shall be enacted within thirty days of the submission in the year preceding the base year of the governor's budget under section 8.21. The establishment of the categorical state percent of growth for a budget year shall be the only subject matter of the bill which enacts the categorical state percent of growth for a budget year. The categorical state percent of growth may include state percents of growth for the teacher salary supplement, the professional development supplement, and the early intervention supplement.

Sec. 5. Section 257.15, subsection 4, paragraph b, Code 2013, is amended to read as follows:

b. After lowering all school district adjusted additional property tax levy rates to the statewide maximum adjusted additional property tax levy rate under paragraph *"a"*, the department of management shall use any remaining funds at the end of the calendar year to further lower additional property taxes by increasing for the budget year beginning the following July 1, the state foundation base percentage. Moneys used pursuant to this paragraph shall supplant an equal amount of the appropriation made from the general fund of the state pursuant to section 257.16 that represents the increase in state foundation aid.

Sec. 6. NEW SECTION. **257.16B School district property tax replacement payments.**

1. For each fiscal year beginning on or after July 1, 2013, there is appropriated from the general fund of the state to the department of education an amount necessary to make all school district property tax replacement payments under this section, as calculated in subsection 2.

2. *a.* For the budget year beginning July 1, 2013, the department of management shall calculate for each school district all of the following:

(1) The regular program state cost per pupil for the budget year beginning July 1, 2012, multiplied by one hundred percent less the regular program foundation base per pupil percentage pursuant to section 257.1.

(2) The regular program state cost per pupil for the budget year beginning July 1, 2013, multiplied by one hundred percent less the regular program foundation base per pupil percentage pursuant to section 257.1.

(3) The amount of each school district's property tax replacement payment. Each school district's property tax replacement payment equals the school district's weighted enrollment

for the budget year beginning July 1, 2013, multiplied by the remainder of the amount calculated for the school district under subparagraph (2) minus the amount calculated for the school district under subparagraph (1).

b. For each budget year beginning on or after July 1, 2014, the department of management shall calculate for each school district all of the following:

(1) The regular program state cost per pupil for the budget year beginning July 1, 2012, multiplied by one hundred percent less the regular program foundation base per pupil percentage pursuant to section 257.1.

(2) The regular program state cost per pupil for the budget year beginning July 1, 2014, multiplied by one hundred percent less the regular program foundation base per pupil percentage pursuant to section 257.1.

(3) The amount of each school district's property tax replacement payment. Each school district's property tax replacement payment equals the school district's weighted enrollment for the budget year multiplied by the remainder of the amount calculated for the school district under subparagraph (2) minus the amount calculated for the school district under subparagraph (1).

3. School district property tax replacement payments shall be paid by the department of education at the same time and in the same manner as foundation aid is paid under section 257.16 and may be included in the monthly payment of state aid under section 257.16, subsection 2.

Sec. 7. CODE SECTION 257.8 — IMPLEMENTATION. The requirements of section 257.8, subsections 1 and 2, regarding the enactment of bills establishing the regular program state percent of growth and the categorical state percent of growth within thirty days of the submission in the year preceding the base year of the governor's budget and regarding the subject matter limitation of such bills do not apply to this division of this Act.

Sec. 8. SCHOOL DISTRICT FUNDING SUPPLEMENT — FISCAL YEAR 2013-2014.

1. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 2012, and ending June 30, 2013, an amount necessary to make all payments to school districts required under subsection 2.

2. Moneys appropriated to the department of education under this section shall be used to provide a funding supplement to each school district during the fiscal year beginning July 1, 2013, and ending June 30, 2014. Each school district's funding supplement amount shall be equal to two percent of the regular program state cost per pupil for the fiscal year beginning July 1, 2012, and ending June 30, 2013, multiplied by the school district's budget enrollment for the fiscal year beginning July 1, 2013, and ending June 30, 2014. Moneys received by a school district under this section shall be miscellaneous income for purposes of chapter 257 and shall not be included in district cost.

3. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year beginning July 1, 2012, and ending June 30, 2013, shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

4. The payment of funding supplement amounts under this section shall be paid by the department of education at the same time and in the same manner as foundation aid is paid under section 257.16 for the fiscal year beginning July 1, 2013, and ending June 30, 2014, and may be included in the monthly payment of state aid under section 257.16, subsection 2.

Sec. 9. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION II
SCHOOL DISTRICT FUNDING TERMINOLOGY

Sec. 10. Section 256C.4, subsection 1, paragraph f, Code 2013, is amended to read as follows:

f. The receipt of funding by a school district for the purposes of this chapter, the need for additional funding for the purposes of this chapter, or the enrollment count of eligible

students under this chapter shall not be considered to be unusual circumstances, create an unusual need for additional funds, or qualify under any other circumstances that may be used by the school budget review committee to grant supplemental aid to or establish a modified ~~allowable growth~~ supplemental amount for a school district under section 257.31.

Sec. 11. Section 257.2, subsection 1, Code 2013, is amended by striking the subsection.

Sec. 12. Section 257.2, subsection 12, Code 2013, is amended to read as follows:

12. *"State percent of growth"* means the percent of growth which is established by statute pursuant to section 257.8, and which is used in determining the ~~allowable growth~~ supplemental state aid.

Sec. 13. Section 257.2, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 12A. *"Supplemental state aid"* means the amount by which state cost per pupil and district cost per pupil will increase from one budget year to the next.

Sec. 14. Section 257.6, subsection 1, paragraph a, subparagraph (5), Code 2013, is amended to read as follows:

(5) Resident pupils receiving competent private instruction from a licensed practitioner provided through a public school district pursuant to chapter 299A shall be counted as three-tenths of one pupil. Revenues received by a school district attributed to a school district's weighted enrollment pursuant to this subparagraph shall be expended for the purpose for which the weighting was assigned under this subparagraph. If the school district determines that the expenditures associated with providing competent private instruction pursuant to chapter 299A are in excess of the revenue attributed to the school district's weighted enrollment for such instruction in accordance with this subparagraph, the school district may submit a request to the school budget review committee for a modified ~~allowable growth~~ supplemental amount in accordance with section 257.31, subsection 5, paragraph "*n*". A home school assistance program shall not provide moneys received pursuant to this subparagraph, nor resources paid for with moneys received pursuant to this subparagraph, to parents or students utilizing the program. Moneys received by a school district pursuant to this subparagraph shall be used as provided in section 299A.12.

Sec. 15. Section 257.8, subsections 3, 6, and 7, Code 2013, are amended to read as follows:

3. *~~Allowable growth~~ Supplemental state aid calculation.* The department of management shall calculate the regular program ~~allowable growth~~ supplemental state aid for a budget year by multiplying the state percent of growth for the budget year by the regular program state cost per pupil for the base year and shall calculate the special education support services ~~allowable growth~~ supplemental state aid for the budget year by multiplying the state percent of growth for the budget year by the special education support services state cost per pupil for the base year.

6. *Combined ~~allowable growth~~ supplemental state aid.* The combined ~~allowable growth~~ supplemental state aid per pupil for each school district is the sum of the regular program ~~allowable growth~~ supplemental state aid per pupil and the special education support services ~~allowable growth~~ supplemental state aid per pupil for the budget year, which may be modified as follows:

a. By the school budget review committee under section 257.31.

b. By the department of management under section 257.36.

7. *Alternate ~~allowable growth~~ supplemental state aid — definitions.* For budget years beginning July 1, 2000, and subsequent budget years, references to the terms ~~*"allowable growth"*~~ *"supplemental state aid"*, *"regular program state cost per pupil"*, and *"regular program district cost per pupil"* shall mean those terms as calculated for those school districts that calculated regular program ~~allowable growth~~ supplemental state aid for the school budget year beginning July 1, 1999, with the additional thirty-eight dollars specified in section 257.8, subsection 4, Code 2013.

Sec. 16. Section 257.8, subsections 4 and 5, Code 2013, are amended by striking the subsections.

Sec. 17. Section 257.9, subsection 1, paragraph b, Code 2013, is amended to read as follows:

b. The total calculated under this subsection shall be divided by the total of the budget enrollments of all school districts for the budget year beginning July 1, 1990, calculated under section 257.6, subsection 4, if section 257.6, subsection 4, had been in effect for that budget year. The regular program state cost per pupil for the budget year beginning July 1, 1991, is the amount calculated by the department of management under this subsection plus an ~~allowable growth~~ amount of supplemental state aid, as defined in section 257.2, Code Supplement 2013, that is equal to the state percent of growth for the budget year multiplied by the amount calculated by the department of management under this subsection.

Sec. 18. Section 257.9, subsections 2, 4, 6, 7, 8, 9, and 10, Code 2013, are amended to read as follows:

2. *Regular program state cost per pupil for 1992-1993 and succeeding years*. For the budget year beginning July 1, 1992, and succeeding budget years, the regular program state cost per pupil for a budget year is the regular program state cost per pupil for the base year plus the regular program ~~allowable growth~~ supplemental state aid for the budget year.

4. *Special education support services state cost per pupil for 1992-1993 and succeeding years*. For the budget year beginning July 1, 1992, and succeeding budget years, the special education support services state cost per pupil for the budget year is the special education support services state cost per pupil for the base year plus the special education support services ~~allowable growth~~ supplemental state aid for the budget year.

6. *Teacher salary supplement state cost per pupil*. For the budget year beginning July 1, 2009, for the teacher salary supplement state cost per pupil, the department of management shall add together the teacher compensation allocation made to each district for the fiscal year beginning July 1, 2008, pursuant to section 284.13, subsection 1, paragraph *"h"*, Code 2009, and the phase II allocation made to each district for the fiscal year beginning July 1, 2008, pursuant to section 294A.9, Code 2009, and divide that sum by the statewide total budget enrollment for the fiscal year beginning July 1, 2009. The teacher salary supplement state cost per pupil for the budget year beginning July 1, 2010, and succeeding budget years, shall be the amount calculated by the department of management under this subsection for the base year plus ~~an allowable growth~~ a supplemental state aid amount that is equal to the teacher salary supplement categorical state percent of growth, pursuant to section 257.8, subsection 2, for the budget year, multiplied by the amount calculated by the department of management under this subsection for the base year.

7. *Professional development supplement state cost per pupil*. For the budget year beginning July 1, 2009, for the professional development supplement state cost per pupil, the department of management shall add together the professional development allocation made to each district for the fiscal year beginning July 1, 2008, pursuant to section 284.13, subsection 1, paragraph *"d"*, Code 2009, and divide that sum by the statewide total budget enrollment for the fiscal year beginning July 1, 2009. The professional development supplement state cost per pupil for the budget year beginning July 1, 2010, and succeeding budget years, shall be the amount calculated by the department of management under this subsection for the base year plus ~~an allowable growth~~ a supplemental state aid amount that is equal to the professional development supplement categorical state percent of growth, pursuant to section 257.8, subsection 2, for the budget year, multiplied by the amount calculated by the department of management under this subsection for the base year.

8. *Early intervention supplement state cost per pupil*. For the budget year beginning July 1, 2009, for the early intervention supplement state cost per pupil, the department of management shall add together the early intervention allocation made to each district for the fiscal year beginning July 1, 2008, pursuant to section 256D.4, Code 2009, and divide that sum by the statewide total budget enrollment for the fiscal year beginning July 1, 2009. The early intervention supplement state cost per pupil for the budget year beginning July 1, 2010, and succeeding budget years, shall be the amount calculated by the department of management under this subsection for the base year plus ~~an allowable growth~~ a supplemental state aid amount that is equal to the early intervention supplement categorical state percent of growth,

pursuant to section 257.8, subsection 2, for the budget year, multiplied by the amount calculated by the department of management under this subsection for the base year.

9. *Area education agency teacher salary supplement state cost per pupil.* For the budget year beginning July 1, 2009, for the area education agency teacher salary supplement state cost per pupil, the department of management shall add together the teacher compensation allocation made to each area education agency for the fiscal year beginning July 1, 2008, pursuant to section 284.13, subsection 1, paragraph "*i*", Code 2009, and the phase II allocation made to each area education agency for the fiscal year beginning July 1, 2008, pursuant to section 294A.9, Code 2009, and divide that sum by the statewide special education support services weighted enrollment for the fiscal year beginning July 1, 2009. The area education agency teacher salary supplement state cost per pupil for the budget year beginning July 1, 2010, and succeeding budget years, shall be the amount calculated by the department of management under this subsection for the base year plus ~~an allowable growth~~ a supplemental state aid amount that is equal to the teacher salary supplement categorical state percent of growth, pursuant to section 257.8, subsection 2, for the budget year, multiplied by the amount calculated by the department of management under this subsection for the base year.

10. *Area education agency professional development supplement state cost per pupil.* For the budget year beginning July 1, 2009, for the area education agency professional development supplement state cost per pupil, the department of management shall add together the professional development allocation made to each area education agency for the fiscal year beginning July 1, 2008, pursuant to section 284.13, subsection 1, paragraph "*d*", Code 2009, and divide that sum by the statewide special education support services weighted enrollment for the fiscal year beginning July 1, 2009. The area education agency professional development supplement state cost per pupil for the budget year beginning July 1, 2010, and succeeding budget years, shall be the amount calculated by the department of management under this subsection for the base year plus ~~an allowable growth~~ a supplemental state aid amount that is equal to the professional development supplement categorical state percent of growth, pursuant to section 257.8, subsection 2, for the budget year, multiplied by the amount calculated by the department of management under this subsection for the base year.

Sec. 19. Section 257.10, subsection 1, Code 2013, is amended to read as follows:

1. *Regular program district cost per pupil for 1991-1992.* For the budget year beginning July 1, 1991, in order to determine the regular program district cost per pupil for a district, the department of management shall divide the product of the regular program district cost per pupil of the district for the base year, as regular program district cost per pupil would have been calculated under section 442.9, Code 1989, multiplied by its budget enrollment for the base year as budget enrollment would have been calculated under section 442.4, Code 1989, plus the amount added to district cost pursuant to section 442.21, Code 1989, for each school district, by the budget enrollment of the school district for the budget year beginning July 1, 1990, calculated under section 257.6, subsection 4, as if section 257.6, subsection 4, had been in effect for that budget year. The regular program district cost per pupil for the budget year beginning July 1, 1991, is the amount calculated by the department of management under this subsection plus the ~~allowable growth~~ amount of supplemental state aid, as defined in section 257.2, Code Supplement 2013, calculated for regular program state cost per pupil, except that if the regular program district cost per pupil for the budget year calculated under this subsection in any school district exceeds one hundred ten percent of the regular program state cost per pupil for the budget year, the department of management shall reduce the regular program district cost per pupil of that district for the budget year to an amount equal to one hundred ten percent of the regular program state cost per pupil for the budget year, and if the regular program district cost per pupil for the budget year calculated under this subsection in any school district is less than the regular program state cost per pupil for the budget year, the department of management shall increase the regular program district cost per pupil of that district to an amount equal to the regular program state cost per pupil for the budget year.

Sec. 20. Section 257.10, subsection 2, paragraph a, Code 2013, is amended to read as follows:

a. For the budget year beginning July 1, 1992, and succeeding budget years, the regular program district cost per pupil for each school district for a budget year is the regular program district cost per pupil for the base year plus the regular program ~~allowable growth~~ supplemental state aid for the budget year except as otherwise provided in this subsection.

Sec. 21. Section 257.10, subsection 4, paragraph a, Code 2013, is amended to read as follows:

a. For the budget year beginning July 1, 1992, and succeeding budget years, the special education support services district cost per pupil for the budget year is the special education support services district cost per pupil for the base year plus the special education support services ~~allowable growth~~ supplemental state aid for the budget year.

Sec. 22. Section 257.10, subsection 5, Code 2013, is amended to read as follows:

5. *Combined district cost per pupil.* The combined district cost per pupil for a school district is the sum of the regular program district cost per pupil and the special education support services district cost per pupil. Combined district cost per pupil does not include a modified ~~allowable growth~~ supplemental amount added for school districts that have a negative balance of funds raised for special education instruction programs, a modified ~~allowable growth~~ supplemental amount granted by the school budget review committee for a single school year, or a modified ~~allowable growth~~ supplemental amount added for programs for dropout prevention.

Sec. 23. Section 257.10, subsection 9, paragraph a, Code 2013, is amended to read as follows:

a. For the budget year beginning July 1, 2009, the department of management shall add together the teacher compensation allocation made to each district for the fiscal year beginning July 1, 2008, pursuant to section 284.13, subsection 1, paragraph *"h"*, Code 2009, and the phase II allocation made to each district for the fiscal year beginning July 1, 2008, pursuant to section 294A.9, Code 2009, and divide that sum by the district's budget enrollment in the fiscal year beginning July 1, 2009, to determine the teacher salary supplement district cost per pupil. For the budget year beginning July 1, 2010, and succeeding budget years, the teacher salary supplement district cost per pupil for each school district for a budget year is the teacher salary supplement program district cost per pupil for the base year plus the teacher salary supplement ~~state allowable growth~~ supplemental state aid amount for the budget year.

Sec. 24. Section 257.10, subsection 10, paragraph a, Code 2013, is amended to read as follows:

a. For the budget year beginning July 1, 2009, the department of management shall divide the professional development allocation made to each district for the fiscal year beginning July 1, 2008, pursuant to section 284.13, subsection 1, paragraph *"d"*, Code 2009, by the district's budget enrollment in the fiscal year beginning July 1, 2009, to determine the professional development supplement cost per pupil. For the budget year beginning July 1, 2010, and succeeding budget years, the professional development supplement district cost per pupil for each school district for a budget year is the professional development supplement district cost per pupil for the base year plus the professional development supplement ~~state allowable growth~~ supplemental state aid amount for the budget year.

Sec. 25. Section 257.10, subsection 11, paragraph a, Code 2013, is amended to read as follows:

a. For the budget year beginning July 1, 2009, the department of management shall divide the early intervention allocation made to each district for the fiscal year beginning July 1, 2008, pursuant to section 256D.4, Code 2009, by the district's budget enrollment in the fiscal year beginning July 1, 2009, to determine the early intervention supplement cost per pupil. For the budget year beginning July 1, 2010, and succeeding budget years, the early intervention supplement district cost per pupil for each school district for a budget year

is the early intervention supplement district cost per pupil for the base year plus the early development supplement ~~state allowable growth~~ supplemental state aid amount for the budget year.

Sec. 26. Section 257.13, subsections 2 and 3, Code 2013, are amended to read as follows:

2. The board of directors of a school district that wishes to receive an on-time funding budget adjustment shall adopt a resolution to receive the adjustment and notify the school budget review committee annually, but not earlier than November 1, as determined by the department of education. The school budget review committee shall establish a modified ~~allowable growth in an~~ supplemental amount ~~determined~~ pursuant to subsection 1.

3. If the board of directors of a school district determines that a need exists for additional funds exceeding the authorized budget adjustment for on-time funding pursuant to this section, a request for a modified ~~allowable growth~~ supplemental amount based upon increased enrollment may be submitted to the school budget review committee as provided in section 257.31.

Sec. 27. Section 257.31, subsection 5, unnumbered paragraph 1, Code 2013, is amended to read as follows:

If a district has unusual circumstances, creating an unusual need for additional funds, including but not limited to the circumstances enumerated in paragraphs "*a*" through "*n*", the committee may grant supplemental aid to the district from any funds appropriated to the department of education for the use of the school budget review committee for the purposes of this subsection. The school budget review committee shall review a school district's unexpended fund balance prior to any decision regarding unusual finance circumstances. Such aid shall be miscellaneous income and shall not be included in district cost. In addition to or as an alternative to granting supplemental aid the committee may establish a modified ~~allowable growth~~ supplemental amount for the district by increasing its ~~allowable growth~~ supplemental state aid. The school budget review committee shall review a school district's unspent balance prior to any decision to ~~increase~~ establish a modified ~~allowable growth~~ supplemental amount under this subsection.

Sec. 28. Section 257.31, subsection 6, paragraph a, Code 2013, is amended to read as follows:

a. The committee shall establish a modified ~~allowable growth~~ supplemental amount for a district by increasing its ~~allowable growth~~ supplemental state aid when the district submits evidence that it requires additional funding for removal, management, or abatement of environmental hazards due to a state or federal requirement. Environmental hazards shall include but are not limited to the presence of asbestos, radon, or the presence of any other hazardous material dangerous to health and safety.

Sec. 29. Section 257.31, subsection 7, paragraph b, Code 2013, is amended to read as follows:

b. Other expenditures, including but not limited to expenditures for salaries or recurring costs, are not authorized under this subsection. Expenditures authorized under this subsection shall not be included in ~~allowable growth~~ supplemental state aid or district cost, and the portion of the unexpended fund balance which is authorized to be spent shall be regarded as if it were miscellaneous income. Any part of the amount not actually spent for the authorized purpose shall revert to its former status as part of the unexpended fund balance.

Sec. 30. Section 257.31, subsection 14, paragraph b, subparagraph (3), Code 2013, is amended to read as follows:

(3) A school district is only eligible to receive supplemental aid payments during the budget year if the school district certifies to the school budget review committee that for the year following the budget year it will notify the school budget review committee to instruct the director of the department of management to increase the district's ~~allowable growth~~ supplemental state aid and will fund the ~~allowable growth~~ supplemental state aid increase either by using moneys from its unexpended fund balance to reduce the district's property tax levy or by using cash reserve moneys to equal the amount of the deficit that would

have been property taxes and any part of the state aid portion of the deficit not received as supplemental aid under this subsection. The director of the department of management shall make the necessary adjustments to the school district's budget to provide the modified ~~allowable growth~~ supplemental amount and shall make the supplemental aid payments.

Sec. 31. Section 257.32, subsection 1, paragraph a, Code 2013, is amended to read as follows:

a. An area education agency budget review procedure is established for the school budget review committee created in section 257.30. The school budget review committee, in addition to its duties under section 257.31, shall meet and hold hearings each year to review unusual circumstances of area education agencies, either upon the committee's motion or upon the request of an area education agency. The committee may grant supplemental aid to the area education agency from funds appropriated to the department of education for area education agency budget review purposes, or an amount may be added to the area education agency special education support services ~~allowable growth~~ supplemental state aid for districts in an area or an additional amount may be added to district cost for media services or educational services for all districts in an area for the budget year either on a temporary or permanent basis, or both.

Sec. 32. Section 257.37, subsections 1 and 3, Code 2013, are amended to read as follows:

1. For the budget year beginning July 1, 1991, and succeeding budget years, the total amount funded in each area for media services shall be computed as provided in this subsection. For the budget year beginning July 1, 1991, the total amount funded in each area for media services in the base year shall be divided by the enrollment served in the base year to provide an area media services cost per pupil in the base year, and the department of management shall compute the state media services cost per pupil in the base year which is equal to the average of the area media services costs per pupil in the base year. For the budget year beginning July 1, 1991, and succeeding budget years, the department of management shall compute the ~~allowable growth~~ supplemental state aid for media services in the budget year by multiplying the state media services cost per pupil in the base year times the state percent of growth for the budget year, and the total amount funded in each area for media services cost in the budget year equals the area media services cost per pupil in the base year plus the ~~allowable growth~~ supplemental state aid for media services in the budget year times the enrollment served in the budget year. Funds shall be paid to area education agencies as provided in section 257.35.

3. For the budget year beginning July 1, 1991, and succeeding budget years, the total amount funded in each area for educational services shall be computed as provided in this subsection. For the budget year beginning July 1, 1991, the total amount funded in each area for educational services in the base year shall be divided by the enrollment served in the area in the base year to provide an area educational services cost per pupil in the base year, and the department of management shall compute the state educational services cost per pupil in the base year, which is equal to the average of the area educational services costs per pupil in the base year. For the budget year beginning July 1, 1991, and succeeding budget years, the department of management shall compute the ~~allowable growth~~ supplemental state aid for educational services by multiplying the state educational services cost per pupil in the base year times the state percent of growth for the budget year, and the total amount funded in each area for educational services for the budget year equals the area educational services cost per pupil for the base year plus the ~~allowable growth~~ supplemental state aid for educational services in the budget year times the enrollment served in the area in the budget year. Funds shall be paid to area education agencies as provided in section 257.35.

Sec. 33. Section 257.37A, subsection 1, paragraph a, Code 2013, is amended to read as follows:

a. For the budget year beginning July 1, 2009, the department of management shall add together the teacher compensation allocation made to each area education agency for the fiscal year beginning July 1, 2008, pursuant to section 284.13, subsection 1, paragraph "*i*", Code 2009, and the phase II allocation made to each area education agency for the fiscal

year beginning July 1, 2008, pursuant to section 294A.9, Code 2009, and divide that sum by the special education support services weighted enrollment in the fiscal year beginning July 1, 2009, to determine the area education agency teacher salary supplement cost per pupil. For the budget year beginning July 1, 2010, and succeeding budget years, the area education agency teacher salary supplement district cost per pupil for each area education agency for a budget year is the area education agency teacher salary supplement district cost per pupil for the base year plus the area education agency teacher salary supplement ~~state allowable growth~~ supplemental state aid amount for the budget year.

Sec. 34. Section 257.37A, subsection 2, paragraph a, Code 2013, is amended to read as follows:

a. For the budget year beginning July 1, 2009, the department of management shall divide the area education agency professional development supplement made to each area education agency for the fiscal year beginning July 1, 2008, pursuant to section 284.13, subsection 1, paragraph *"d"*, Code 2009, by the special education support services weighted enrollment in the fiscal year beginning July 1, 2009, to determine the professional development supplement cost per pupil. For the budget year beginning July 1, 2010, and succeeding budget years, the area education agency professional development supplement district cost per pupil for each area education agency for a budget year is the area education agency professional development supplement district cost per pupil for the base year plus the area education agency professional development supplement ~~state allowable growth~~ supplemental state aid amount for the budget year.

Sec. 35. Section 257.38, subsection 1, unnumbered paragraph 1, Code 2013, is amended to read as follows:

Boards of school districts, individually or jointly with boards of other school districts, requesting to use a modified ~~allowable growth~~ supplemental amount for programs for returning dropouts and dropout prevention, shall submit comprehensive program plans for the programs and budget costs, including annual requests for a modified ~~allowable growth~~ supplemental amount for funding the programs, to the department of education as a component of the comprehensive school improvement plan submitted to the department pursuant to section 256.7, subsection 21. The program plans shall include:

Sec. 36. Section 257.38, subsection 2, Code 2013, is amended to read as follows:

2. Program plans shall identify the parts of the plan that will be implemented first upon approval of the request. If a district is requesting to use a modified ~~allowable growth~~ supplemental amount to finance the program, the school district shall not identify more than five percent of its budget enrollment for the budget year as returning dropouts and potential dropouts.

Sec. 37. Section 257.40, Code 2013, is amended to read as follows:

257.40 Approval of programs for returning dropouts and dropout prevention — annual report.

1. The board of directors of a school district requesting to use a modified ~~allowable growth~~ supplemental amount for programs for returning dropouts and dropout prevention shall submit requests for a modified at-risk ~~allowable growth~~ supplemental amount, including budget costs, to the department not later than December 15 of the year preceding the budget year during which the program will be offered. The department shall review the request and shall prior to January 15 either grant approval for the request or return the request for approval with comments of the department included. An unapproved request for a program may be resubmitted with modifications to the department not later than February 1. Not later than February 15, the department shall notify the department of management and the school budget review committee of the names of the school districts for which programs using a modified ~~allowable growth~~ supplemental amount for funding have been approved and the approved budget of each program listed separately for each school district having an approved request.

2. Beginning January 15, 2007, the department shall submit an annual report to the chairpersons and ranking members of the senate and house education committees that

includes the ways school districts in the previous school year used modified ~~allowable growth~~ supplemental amounts approved under subsection 1; identifies, by grade level, age, and district size, the students in the dropout and dropout prevention programs for which the department approves a request; describes school district progress toward increasing student achievement and attendance for the students in the programs; and describes how the school districts are using the revenues from the modified ~~allowable growth~~ supplemental amounts to improve student achievement among minority subgroups.

Sec. 38. Section 257.41, subsections 1 and 3, Code 2013, are amended to read as follows:

1. *Budget.* The budget of an approved program for returning dropouts and dropout prevention for a school district, after subtracting funds received from other sources for that purpose, shall be funded annually on a basis of one-fourth or more from the district cost of the school district and up to three-fourths by an increase in ~~allowable growth~~ supplemental state aid as defined in section 257.8. Annually, the department of management shall establish a modified ~~allowable growth~~ supplemental amount for each such school district equal to the difference between the approved budget for the program for returning dropouts and dropout prevention for that district and the sum of the amount funded from the district cost of the school district plus funds received from other sources.

3. *Limitation.* For the fiscal year beginning July 1, 2013, and each succeeding fiscal year, the ratio of the amount of the modified ~~allowable growth~~ supplemental amount established by the department of management compared to the school district's total regular program district cost shall not exceed two and one-half percent. However, if the school district's highest such ratio so determined for any fiscal year beginning on or after July 1, 2009, but before July 1, 2013, exceeded two and one-half percent, the ratio may exceed two and one-half percent but shall not exceed the highest such ratio established during that period.

Sec. 39. Section 257.46, subsection 2, Code 2013, is amended to read as follows:

2. The remaining portion of the budget shall be funded by the thirty-eight dollar increase in ~~allowable growth~~ supplemental state aid, as defined in section 257.2, Code Supplement 2013, for the school budget year beginning July 1, 1999, multiplied by a district's budget enrollment. The thirty-eight dollar increase for the school budget year beginning July 1, 1999, shall increase in subsequent years by each year's state percent of growth. School districts shall annually report the amount expended for a gifted and talented program to the department of education. The proportion of a school district's budget which corresponds to the thirty-eight dollar increase in ~~allowable growth~~ supplemental state aid, as defined in section 257.2, Code Supplement 2013, for the school budget year beginning July 1, 1999, added to the amount in subsection 1, shall be utilized exclusively for a school district's gifted and talented program.

Sec. 40. Section 273.23, subsection 8, Code 2013, is amended to read as follows:

8. For the school year beginning on the effective date of an area education agency reorganization as provided in this subchapter, the special education support services cost per pupil shall be based upon the combined base year budgets for special education support services of the area education agencies that reorganized to form the newly formed area education agency, divided by the total of the weighted enrollment for special education support services in the reorganized area education agency for the base year plus the ~~allowable growth~~ supplemental state aid amount per pupil for special education support services for the budget year as calculated in section 257.8.

Sec. 41. Section 280.4, subsection 3, Code 2013, is amended to read as follows:

3. In order to provide funds for the excess costs of instruction of limited English proficient students above the costs of instruction of pupils in a regular curriculum, students identified as limited English proficient shall be assigned an additional weighting of twenty-two hundredths, and that weighting shall be included in the weighted enrollment of the school district of residence for a period not exceeding four years. However, the school budget review committee may grant supplemental aid or a modified ~~allowable growth~~ supplemental amount to a school district to continue funding a program for students after the expiration of the four-year period.

Sec. 42. APPLICABILITY. This division of this Act applies to school budget years beginning on or after July 1, 2014.

DIVISION III
IOWA LEARNING ONLINE INITIATIVE — FEES AND APPROPRIATIONS

Sec. 43. Section 256.42, Code 2013, is amended by adding the following new subsections:

NEW SUBSECTION. 8. The department shall establish fees payable by school districts and accredited nonpublic schools participating in the initiative. Fees collected pursuant to this subsection are appropriated to the department to be used only for the purpose of administering this section and shall be established so as not to exceed the budgeted cost of administering this section to the extent not covered by the moneys appropriated in subsection 9. Providing professional development necessary to prepare teachers to participate in the initiative shall be considered a cost of administering this section. Notwithstanding section 8.33, fees collected by the department that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purpose of expanding coursework offered under the initiative in subsequent fiscal years.

NEW SUBSECTION. 9. There is appropriated from the general fund of the state to the department, for the following fiscal years, the following amounts, to be used for administering this section and for not more than three full-time equivalent positions:

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

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

DIVISION IV
TRAINING AND EMPLOYMENT OF TEACHERS

Sec. 44. NEW SECTION. **256.96 Online state job posting system.**

1. The department shall provide for the operation of an online state job posting system. The system shall be designed and implemented for the online posting of job openings offered by school districts, charter schools, area education agencies, the department, and accredited nonpublic schools. The system shall be accessible via the department's internet site. The system shall include a mechanism for the electronic submission of job openings for posting on the system as provided in subsection 2. The system and each job posting on the system shall include a statement that an employer submitting a job opening for posting on the system will not discriminate in hiring on the basis of race, ethnicity, national origin, gender, age, physical disability, sexual orientation, gender identity, religion, marital status, or status as a veteran. The department may contract for, or partner with another entity for, the use of an existing internet site to operate the online state job posting system if the existing internet site is more effective and economical than the department's internet site.

2. A school district, charter school, or area education agency shall submit all of its job openings to the department for posting on the system. The department shall post all of its job openings on the system. An accredited nonpublic school may submit job openings to the department for posting on the system.

3. This section shall not be construed to do any of the following:

a. Prohibit any employer from advertising job openings and recruiting employees independently of the system.

b. Prohibit any employer from using another method of advertising job openings or another applicant tracking system in addition to the system.

c. Provide the department with any regulatory authority in the hiring process or hiring decisions of any employer other than the department.

Sec. 45. NEW SECTION. **256.98 Teach Iowa student teaching pilot project.**

1. Subject to an appropriation of sufficient funds by the general assembly, the department shall establish a teach Iowa student teaching pilot project in collaboration with two institutions of higher education which offer teacher preparation programs approved by the state board of education pursuant to section 256.7, subsection 3. The two institutions of

higher education shall include one institution of higher education under the control of the state board of regents and one accredited private institution as defined in section 261.9.

2. The teach Iowa student teaching pilot project shall provide students in teacher preparation programs with a one-year student teaching experience. A student teaching experience provided under the pilot project must include all of the following requirements:

a. A participating institution of higher education shall work with one or more school districts individually or collaboratively to place groups of students in a student teaching experience for an entire academic year. A participating institution of higher education shall take into consideration geographic diversity in the selection of school districts for participation in the pilot project.

b. A participating institution of higher education shall supervise the student teachers in the classroom and shall provide the students with weekly on-site instruction in pedagogy in the participating school districts.

3. The state board shall adopt rules pursuant to chapter 17A to administer this section.

Sec. 46. NEW SECTION. **261.110 Teach Iowa scholar program.**

1. A teach Iowa scholar program is established to provide teach Iowa scholar grants to selected high-caliber teachers. The commission shall administer the program in collaboration with the department of education.

2. An Iowa resident or nonresident applicant shall be eligible for a teach Iowa scholar grant if the applicant meets all of the criteria specified under, or established in accordance with, subsection 3. Priority shall be given to applicants who are residents of Iowa.

3. Criteria for eligibility shall be established by the commission and shall include but are not limited to the following:

a. The applicant was in the top twenty-five percent academically of students exiting a teacher preparation program approved by the state board of education pursuant to section 256.7, subsection 3, or a similar teacher preparation program in another state, or had earned other comparable academic credentials.

b. The applicant is preparing to teach in fields including but not limited to science, technology, engineering, or mathematics; English as a second language or special education instruction; or is preparing to teach in a hard-to-staff subject as identified by the department. The department shall take into account the varying regional needs in the state for teachers in these subject areas when applying the criterion of this paragraph. The department shall annually identify and designate hard-to-staff subjects for the purpose of this paragraph. The eligibility of an applicant who receives a teach Iowa scholar grant and who is preparing to teach in a hard-to-staff subject as identified by the department shall not be affected in subsequent years if the department does not continue to identify that subject as a hard-to-staff subject.

4. A selected applicant who meets all of the eligibility requirements of this section shall be eligible for a teach Iowa scholar grant for each year of full-time employment completed in this state as a teacher for a school district, charter school, area education agency, or accredited nonpublic school. A teach Iowa scholar grant shall not exceed four thousand dollars per year per recipient. Grants awarded under this section shall not exceed a total of twenty thousand dollars per recipient over a five-year period.

5. The commission, in collaboration with the department of education, shall adopt rules pursuant to chapter 17A to administer this section. The rules shall include but shall not be limited to a process for use by the commission to determine which eligible applicants will receive teach Iowa scholar grants.

6. A teach Iowa scholar fund is established in the state treasury. The fund shall be administered by the commission and shall consist of moneys appropriated by the general assembly and any other moneys received by the commission for deposit in the fund. The moneys in the fund are appropriated to the commission for the teach Iowa scholar program. Notwithstanding section 8.33, moneys in the fund at the close of the fiscal year shall not revert to the general fund of the state but shall remain available for expenditure for the teach Iowa scholar program for subsequent fiscal years. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

DIVISION V
ASSESSMENTS

Sec. 47. Section 256.7, subsection 21, paragraph b, Code 2013, is amended to read as follows:

b. A set of core academic indicators in mathematics and reading in grades four, eight, and eleven, a set of core academic indicators in science in grades eight and eleven, and another set of core indicators that includes but is not limited to graduation rate, postsecondary education, and successful employment in Iowa.

(1) Annually, the department shall report state data for each indicator in the condition of education report. Rules adopted pursuant to this subsection shall specify that the approved district-wide assessment of student progress administered for purposes of ~~this paragraph~~ the indicators shall be the assessment utilized by school districts statewide in the school year beginning July 1, 2011, or a successor assessment administered by the same assessment provider.

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

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

(4) The state board ~~may~~ shall submit to the general assembly recommendations the state board deems appropriate for modifications of assessments of student progress administered for purposes of this paragraph *"b"*.

DIVISION VI
COUNCIL ON EDUCATOR DEVELOPMENT

Sec. 48. NEW SECTION. **256.29 Council on educator development established.**

1. A council on educator development is established to conduct a study and make recommendations regarding the following:

a. A statewide teacher evaluation system and performance review requirements.

b. A statewide administrator evaluation system.

2. The goal of the study shall be to determine the efficacy of the current systems in providing practitioners with clear and actionable feedback to enhance their practice and advance student learning. The council shall receive input from teachers, administrators, and evaluators regarding educators' personal experiences with evaluations.

3. The study shall review the following:

a. The current teacher evaluation system and performance review requirements and the current administrator evaluation system requirements.

b. The Iowa teaching standards.

c. Criteria used to further define the Iowa teaching standards.

d. The Iowa standards for school administrators.

e. Nationally accepted teaching standards.

f. The process for developing individual teacher and individual administrator professional development plans.

g. Evaluator training.

h. The peer group reviews conducted pursuant to chapter 284.

i. The interrelated facets of the teacher and administrator evaluation systems and performance review requirements.

4. Any evaluation system recommended by the council shall be designed, at a minimum, so that the system is or does all of the following:

a. Is meaningful, providing all teachers and administrators with clear and actionable feedback.

b. Is comprehensive and based on multiple indicators designed to enhance an educator's practice.

c. Provides for ongoing, nonevaluation feedback and regular, comprehensive, and fair evaluations.

d. Is developed and implemented with input from teachers and administrators, respecting their own evaluation systems; and is developed and implemented in partnership with organizations representing teachers, administrators, and school board members at the state and local school district levels.

e. Is based on clear standards for what teachers and administrators should know and be able to do.

f. Is adequately funded, staffed, and fully developed and validated, and includes training for all teachers and administrators concerning the new systems before the systems are used to make any high-stakes employment decisions.

g. Is applicable to teachers and administrators in all content areas.

5. In developing recommendations for any evaluation system, the council shall consider, at a minimum, all of the following:

a. Any proposed revisions to systems, standards, or training reviewed pursuant to subsection 3.

b. The fair and balanced use of student outcome measures, comprised of multiple, reliable indicators of student growth and learning that are appropriate to the curriculum and the students being taught. These measures may include but are not limited to gauges of higher order skills such as student research papers, science investigations, technology products, and art projects; teacher-defined objectives for individual student growth; student learning objectives developed jointly by a teacher and principal or evaluator; district, school, or teacher-created assessments; and high-quality standardized tests that provide valid, reliable, timely, and meaningful information regarding student learning and growth.

c. Multiple indicators to provide evidence of practice, including but not limited to classroom observations; proof of practice such as lesson plans, curriculum plans, and instructional notes; teacher and administrator interviews, respecting their own evaluation systems; self-assessment; and evidence of professional contributions and collaboration.

d. Student and parent surveys.

e. A multitiered evaluation system that differentiates at least three levels of teacher and administrator performance.

6. The council shall be comprised of at least seventeen voting members appointed by the director by October 1, 2013, as follows:

a. Eight members representing education stakeholders who shall be subject to the evaluation systems being recommended.

b. One member representing the department.

c. One member representing the area education agencies.

d. One member representing the Iowa state education association.

e. One member representing the school administrators of Iowa.

f. One member representing the Iowa association of school boards.

g. One member representing the urban education network.

h. One member representing the largest approved practitioner preparation institution in the state.

i. One member representing Iowa's approved administrator preparation programs.

j. One member representing parents of Iowa elementary or secondary students.

7. Four members of the general assembly shall serve as ex officio, nonvoting members of the council, with one member to be appointed by each of the following: the majority leader of the senate, the minority leader of the senate, the speaker of the house of representatives, and the minority leader of the house of representatives. A legislative member serves for a term as provided in section 69.16B and is eligible for per diem and expenses as provided in section 2.10.

8. To the extent possible, the council shall have balanced representation with regard to teachers and administrators. Teachers and administrators from elementary and secondary education shall be included in the membership, as well as school and area education agency personnel who are evaluated under the teacher evaluation system but who are not classroom teachers.

9. The member representing the area education agencies shall convene the initial meeting. The council shall elect a chairperson from among its members for a term of one year. Administrative support and staffing for the council shall be provided by the department. The voting members of the council shall be reimbursed for actual and necessary expenses incurred in the performance of their duties and shall receive a per diem as specified in section 7E.6.

10. The council shall provide for the wide distribution of a preliminary draft of its recommendations for evaluation systems and performance review requirements to teachers, administrators, and school board members throughout the state by October 1, 2015, and shall provide a mechanism and opportunity for practitioners and school board members to submit feedback to the council. Such feedback shall be reviewed by the council prior to making final recommendations.

11. The council shall submit its findings and recommendations to the state board of education, the governor, and the general assembly by November 15, 2016.

DIVISION VII
IOWA TEACHER CAREER AND COMPENSATION MATTERS

Sec. 49. Section 257.1, subsection 2, paragraph b, Code 2013, is amended to read as follows:

b. For the budget year commencing July 1, 1999, and for each succeeding budget year the regular program foundation base per pupil is eighty-seven and five-tenths percent of the regular program state cost per pupil. For the budget year commencing July 1, 1991, and for each succeeding budget year the special education support services foundation base is seventy-nine percent of the special education support services state cost per pupil. The combined foundation base is the sum of the regular program foundation base, the special education support services foundation base, the total teacher salary supplement district cost, the total professional development supplement district cost, the total early intervention supplement district cost, the total teacher leadership supplement district cost, the total area education agency teacher salary supplement district cost, and the total area education agency professional development supplement district cost.

Sec. 50. Section 257.1, subsection 3, Code 2013, is amended to read as follows:

3. *Computations rounded.* In making computations and payments under this chapter, except in the case of computations relating to funding of special education support services, media services, and educational services provided through the area education agencies, and the teacher salary supplement, the professional development supplement, ~~and~~ the early intervention supplement, and the teacher leadership supplement, the department of management shall round amounts to the nearest whole dollar.

Sec. 51. Section 257.4, subsection 1, paragraph a, Code 2013, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (8) The total teacher leadership supplement district cost.

Sec. 52. Section 257.8, subsection 2, Code 2013, is amended to read as follows:

2. *Categorical state percent of growth.* The categorical state percent of growth for the budget year beginning July 1, 2010, is two percent. The categorical state percent of growth for the budget year beginning July 1, 2012, is two percent. The categorical state percent of growth for each budget year shall be established by statute which shall be enacted within thirty days of the submission in the year preceding the base year of the governor's budget under section 8.21. The establishment of the categorical state percent of growth for a budget year shall be the only subject matter of the bill which enacts the categorical state percent of growth for a budget year. The categorical state percent of growth may include state percents of growth for the teacher salary supplement, the professional development supplement, ~~and~~ the early intervention supplement, and the teacher leadership supplement.

Sec. 53. Section 257.9, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 11. *Teacher leadership supplement state cost per pupil.* The teacher leadership supplement state cost per pupil amount for the budget year beginning July 1, 2014, shall be calculated by the department of management by dividing the allocation amount for the budget year beginning July 1, 2014, in section 284.13, subsection 1, paragraph "*0e*", subparagraph (5), by one-third of the statewide total budget enrollment for the fiscal year beginning July 1, 2014. The teacher leadership supplement state cost per pupil for the budget year beginning July 1, 2015, and succeeding budget years, shall be the teacher leadership supplement state cost per pupil for the base year plus a supplemental state aid amount that is equal to the teacher leadership supplement categorical state percent of growth, pursuant to section 257.8, subsection 2, for the budget year, multiplied by the teacher leadership supplement state cost per pupil for the base year.

Sec. 54. Section 257.10, subsection 8, paragraph a, Code 2013, is amended to read as follows:

a. Combined district cost is the sum of the regular program district cost per pupil multiplied by the weighted enrollment, the special education support services district cost, the total teacher salary supplement district cost, the total professional development supplement district cost, ~~and~~ the total early intervention supplement district cost, and the total teacher leadership supplement district cost, plus the sum of the additional district cost allocated to the district to fund media services and educational services provided through the area education agency, the area education agency total teacher salary supplement district cost and the area education agency total professional development supplement district cost.

Sec. 55. Section 257.10, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 12. *Teacher leadership supplement cost per pupil and district cost.*

a. The teacher leadership supplement district cost per pupil amount for the budget year beginning July 1, 2014, shall be calculated by the department of management by dividing the allocation amount for the budget year beginning July 1, 2014, in section 284.13, subsection 1, paragraph "*0e*", subparagraph (5), by one-third of the statewide total budget enrollment for the fiscal year beginning July 1, 2014. For the budget year beginning July 1, 2015, and succeeding budget years, the teacher leadership supplement district cost per pupil for each school district for a budget year is the teacher leadership supplement program district cost per pupil for the base year plus the teacher leadership supplement supplemental state aid amount for the budget year.

b. For the budget year beginning July 1, 2015, and succeeding budget years, if the department of management determines that the unadjusted teacher leadership supplement district cost of a school district for a budget year is less than one hundred percent of the unadjusted teacher leadership supplement district cost for the base year for the school district, the school district shall receive a budget adjustment for that budget year equal to the difference.

c. (1) The unadjusted teacher leadership supplement district cost is the teacher leadership supplement district cost per pupil for each school district for a budget year multiplied by the budget enrollment for that school district.

(2) The total teacher leadership supplement district cost is the sum of the unadjusted teacher leadership supplement district cost plus the budget adjustment for that budget year.

d. For the budget year beginning July 1, 2014, and succeeding budget years, the use of the funds calculated under this subsection shall comply with the requirements of chapter 284 and shall be distributed to teachers pursuant to section 284.15. The funds shall be used only to increase the payment for a teacher assigned to a leadership role pursuant to a framework or comparable system approved pursuant to section 284.15; to increase the percentages of teachers assigned to leadership roles; to increase the minimum teacher starting salary to thirty-three thousand five hundred dollars; to cover the costs for the time mentor and lead teachers are not providing instruction to students in a classroom; for coverage of a classroom when an initial or career teacher is observing or co-teaching with a teacher assigned to a leadership role; for professional development time to learn best practices associated with the career pathways leadership process; and for other costs associated with a framework or comparable system approved by the department of education under section 284.15 with the goals of improving instruction and elevating the quality of teaching and student learning.

Sec. 56. Section 257.16, subsection 4, Code 2013, is amended to read as follows:

4. Notwithstanding any provision to the contrary, if the governor orders budget reductions in accordance with section 8.31, the teacher salary supplement district cost, the professional development supplement district cost, ~~and~~ the early intervention supplement district cost, and the teacher leadership supplement district cost as calculated under section 257.10, subsections 9, 10, ~~and~~ 11, and 12, and the area education agency teacher salary supplement district cost and the area education agency professional development supplement district cost as calculated under section 257.37A, subsections 1 and 2, shall be paid in full as calculated and the reductions in the appropriations provided in accordance with this section shall be reduced from the remaining moneys appropriated pursuant to this section and shall be distributed on a per pupil basis calculated with the weighted enrollment determined in accordance with section 257.6, subsection 5.

Sec. 57. Section 282.18, subsection 7, Code 2013, is amended to read as follows:

7. A pupil participating in open enrollment shall be counted, for state school foundation aid purposes, in the pupil's district of residence. A pupil's residence, for purposes of this section, means a residence under section 282.1. The board of directors of the district of residence shall pay to the receiving district the state cost per pupil for the previous school year, and the teacher leadership supplement state cost per pupil for the previous fiscal year as provided in section 257.9, plus any moneys received for the pupil as a result of the non-English speaking weighting under section 280.4, subsection 3, for the previous school year multiplied by the state cost per pupil for the previous year. If the pupil participating in open enrollment is also an eligible pupil under section 261E.6, the receiving district shall pay the tuition reimbursement amount to an eligible postsecondary institution as provided in section 261E.7.

Sec. 58. Section 284.2, subsections 1, 7, and 8, Code 2013, are amended to read as follows:

1. *"Beginning teacher"* means an individual serving under an initial or intern license, issued ~~by the board of educational examiners~~ under chapter 272, who is assuming a position as a teacher. *"Beginning teacher"* includes an individual who is an initial teacher. For purposes of the beginning teacher mentoring and induction program created pursuant to section 284.5, *"beginning teacher"* also includes preschool teachers who are licensed ~~by the board of educational examiners~~ under chapter 272 and are employed by a school district or area education agency. *"Beginning teacher"* does not include a teacher whose employment with a school district or area education agency is probationary unless the teacher is serving under an initial or teacher intern license issued ~~by the board of educational examiners~~ under chapter 272.

7. *"Mentor"* means an individual employed by a school district or area education agency as a teacher or a retired teacher who holds a valid license issued under chapter 272. The individual must have a record of ~~four~~ three years of successful teaching practice, must be

employed on a nonprobationary basis, and must demonstrate professional commitment to both the improvement of teaching and learning and the development of beginning teachers.

8. "*Performance review*" means a summative evaluation of a teacher other than a beginning teacher ~~and~~ that is used to determine whether the teacher's practice meets school district expectations and the Iowa teaching standards~~, and to determine whether the teacher's practice meets school district expectations for career advancement~~ in accordance with section ~~284.7~~ 284.8.

Sec. 59. Section 284.3, subsection 2, paragraph a, Code 2013, is amended to read as follows:

a. For purposes of comprehensive evaluations ~~for~~, standards and criteria which measure a beginning ~~teachers required to allow beginning teachers to progress to career teachers, standards and criteria that are~~ teacher's performance against the Iowa teaching standards specified in subsection 1, and the criteria for the Iowa teaching standards developed by the department in accordance with section 256.9, ~~subsection 46~~ to determine whether the teacher's practice meets the requirements specified for a career teacher. These standards and criteria shall be set forth in an instrument provided by the department. The comprehensive evaluation and instrument are not subject to negotiations or grievance procedures pursuant to chapter 20 or determinations made by the board of directors under section 279.14. A local school board and its certified bargaining representative may negotiate, pursuant to chapter 20, evaluation and grievance procedures for beginning teachers that are not in conflict with this chapter. If, in accordance with section 279.19, a beginning teacher appeals the determination of a school board to an adjudicator under section 279.17, the adjudicator selected shall have successfully completed training related to the Iowa teacher standards, the criteria adopted by the state board ~~of education~~ in accordance with subsection 3, and any additional training required under rules adopted by the public employment relations board in cooperation with the state board ~~of education~~.

Sec. 60. Section 284.3A, subsection 2, paragraph a, Code 2013, is amended to read as follows:

a. For the school budget year beginning July 1, 2010, and each succeeding school year, school districts and area education agencies shall combine payments made to teachers under sections 257.10 and 257.37A with regular wages to create a combined salary. The teacher contract issued under section 279.13 must include the combined salary. If a school district or area education agency uses a salary schedule, a combined salary schedule shall be used for regular wages and for distribution of payments under sections 257.10 and 257.37A, incorporating the salary minimums required in section 284.7, or required under a framework or comparable system approved pursuant to section 284.15. The combined salary schedule must use only the combined salary and cannot differentiate regular salaries and distribution of payments under sections 257.10 and 257.37A.

Sec. 61. Section 284.5, subsection 2, Code 2013, is amended by striking the subsection.

Sec. 62. Section 284.5, subsection 4, Code 2013, is amended to read as follows:

4. Each school district and area education agency shall develop ~~an initial beginning teacher mentoring and induction~~ a plan for the program. A school district shall include its plan in the school district's comprehensive school improvement plan submitted pursuant to section 256.7, subsection 21. The ~~beginning teacher mentoring and induction~~ plan shall, at a minimum, provide for a two-year sequence of induction program content and activities to support the Iowa teaching standards and beginning teacher professional and personal needs; mentor training that includes, at a minimum, skills of classroom demonstration and coaching, and district expectations for beginning teacher competence on Iowa teaching standards; placement of mentors and beginning teachers; the process for dissolving mentor and beginning teacher partnerships; district organizational support for release time for mentors and beginning teachers to plan, provide demonstration of classroom practices, observe teaching, and provide feedback; structure for mentor selection and assignment of mentors to beginning teachers; a district facilitator; and program evaluation.

Sec. 63. Section 284.6, subsection 8, Code 2013, is amended to read as follows:

8. For each year in which a school district receives funds calculated and paid to school districts for professional development pursuant to section 257.10, subsection 10, or section 257.37A, subsection 2, the school district shall create quality professional development opportunities. Not less than thirty-six hours in the school calendar, held outside of the minimum school day, shall be set aside during nonpreparation time or designated professional development time to allow practitioners to collaborate with each other to deliver educational programs and assess student learning, or to engage in peer review pursuant to section 284.8, subsection 1. ~~The goal for the use of the funds is to provide one additional contract day or the equivalent thereof for professional development, and use of the~~ The funds ~~is~~ may be used to implement the professional development provisions of the teacher career paths and leadership roles specified in section 284.7 or 284.15, including but not limited to providing professional development to teachers, including additional salaries for time beyond the normal negotiated agreement; pay for substitute teachers, professional development materials, speakers, and professional development content; and costs associated with implementing the individual professional development plans. The use of the funds shall be balanced between school district, attendance center, and individual professional development plans, making every reasonable effort to provide equal access to all teachers.

Sec. 64. Section 284.7, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 6. This section is repealed July 1, 2016.

Sec. 65. Section 284.9, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 5. This section is repealed July 1, 2016.

Sec. 66. NEW SECTION. **284.11 State supplemental assistance for high-need schools.**

1. *Findings and intent.* The general assembly finds that students whose first language is not English, who have special needs, or who come from low-income backgrounds face potential obstacles to learning. Schools across Iowa, both urban and rural, have increasing numbers of students who face these challenges. Therefore, it is the intent of the general assembly to provide supplemental assistance to the highest-need schools in Iowa to address these challenges. This section provides for state assistance to allow school districts to develop extended learning time programs, hire instructional support staff, provide additional professional development, or supplement the salary of teachers in the identified schools.

2. *Department's responsibilities.* The department shall do the following:

a. Collect relevant data and establish a list of high-need schools eligible for state supplemental assistance. The department shall establish a process and criteria to determine which schools are placed on the list and the department shall revise the list annually. Criteria for the determination of which high-need schools shall be placed on the list shall be based upon factors that include but are not limited to the socioeconomic status of the students enrolled in the school, the percentage of the school's student body who are limited English proficient students, student academic growth, certified instructional staff attrition, and geographic balance. The department may approve or disapprove requests for revision of the list, which a school district submits pursuant to subsection 3.

b. Develop a standardized process for distributing moneys appropriated for supplemental assistance for high-need schools under section 284.13, subsection 1, paragraph *"00e"*, to school districts. In determining the process for distribution of such moneys, the department shall take into consideration the amount of moneys appropriated for supplemental assistance in high-need schools for the given year and the minimal amount of moneys needed to increase the academic achievement of students. A school district receiving moneys pursuant to this section shall certify annually to the department how the moneys distributed to the school district pursuant to this section were used by the school district.

c. Review the use and effectiveness of the funds distributed to school districts for supplemental assistance in high-need schools under this section, and consider the findings and recommendations of the commission on educator leadership and compensation submitted pursuant to section 284.15, subsection 13, relating to the use and effectiveness of

the funds distributed to school districts under this section. The department shall submit its findings and recommendations in a report to the general assembly by January 15 annually.

3. *School district request for approval.* A school district may request on an annual basis approval from the department for additions to the list of high-need schools the department maintains pursuant to subsection 2 based upon the unique local conditions and needs of the school district. The criteria used to determine the placement of high-need schools on the list in accordance with subsection 2, does not restrict the department from adding a high-need school to the list as requested by a school district on the basis of unique local conditions and needs pursuant to this subsection.

4. *Moneys received and miscellaneous income.* The distribution of moneys allocated pursuant to section 284.13, subsection 1, paragraph *"00e"*, to a school district shall be made in one payment on or about October 15 of the fiscal year for which the appropriation is made, taking into consideration the relative budget and cash position of the state resources. Such moneys shall not be commingled with state aid payments made under section 257.16 to a school district and shall be accounted for by the local school district separately from state aid payments. Payments made to school districts under this section are miscellaneous income for purposes of chapter 257. A school district shall maintain a separate listing within its budget for payments received and expenditures made pursuant to this section.

5. *Moneys received to supplement salaries.* Moneys received by a school district pursuant to section 284.13, subsection 1, paragraph *"00e"*, shall be used to supplement and not supplant the salary being received by a teacher in a high-need school, and shall not be considered under chapter 20 by an arbitrator or other third party in determining a comparison of the wages of teachers in that high-need school with the wages of teachers in other buildings or in another school district.

Sec. 67. Section 284.13, subsection 1, Code 2013, is amended by adding the following new paragraphs:

NEW PARAGRAPH. *0e.* (1) For the following years, to the department of education, for purposes of teacher leadership supplemental aid payments to school districts for implementing the career paths, leadership roles, and compensation framework or comparable system approved in accordance with section 284.15, subsection 6, the following amounts:

(a) For the fiscal year beginning July 1, 2014, and ending June 30, 2015, fifty million dollars.

(b) For the fiscal year beginning July 1, 2015, and ending June 30, 2016, fifty million dollars.

(c) For the fiscal year beginning July 1, 2016, and ending June 30, 2017, fifty million dollars.

(2) (a) For the initial school year for which a school district receives department approval for and implements a framework or comparable system in accordance with section 284.15, teacher leadership supplement foundation aid payable to that school district shall be paid from the allocation made in subparagraph (1) for that school year. For that school year, the teacher leadership supplement foundation aid payable to the school district is the product of the teacher leadership district cost per pupil for the school year multiplied by the school district's budget enrollment.

(b) For budget years subsequent to the initial school year for which a school district implemented a system and received funding pursuant to subparagraph division (a), the teacher leadership supplement foundation aid payable to that school district shall be paid from the appropriation made in section 257.16.

(3) Of the moneys allocated to the department for the purposes of this paragraph *"0e"*, for each fiscal year included in subparagraph (1), not more than seven hundred thousand dollars shall be used by the department for the development of a delivery system to assist in implementing the career paths and leadership roles considered pursuant to sections 284.15, 284.16, and 284.17, including but not limited to planning grants to school districts and area education agencies, technical assistance for the department, technical assistance for districts and area education agencies, training and staff development, and the contracting of external expertise and services. In using moneys allocated for purposes of this subparagraph (3), the department shall give priority to school districts with certified enrollments of fewer than six hundred students. A portion of the moneys allocated annually to the department for purposes

of this subparagraph (3) may be used by the department for administrative purposes and for not more than five full-time equivalent positions.

(4) Of the moneys allocated to the department for purposes of this paragraph *"0e"*, for each fiscal year of the fiscal period beginning July 1, 2014, and ending June 30, 2017, the amount remaining after the allocations in subparagraph (3) shall be payable to the school districts that have an approved career path, leadership roles, and compensation framework or approved comparable system as provided in section 284.15.

(5) For each fiscal year of the fiscal period beginning July 1, 2014, and ending June 30, 2017, moneys received by a school district pursuant to this paragraph *"0e"* shall not be considered under chapter 20 by an arbitrator or other third party in determining a comparison of the wages of teachers in that school district with the wages of teachers in another school district.

(6) The receipt of funding by a school district for the purposes of this paragraph *"0e"*, and the need for additional funding for the purposes of this paragraph *"0e"*, or the enrollment count of eligible students under this chapter, shall not be considered to be unusual circumstances, create an unusual need for additional funds, or qualify under any other circumstances that may be used by the school budget review committee to grant supplemental aid to or establish a modified supplemental amount for a school district under section 257.31.

NEW PARAGRAPH. *00e.* For the fiscal year beginning July 1, 2014, and for each subsequent fiscal year, to the department of education, ten million dollars for purposes of implementing the supplemental assistance for high-need schools provisions of section 284.11. Annually, of the moneys allocated to the department for purposes of this paragraph, up to one hundred thousand dollars may be used by the department for administrative purposes and for not more than one full-time equivalent position.

Sec. 68. Section 284.13, subsection 1, paragraph e, Code 2013, is amended to read as follows:

e. Notwithstanding section 8.33, any moneys remaining unencumbered or unobligated from the moneys allocated for purposes of ~~paragraph~~ paragraphs *"a"*~~, *"b"*, or *"c"*~~ through *"00e"* shall not revert but shall remain available in the succeeding fiscal year for expenditure for the purposes designated. The provisions of section 8.39 shall not apply to the funds appropriated pursuant to this subsection.

Sec. 69. Section 284.13, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 3. The state board may adopt rules which assure the allocation of resources under this section in a manner that optimizes the fulfillment of the purposes specified in sections 284.11, 284.15, 284.16, and 284.17.

Sec. 70. NEW SECTION. **284.15 Iowa teacher career paths, leadership roles, and compensation framework.**

1. To promote continuous improvement in Iowa's quality teaching workforce and to give Iowa teachers the opportunity for career recognition that reflects the various roles teachers play as educational leaders, a framework for Iowa teacher career paths, leadership roles, and compensation is established under subsection 2 for teachers employed by school districts. Pursuant to subsection 6, a school district may apply to the department for approval to implement the framework or a comparable system of career paths and compensation for teachers that contains differentiated, multiple leadership roles as provided in this section, and sections 284.16 and 284.17. A teacher employed by an area education agency may be included in a framework or comparable system established by a school district if the area education agency and the school district enter into a contract for such purpose. The framework is designed to accomplish the following goals:

a. To attract able and promising new teachers by offering competitive starting salaries and offering short-term and long-term professional development and leadership opportunities.

b. To retain effective teachers by providing enhanced career opportunities.

c. To promote collaboration by developing and supporting opportunities for teachers in schools and school districts statewide to learn from each other.

d. To reward professional growth and effective teaching by providing pathways for career opportunities that come with increased leadership responsibilities and involve increased compensation.

e. To improve student achievement by strengthening instruction.

2. The Iowa teacher career paths, leadership roles, and compensation requirements under the framework shall be as follows:

a. Initial teacher.

(1) The salary for an initial teacher who has successfully completed an approved practitioner preparation program as defined in section 272.1 or holds an initial or intern teacher license issued under chapter 272, and who participates in the initial teacher mentoring and induction program as provided in this chapter, shall be at least thirty-three thousand five hundred dollars, which shall also constitute the minimum salary for an Iowa teacher.

(2) An initial teacher shall complete a teacher residency during the first year of employment that has all of the following characteristics:

(a) Intensive supervision or mentoring by a mentor teacher or lead teacher.

(b) Sufficient collaboration time for the initial teacher in the residency year to be able to observe and learn from model teachers, mentor teachers, and lead teachers employed by school districts located in this state.

(c) A teaching contract issued under section 279.13 that establishes an employment period which is five days longer than that required for career teachers employed by the school district of employment. The five additional contract days shall be used to strengthen instructional leadership in accordance with this subsection.

(d) Frequent observation, evaluation, and professional development opportunities.

b. Career teacher. A career teacher is a teacher who holds a statement of professional recognition issued under chapter 272 or who meets all of the following requirements:

(1) Has successfully completed the initial teacher mentoring and induction program and has successfully completed a comprehensive evaluation.

(2) Has demonstrated the competencies of a career teacher as determined under the school district's comprehensive evaluation of the initial teacher.

(3) Holds a valid license issued under chapter 272.

(4) Participates in teacher professional development as set forth in this chapter and demonstrates continuous improvement in teaching.

c. Model teacher. A model teacher is a teacher who meets the requirements of paragraph "*b*", has met the requirements established by the school district that employs the teacher, is evaluated by the school district as demonstrating the competencies of a model teacher, has participated in a rigorous review process, and has been recommended for a one-year assignment as a model teacher by a site-based review council appointed pursuant to subsection 4. A school district shall designate at least ten percent of its teachers as model teachers, though the district may enter into an agreement with one or more other districts or an area education agency to meet this requirement through a collaborative arrangement. The terms of the teaching contracts issued under section 279.13 to model teachers shall exceed by five days the terms of teaching contracts issued under section 279.13 to career teachers, and the five additional contract days shall be used to strengthen instructional leadership in accordance with this subsection. A model teacher shall receive annually a salary supplement of at least two thousand dollars.

d. Mentor teacher. A mentor teacher is a teacher who is evaluated by the school district as demonstrating the competencies and superior teaching skills of a mentor teacher, and has been recommended for a one-year assignment as a mentor teacher by a site-based review council appointed pursuant to subsection 4. In addition, a mentor teacher shall hold a valid license issued under chapter 272, participate in teacher professional development as outlined in this chapter, demonstrate continuous improvement in teaching, and possess the skills and qualifications to assume leadership roles. A mentor teacher shall have a teaching load of not more than seventy-five percent student instruction to allow the teacher to mentor other teachers. A school district shall designate at least ten percent of its teachers as mentor teachers, though the district may enter into an agreement with one or more other districts or an area education agency to meet this requirement through a collaborative arrangement.

The terms of the teaching contracts issued under section 279.13 to mentor teachers shall exceed by ten days the terms of teaching contracts issued under section 279.13 to career teachers, and the ten additional contract days shall be used to strengthen instructional leadership in accordance with this subsection. A mentor teacher shall receive annually a salary supplement of at least five thousand dollars.

e. Lead teacher. A lead teacher is a teacher who holds a valid license issued under chapter 272 and has been recommended for a one-year assignment as a lead teacher by a site-based review council appointed pursuant to subsection 4. The recommendation from the council must assert that the teacher possesses superior teaching skills and the ability to lead adult learners. A lead teacher shall assume leadership roles that may include but are not limited to the planning and delivery of professional development activities designed to improve instructional strategies; the facilitation of an instructional leadership team within the lead teacher's building, school district, or other school districts; the mentoring of other teachers; and participation in the evaluation of student teachers. A lead teacher shall have a teaching load of not more than fifty percent student instruction to allow the lead teacher to spend time on co-teaching; co-planning; peer reviews; observing career teachers, model teachers, and mentor teachers; and other duties mutually agreed upon by the superintendent and the lead teacher. A school district shall designate at least five percent of its teachers as lead teachers, though the district may enter into an agreement with one or more other districts or an area education agency to meet this requirement through a collaborative arrangement. The terms of the teaching contracts issued under section 279.13 to lead teachers shall exceed by fifteen days the terms of teaching contracts issued under section 279.13 to career teachers, and the fifteen additional contract days shall be used to strengthen instructional leadership in accordance with this subsection. A lead teacher shall receive annually a salary supplement of at least ten thousand dollars.

3. The salary supplement received by a teacher assigned to a leadership role shall fully cover the salary costs of the additional contract days required of teachers in those leadership roles. Notwithstanding any provision of law to the contrary, the determinations of salary supplements paid pursuant to this section are not subject to appeal.

4. The school board shall appoint a site-based review council for the district's attendance centers. Attendance centers may share a site-based review council if the appointments meet the requirements specified in paragraph "*a*".

a. Each council shall be comprised of equal numbers of teachers and administrators.

b. The council shall accept and review applications submitted to the school's or the school district's administration for assignment or reassignment in a teacher leadership role, and shall make recommendations regarding the applications to the superintendent of the school district. In developing recommendations, the council shall utilize measures of teacher effectiveness and professional growth, consider the needs of the school district, and review the performance and professional development of the applicants. Any teacher recommended for assignment or reassignment in a teacher leadership role shall have demonstrated to the council's satisfaction competency on the Iowa teaching standards as set forth in section 284.3.

c. An assignment in a teacher leadership role under an approved framework or comparable system shall be subject to review by the school's or the school district's administration at least annually. The review shall include peer feedback on the effectiveness of the teacher's performance of duty specific to the teacher's career path. A teacher who completes the time period of assignment in a teacher leadership role may apply to the school's or the school district's administration for assignment in a new role, if appropriate, or for reassignment.

5. A teacher employed in a school district shall not receive less compensation in that district than the teacher received in the school year preceding implementation of the framework or a comparable system approved pursuant to this section. A teacher who achieves national board for professional teaching standards certification and meets the requirements of section 256.44 shall continue to receive the award as specified in section 256.44 in addition to the compensation set forth in this section.

6. *a.* A school district may apply to the department for approval to implement the career paths, leadership roles, and compensation framework specified in subsection 2, or a comparable system of career paths and compensation for teachers that contains differentiated multiple leadership roles. The director shall consider the recommendations

of the commission established pursuant to subsection 12 when approving or disapproving applications submitted pursuant to this section. A school district may modify an approved framework or comparable system if the director approves the modification. A school district may appeal the director's decision to the state board and the state board's decision is final.

b. At any time during a school year, a school district approved to implement the framework or a comparable system pursuant to this subsection may apply to the department to waive full or partial implementation of the approved framework or system for the current school year. The school district shall submit to the department for approval a modified implementation plan for the school year following the school year for which the district received a waiver pursuant to this paragraph if the school district wishes to continue partial implementation beyond the school year for which the district received a waiver. The state board may adopt by rule a limitation on the number of times a school district may apply for a waiver in accordance with this paragraph.

c. A school district approved to implement the framework or a comparable system pursuant to this subsection shall submit to the department for approval any proposed change to the framework or comparable system.

d. By March 1 of the school year preceding implementation, a school district that has been approved to implement the framework or a comparable system pursuant to this subsection may opt out of implementation of the framework or comparable system by notifying the department of its intent to withdraw from implementation. The department shall notify the department of management that the school district is no longer approved to implement the framework or comparable system and is not eligible to receive teacher leadership supplement foundation aid under chapter 257 or this chapter.

e. A school district whose application for approval to implement a comparable system or modified comparable system is denied may appeal the department's decision to the state board.

7. The department shall establish criteria and a process for application and approval of the framework established under subsection 1, and for comparable systems that meet the requirements of section 284.16 or 284.17, which a school district may implement pursuant to subsection 6 in order to receive teacher leadership supplement foundation aid calculated under section 257.10, subsection 12.

8. For purposes of this section a comparable system means either of the following:

a. An instructional coach model as set forth in section 284.16 and approved by the department pursuant to this section.

b. A system of career paths and compensation for teachers that contains differentiated, multiple leadership roles as set forth in section 284.17 and approved by the department pursuant to this section.

9. A school district is encouraged to utilize appropriately licensed teachers emeritus in the implementation of this section and sections 284.16 and 284.17.

10. The framework or comparable system approved and implemented by a school district in accordance with this section shall be applicable to teachers in every attendance center operated by the school district.

11. Subject to an appropriation by the general assembly for purposes of this subsection, a school district may apply to the department for a planning grant to design an implementation strategy for the framework established pursuant to subsection 1 or a comparable system of career paths and compensation for teachers that contains differentiated multiple leadership roles. The planning grant shall be used to facilitate a local decision-making process that includes representation of administrators, teachers, and parents and guardians of students. The department shall establish and make available an application for the awarding of planning grants for purposes of this subsection.

12. The department shall establish, and provide staffing and administrative support for a commission on educator leadership and compensation. The commission shall monitor with fidelity the implementation of the frameworks and comparable systems by school districts pursuant to this section and sections 284.16 and 284.17. The commission shall also evaluate and make recommendations to the department on applications for approval of a framework or comparable system submitted to the department pursuant to subsection 6, and on the expenditure of moneys appropriated for purposes of this section. In addition, the

commission shall review the use and effectiveness of the funds distributed to school districts for supplemental assistance to high-need schools under section 284.11.

a. The commission shall be comprised of nineteen voting members. The director of the department or the director's designee shall serve as a nonvoting, ex officio member. The voting members shall include the following:

(1) Members appointed by the following designated organizations, at the discretion of the organization:

(a) Five teachers by the Iowa state education association.

(b) Three school administrators by the school administrators of Iowa.

(c) Two school board members by the Iowa association of school boards.

(d) One person appointed jointly by the administrators of the area education agencies created under chapter 273.

(2) Members appointed by the director as follows:

(a) Two teachers, each of whom shall be employed by a school district, an area education agency, or an accredited nonpublic school.

(b) One person who is a parent of a child enrolled in a school district.

(c) One person who is a business leader.

(d) One person who represents the largest approved practitioner preparation institution in the state.

(3) The executive director of the Iowa state education association or the executive director's designee.

(4) The executive director of the school administrators of Iowa or the executive director's designee.

(5) The executive director of the Iowa association of school boards or the executive director's designee.

b. Members shall be appointed to staggered three-year terms which begin and end as provided in section 69.19. Appointments shall comply with sections 69.16, 69.16A, and 69.16C. Vacancies on the commission shall be filled in the same manner as the original appointment. A person appointed to fill a vacancy shall serve only for the unexpired portion of the term. Members are entitled to reimbursement of actual expenses incurred in performance of their official duties.

c. By December 15 annually, the commission shall submit its findings and any recommendations, including but not limited to any recommendations for changes to the framework established in subsections 1 and 2, and the comparable systems set forth in sections 284.16 and 284.17, and for changes to section 284.11 relating to state supplemental assistance to high-need schools, in a report to the director, the state board, the governor, and the general assembly.

13. *a.* Teacher leadership supplement foundation aid calculated under section 257.10, subsection 12, shall be paid as part of the state aid payments made to school districts in accordance with section 257.16.

b. Notwithstanding section 284.3A, teacher leadership supplement foundation aid shall not be combined with regular wages to create a combined salary.

c. The teacher leadership supplement district cost as calculated under section 257.10, subsection 12, is not subject to a uniform reduction in accordance with section 8.31.

14. The provisions of this chapter shall be subject to legislative review at least every three years. The review shall be based upon a status report from the commission on educator leadership and compensation, which shall be prepared with the assistance of the departments of education, management, and revenue. The status report shall review and report on the department's assignment and utilization of full-time equivalent positions, and shall include information on teacher retention, teacher compensation, academic quality of beginning teachers, teacher evaluation results, student achievement trend and comparative data, and recommendations for changes to the teacher leadership supplement foundation aid and the framework or comparable systems approved pursuant to this section. The first status report shall be submitted to the general assembly by January 15, 2017, with subsequent status reports prepared and submitted to the general assembly by January 15 at least every third year thereafter.

Sec. 71. NEW SECTION. **284.16 Instructional coach model.**

1. *Instructional coach model.* The instructional coach and curriculum and professional development leader model shall include, at a minimum, the following levels and requirements:

a. Beginning teacher level. The beginning teacher shall be paid not less than thirty-three thousand five hundred dollars and shall meet the following requirements:

(1) Has successfully completed an approved practitioner preparation program as defined in section 272.1 or holds an intern teacher license issued under chapter 272.

(2) Holds an initial or intern teacher license issued under chapter 272.

(3) Participates in the beginning teacher mentoring and induction program as provided in this chapter.

(4) Completes, during the initial year of teaching, a teacher residency that meets the requirements set forth in section 284.15, subsection 2, paragraph *"a"*, subparagraph (2).

b. Career teacher level. A career teacher is a teacher who holds a statement of professional recognition issued under chapter 272 or who meets the following requirements:

(1) Has successfully completed the beginning teacher mentoring and induction program and has successfully completed a comprehensive evaluation.

(2) Is reviewed by the school district as demonstrating the competencies of a career teacher.

(3) Holds a valid license issued under chapter 272.

(4) Participates in teacher professional development as set forth in this chapter and demonstrates continuous improvement in teaching.

c. Instructional coach level.

(1) An instructional coach shall, at a minimum, meet the requirements specified for a career teacher in paragraph *"b"*, and engage full-time in instructional coaching.

(2) For purposes of this paragraph, *"instructional coaching"* means additional guidance in one or more aspects of the teaching profession provided to teachers.

(3) Assignment as an instructional coach to an individual teacher shall be based on either a request from a principal or from an individual teacher upon approval of a principal.

(4) Instructional coaching shall include detailed preliminary discussions as to areas in which the teachers being coached desire to improve; formulation of an action plan to bring about such improvement; in-class supervision by the instructional coach; postclass discussion of strengths, weaknesses, and strategies for improvement; and dialogue between the instructional coach and students and school officials regarding the teachers being coached. An instructional coach shall coordinate instructional coaching activities relating to training and professional development with an area education agency where appropriate.

(5) The contract term for an instructional coach shall exceed by ten days the contract term issued to career teachers under section 279.13. An instructional coach shall receive a stipend of not less than five thousand nor more than seven thousand dollars annually in addition to the teacher's salary as a career teacher.

d. Curriculum and professional development leader level. The contract term for a curriculum and professional development leader shall exceed by fifteen days the contract term issued to model teachers under section 279.13, and the curriculum and professional development leader shall receive a stipend of not less than ten thousand nor more than twelve thousand dollars annually in addition to the teacher's salary as a career teacher. A curriculum and professional development leader shall do the following:

(1) Provide and demonstrate teaching on an ongoing basis.

(2) Routinely work strategically with teachers in planning, monitoring, reviewing, and implementing best instructional practices.

(3) Observe and coach teachers in effective instructional practices.

(4) Support teacher growth and reflective practices.

(5) Work with and train classroom teachers to provide interventions aligned by subject area.

(6) Support instruction and learning through the use of technology.

(7) Actively participate in collaborative problem solving and reflective practices which include but are not limited to professional study groups, peer observations, grade level planning, and weekly team meetings.

(8) Plan and deliver professional development activities designed to improve instructional strategies.

(9) Engage in the development, adoption, and implementation of curriculum and curricular materials.

e. Model teacher level.

(1) A model teacher is a teacher who meets the requirements of paragraph *"b"*, has met the requirements established by the school district that employs the teacher, is evaluated by the school district as demonstrating the competencies of a model teacher, has participated in a rigorous review process, and has been recommended for a one-year assignment as a model teacher by a site-based review council in the manner provided under section 284.15, subsection 4.

(2) The contract term for a model teacher shall exceed by five days the contract term issued to career teachers under section 279.13, and the five additional contract days shall be used to strengthen instructional leadership. A model teacher shall receive annually a salary supplement of at least two thousand dollars.

2. *Goals.* Each school district approved under section 284.15 to implement the instructional coach model as specified in this section shall establish the following goals for leadership participation:

a. Instructional coach goal. Assignment, annually, of at least one instructional coach at each attendance center or at least one instructional coach for every five hundred students enrolled in an attendance center, whichever number is greater.

b. Model teacher goal. Assignment of at least ten percent of its teachers annually as model teachers.

c. Equivalent leadership participation goal. As nearly as possible, the total number of hours of coaching and leadership duties performed by instructional coaches and curriculum and professional development leaders shall be equal to the total number of hours of noninstructional, mentoring, and leadership duties for a school district teaching staff of equal size implementing the framework as set forth in section 284.15, subsection 2.

3. *Requirements for implementation and receipt of teacher leadership supplement funds.* A school district implementing the instructional coach model shall receive funds under section 257.10, subsection 12.

4. *Applicability.* The provisions of section 284.15, subsections 3 through 11, shall apply to school districts implementing the instructional coach model.

Sec. 72. NEW SECTION. **284.17 Comparable system criteria.**

Any comparable system of career paths and compensation for teachers approved pursuant to section 284.15, including the instructional coach model set forth in section 284.16, shall include, at a minimum, all of the following components:

1. A minimum salary of thirty-three thousand five hundred dollars for a full-time teacher.

2. Increased support for new teachers and veteran teachers where appropriate, such as additional coaching, mentoring, and opportunities for observing exceptional instructional practice.

3. Differentiated, multiple teacher leadership roles beyond the initial teacher and career teacher levels, in which a goal of at least twenty-five percent of the teacher workforce serves additional contract days with compensation commensurate with the responsibilities for the leadership role. A district shall demonstrate that a good-faith effort has been made to attain participation by twenty-five percent of the teacher workforce and that no other practical alternative is available to meet the goal. These leadership roles may include but shall not be limited to all of the following:

a. Instructional coaches who engage full-time or part-time in instructional coaching.

b. Peer coaches who provide additional guidance in one or more aspects of the teaching profession to other teachers during normal noninstructional time. Peer coaches may be used only as one element of a more extensive teacher leadership plan.

c. Curriculum and professional development leaders who engage full-time or part-time in the planning, development, and implementation of curriculum and professional development.

d. Model teachers who teach full-time and serve as models of exemplary teaching practice.

e. Mentor teachers who teach full-time or part-time and also support the professional development of initial and career teachers.

f. Lead teachers who teach full-time or part-time and also plan and deliver professional development activities or engage in other activities designed to improve instructional strategies.

4. A rigorous selection process for placement into and retention in teacher leadership roles. The process shall include all of the following components:

a. The use of measures of effectiveness and professional growth to determine suitability for the role.

b. A selection committee that includes teachers and administrators who shall accept and review applications for assignment or reassignment to a teacher leadership role and shall make recommendations regarding the applications to the superintendent of the school district.

c. An annual review of the assignment to a teacher leadership role by the school's or school district's administration. The review shall include peer feedback on the effectiveness of the teacher's performance of duty specific to the teacher's leadership role. A teacher who completes the time period of assignment to a leadership role may apply to the school's or the school district's administration for assignment in a new leadership role, if appropriate, or for reassignment.

d. A requirement that a teacher assigned to a leadership role must have at least three years of teaching experience, and at least one year of experience in the school district.

5. A professional development system facilitated by teachers and other education experts and aligned with the Iowa professional development model adopted by the state board.

6. A school district approved to implement a comparable system pursuant to section 284.15, and which meets the requirements of this section, shall receive funds under section 257.10, subsection 12.

Sec. 73. ATTENDANCE CENTER PERFORMANCE RANKINGS — PERFORMANCE INDEX.

1. The department of education shall develop criteria and a process for school districts to use to establish specific performance goals and to evaluate the performance of each attendance center operated by the district in order to arrive at an overall school performance grade and report card for each attendance center. This information must be posted on the department of education's internet site with information for each attendance center listed separately. The criteria shall include but not be limited to student academic growth, parent involvement, student attendance, employee turnover, and community activities and involvement.

2. The department shall develop an achievement score that calculates aggregate growth as well as aggregate proficiency of students which when combined with other academic indicators results in an overall school performance grade for each attendance center in the school district. The performance grade may also be used as one measure to rank and classify schools into six different performance categories: exceptional, high performing, commendable, acceptable, needs improvement, and priority. The categories may be used to define support and specialized assistance to schools classified as needs improvement or priority as well as to recognize schools designated exceptional or high performing. Additionally, a closing gap score shall be calculated as another measure to determine subgroup performance and to rank and classify attendance centers. Other academic indicators shall be defined as criterion referenced variables that will be utilized in the calculation of the performance grade. Other academic indicators shall include but not be limited to graduation rates, attendance rates, and college-readiness rates. Additional indicators of academic success and progress may include post-graduation data, suspension and expulsion rates, levels of student engagement, parent satisfaction, parent engagement, and staff working conditions.

3. The department shall submit its findings and recommendations in a report to the state board of education, the governor, and the general assembly by July 1, 2014.

Sec. 74. CODE EDITOR DIRECTIVE. The Code editor shall delete references in the Code, and Code language directly related to the references, to sections and subsections of the Code repealed by this division of this Act effective July 1, 2016.

Sec. 75. EFFECTIVE DATE. The following provision or provisions of this division of this Act take effect July 1, 2014:

1. The section of this division of this Act amending section 282.18.

DIVISION VIII
COMPETENCY-BASED INSTRUCTION TASK FORCE

Sec. 76. NEW SECTION. **256.24 Competency-based education grant program.**

1. The department shall establish a competency-based education grant program to award grants to not more than ten school districts annually for purposes of developing, implementing, and evaluating competency-based education pilot and demonstration projects.

2. The department shall develop grant application, selection, and evaluation criteria.

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

4. Grant moneys shall be distributed to selected school districts by the department no later than December 1, 2013. Grant amounts shall be distributed as determined by the department.

5. The department shall submit progress reports analyzing the status and preliminary findings of the projects to the state board, the governor, and the general assembly by January 15 annually. The department shall summarize the projects' findings, including student achievement results, and submit the summary and any recommendations in a final report to the state board, the governor, and the general assembly by January 15, 2019.

6. This section is repealed July 1, 2019.

Sec. 77. 2012 Iowa Acts, chapter 1119, section 2, subsection 2, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. Develop a draft strategic plan and proposed timeline for statewide implementation of competency-based learning for consideration by the general assembly.

Sec. 78. EFFECTIVE UPON ENACTMENT. The section of this division of this Act amending 2012 Iowa Acts, chapter 1119, section 2, subsection 2, being deemed of immediate importance, takes effect upon enactment.

DIVISION IX
INSTRUCTIONAL HOURS

Sec. 79. Section 256.7, subsection 19, Code 2013, is amended to read as follows:

19. Define ~~the minimum school day as a day consisting of five and one-half hours of~~ instructional ~~time for grades one through twelve. The minimum~~ days or hours as time that shall be exclusive of the lunch period, but may include passing time between classes. Time spent on parent-teacher conferences shall be considered instructional time. ~~A school or school district may record a day of school with less than the minimum instructional hours as a minimum school day if any of the following apply:~~

~~*a.* If emergency health or safety factors require the late arrival or early dismissal of students on a specific day.~~

~~*b.* If the total hours of instructional school time for grades one through twelve for any five consecutive school days equal a minimum of twenty-seven and one-half hours, even though any one day of school is less than the minimum instructional hours because of a staff development opportunity provided for the professional instructional staff or because parent-teacher conferences have been scheduled beyond the regular school day. Furthermore, if the total hours of instructional time for the first four consecutive days equal at least twenty-seven and one-half hours because parent-teacher conferences have been scheduled beyond the regular school day, a school or school district may record zero hours of instructional time on the fifth consecutive school day as a minimum school day.~~

Sec. 80. Section 256F.4, subsection 5, Code 2013, is amended to read as follows:

5. A charter school or innovation zone school shall provide instruction for at least the number of days or hours required by section 279.10, subsection 1~~, or shall provide at least the equivalent number of total hours~~.

Sec. 81. Section 279.10, subsection 1, Code 2013, is amended to read as follows:

1. The school year for each school district and accredited nonpublic school shall begin on ~~the first day of~~ July 1 and each regularly established elementary and secondary school shall begin no sooner than a day during the calendar week in which the first day of September falls but no later than the first Monday in December. However, if the first day of September falls on a Sunday, school may begin on a day during the calendar week which immediately precedes the first day of September. ~~School shall continue for at least one hundred eighty days, except as provided in subsection 3, and may be maintained~~ The school calendar shall include not less than one hundred eighty days, except as provided in subsection 3, or one thousand eighty hours of instruction during the ~~entire~~ calendar year. ~~However, if~~ The board of directors of a school district and the authorities in charge of an accredited nonpublic school shall set the number of days or hours of required attendance for the school year as provided in section 299.1, subsection 2, but the board of directors of a school district shall hold a public hearing on any proposed school calendar prior to adopting the school calendar. If the board of directors of a district or the authorities in charge of an accredited nonpublic school extends the school calendar because inclement weather caused the school district or accredited nonpublic school to temporarily close ~~school~~ during the regular school calendar, the school district or accredited nonpublic school may excuse a graduating senior who has met district or school requirements for graduation from attendance during the extended school calendar. A school corporation may begin employment of personnel for in-service training and development purposes before the date to begin elementary and secondary school.

Sec. 82. Section 279.10, subsection 2, Code 2013, is amended to read as follows:

2. The board of directors shall hold a public hearing on any proposal relating to the school calendar prior to submitting it to the department of education for approval.

Sec. 83. Section 299.1, subsection 2, Code 2013, is amended to read as follows:

2. The board of directors of a public school district or the governing body of an accredited nonpublic school shall set the number of days or hours of required attendance for the schools under its control. The board of directors of a public school district or the governing body of an accredited nonpublic school may, by resolution, require attendance for the entire time when the schools are in session in any school year and adopt a policy or rules relating to the reasons considered to be valid or acceptable excuses for absence from school.

Sec. 84. Section 299.4, subsection 1, Code 2013, is amended to read as follows:

1. The parent, guardian, or legal custodian of a child who is of compulsory attendance age, who places the child under competent private instruction under either section 299A.2 or 299A.3, not in an accredited school or a home school assistance program operated by a school district or accredited nonpublic school, shall furnish a report in duplicate on forms provided by the public school district, to the district by ~~the earliest starting date specified in section 279.10, subsection 1~~ September 1 of the school year in which the child will be under competent private instruction. The secretary shall retain and file one copy and forward the other copy to the district's area education agency. The report shall state the name and age of the child, the period of time during which the child has been or will be under competent private instruction for the year, an outline of the course of study, texts used, and the name and address of the instructor. The parent, guardian, or legal custodian of a child, who is placing the child under competent private instruction for the first time, shall also provide the district with evidence that the child has had the immunizations required under section 139A.8, and, if the child is elementary school age, a blood lead test in accordance with section 135.105D. The term *"outline of course of study"* shall include subjects covered, lesson plans, and time spent on the areas of study.

Sec. 85. EFFECTIVE DATE. This division of this Act takes effect July 1, 2014.

DIVISION X
PRIVATE INSTRUCTION EXEMPTION

Sec. 86. Section 299.4, subsection 1, Code 2013, is amended to read as follows:

1. The parent, guardian, or legal custodian of a child who is of compulsory attendance age, who places the child under competent private instruction under ~~either~~ section 299A.2 ~~or 299A.3~~, not in an accredited school or a home school assistance program operated by a school district or accredited nonpublic school, shall furnish a report in duplicate on forms provided by the public school district, to the district by the earliest starting date specified in section 279.10, subsection 1. The secretary shall retain and file one copy and forward the other copy to the district's area education agency. The report shall state the name and age of the child, the period of time during which the child has been or will be under competent private instruction for the year, an outline of the course of study, texts used, and the name and address of the instructor. The parent, guardian, or legal custodian of a child, who is placing the child under competent private instruction for the first time, shall also provide the district with evidence that the child has had the immunizations required under section 139A.8, and, if the child is elementary school age, a blood lead test in accordance with section 135.105D. The term *"outline of course of study"* shall include subjects covered, lesson plans, and time spent on the areas of study.

Sec. 87. Section 299A.1, unnumbered paragraph 2, Code 2013, is amended to read as follows:

For purposes of this chapter, *"competent private instruction"* means private instruction provided on a daily basis for at least one hundred forty-eight days during a school year, to be met by attendance for at least thirty-seven days each school quarter, by or under the supervision of a licensed practitioner in the manner provided under section 299A.2, ~~or other person under section 299A.3,~~ which results in the student making adequate progress.

Sec. 88. Section 299A.3, unnumbered paragraph 1, Code 2013, is amended to read as follows:

A parent, guardian, or legal custodian of a child of compulsory attendance age providing ~~competent~~ private instruction to the child ~~shall~~ may meet all of the following requirements:

DIVISION XI
INDEPENDENT ACCREDITATION OF NONPUBLIC SCHOOLS

Sec. 89. Section 256.11, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 16. *a.* Notwithstanding subsections 1 through 12, a nonpublic school may be accredited by an approved independent accrediting agency instead of by the state board as provided in this subsection. The state board shall maintain a list of approved independent accrediting agencies comprised of at least six regional or national nonprofit, nongovernmental agencies recognized as reliable authorities concerning the quality of education offered by a school and shall publish the list of independent accrediting agencies on the department's internet site. The list shall include accrediting agencies that, as of January 1, 2013, accredited a nonpublic school in this state that was concurrently accredited under this section; and any agency that has a formalized partnership agreement with another agency on the list and has member schools in this state as of January 1, 2013.

b. A nonpublic school that participates in the accreditation process offered by an independent accrediting agency on the approved list published pursuant to paragraph *"a"* shall be deemed to meet the education standards of this section. However, such a school shall comply with statutory health and safety requirements for school facilities.

c. If the state board takes preliminary action to remove an agency from the approved list published on the department's internet site pursuant to paragraph *"a"*, the department shall, at least one year prior to removing the agency from the approved list, notify the nonpublic schools participating in the accreditation process offered by the agency of the state board's intent to remove the accrediting agency from its approved list of independent accrediting

agencies. The notice shall also be posted on the department's internet site and shall contain the proposed date of removal. The nonpublic school shall attain accreditation under this subsection or subsections 1 through 12 not later than one year following the date on which the state board removes the agency from its list of independent accrediting agencies.

d. This subsection is repealed July 1, 2020.

DIVISION XII
INDEPENDENT PRIVATE INSTRUCTION

Sec. 90. Section 261E.8, subsection 2, Code 2013, is amended to read as follows:

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

Sec. 91. Section 299.1, subsection 1, Code 2013, is amended to read as follows:

1. Except as provided in section 299.2, the parent, guardian, or legal or actual custodian of a child who is of compulsory attendance age~~,~~ shall cause the child to attend some public school~~,~~ or an accredited nonpublic school, or place the child under competent private instruction or independent private instruction in accordance with the provisions of chapter 299A, during a school year, as defined under section 279.10.

Sec. 92. Section 299.1B, Code 2013, is amended to read as follows:

299.1B Failure to attend — driver's license.

A person who is of compulsory attendance age who does not meet the requirements for an exception under section 299.2, who does not attend a public school~~,~~ or an accredited nonpublic school, who is not receiving competent private instruction or independent private instruction in accordance with the provisions of chapter 299A, and who does not attend an alternative school~~,~~ or adult education classes, shall not receive an intermediate or full driver's license until age eighteen.

Sec. 93. Section 299.6A, subsection 1, Code 2013, is amended to read as follows:

1. In lieu of a criminal proceeding under section 299.6, a county attorney may bring a civil action against a parent, guardian, or legal or actual custodian of a child who is of compulsory attendance age, has not completed educational requirements, and is truant, if the parent, guardian, or legal or actual custodian has failed to cause the child to attend a public school~~,~~ or an accredited nonpublic school, or placed the child under competent private instruction or independent private instruction in the manner provided in this chapter. If the court finds that the parent, guardian, or legal or actual custodian has failed to cause the child to attend as required in this section, the court shall assess a civil penalty of not less than one hundred but not more than one thousand dollars for each violation established.

Sec. 94. Section 299.8, Code 2013, is amended to read as follows:

299.8 "Truant" defined.

Any child of compulsory attendance age who fails to attend school as provided in this chapter, or as required by the school board's or school governing body's attendance policy, or who fails to attend competent private instruction or independent private instruction under chapter 299A, without reasonable excuse for the absence, shall be deemed to be a truant. A finding that a child is truant, however, shall not by itself mean that the child is a child in need of assistance within the meaning of chapter 232 and shall not be the sole basis for a child in need of assistance petition.

Sec. 95. Section 299.11, unnumbered paragraph 1, Code 2013, is amended to read as follows:

The truancy officer may take into custody without warrant any apparently truant child and place the child in the charge of the school principal, or the principal's designee, designated by the board of directors of the school district in which the child resides, or in the charge of any nonpublic school or any authority providing competent private instruction or independent

private instruction as defined in section 299A.1, designated by the parent, guardian, or legal or actual custodian; but if it is other than a public school, the instruction and maintenance of the child shall be without expense to the school district. If a child is taken into custody under this section, the truancy officer shall make every reasonable attempt to immediately notify the parent, guardian, or legal or actual custodian of the child's location.

Sec. 96. Section 299.12, subsection 2, Code 2013, is amended to read as follows:

2. This section is not applicable to a child who is receiving competent private instruction or independent private instruction in accordance with the requirements of chapter 299A. If a child is not in compliance with the attendance requirements established under section 299.1, and has not completed educational requirements through the sixth grade, and the school has used every means available to assure the child does attend, the school truancy officer shall contact the child's parent, guardian, or legal or actual custodian to participate in an attendance cooperation meeting. The parties to the attendance cooperation meeting may include the child and shall include the child's parent, guardian, or legal or actual custodian and the school truancy officer. The school truancy officer contacting the participants in the attendance cooperation meeting may invite other school officials, a designee of the juvenile court, the county attorney or the county attorney's designee, or other persons deemed appropriate to participate in the attendance cooperation meeting.

Sec. 97. Section 299A.1, Code 2013, is amended to read as follows:

299A.1 ~~Private~~ Competent private instruction and independent private instruction.

1. The parent, guardian, or legal custodian of a child of compulsory attendance age who places the child under private instruction shall provide, unless otherwise exempted, competent private instruction or independent private instruction in accordance with this chapter. A parent, guardian, or legal custodian of a child of compulsory attendance age who places the child under private instruction which is not competent private instruction or independent private instruction, or otherwise fails to comply with the requirements of this chapter, is subject to the provisions of sections 299.1 through 299.4 and the penalties provided in section 299.6.

2. For purposes of this chapter~~, "*competent*~~ and chapter 299:

a. "*Competent private instruction*" means private instruction provided on a daily basis for at least one hundred forty-eight days during a school year, to be met by attendance for at least thirty-seven days each school quarter, by or under the supervision of a licensed practitioner in the manner provided under section 299A.2, or other person under section 299A.3, which results in the student making adequate progress.

~~For purposes of this chapter and chapter 299, "*private instruction*"~~

b. "*Independent private instruction*" means instruction that meets the following criteria:

(1) Is not accredited.

(2) Enrolls not more than four unrelated students.

(3) Does not charge tuition, fees, or other remuneration for instruction.

(4) Provides private or religious-based instruction as its primary purpose.

(5) Provides enrolled students with instruction in mathematics, reading and language arts, science, and social studies.

(6) Provides, upon written request from the superintendent of the school district in which the independent private instruction is provided, or from the director of the department of education, a report identifying the primary instructor, location, name of the authority responsible for the independent private instruction, and the names of the students enrolled.

(7) Is not a nonpublic school and does not provide competent private instruction as defined in this subsection.

(8) Is exempt from all state statutes and administrative rules applicable to a school, a school board, or a school district, except as otherwise provided in chapter 299 and this chapter.

c. "*Private instruction*" means instruction using a plan and a course of study in a setting other than a public or organized accredited nonpublic school.

Sec. 98. Section 299A.11, Code 2013, is amended to read as follows:

299A.11 Student records confidential.

Notwithstanding any provision of law or rule to the contrary, personal information in records regarding a child receiving competent private instruction or independent private instruction pursuant to this chapter, which are maintained, created, collected, or assembled by or for a state agency, shall be kept confidential in the same manner as personal information in student records maintained, created, collected, or assembled by or for a school corporation or educational institution in accordance with section 22.7, subsection 1.

Sec. 99. Section 321.178, subsection 1, paragraph c, Code 2013, is amended to read as follows:

c. Every public school district in Iowa shall offer or make available to all students residing in the school district, or Iowa students attending a nonpublic school or receiving competent private instruction or independent private instruction as defined in section 299A.1, in the district, an approved course in driver education. The receiving district shall be the school district responsible for making driver education available to a student participating in open enrollment under section 282.18. The courses may be offered at sites other than at the public school, including nonpublic school facilities within the public school districts. An approved course offered during the summer months, on Saturdays, after regular school hours during the regular terms or partly in one term or summer vacation period and partly in the succeeding term or summer vacation period, as the case may be, shall satisfy the requirements of this section to the same extent as an approved course offered during the regular school hours of the school term. A student who successfully completes and obtains certification in an approved course in driver education or an approved course in motorcycle education may, upon proof of such fact, be excused from any field test which the student would otherwise be required to take in demonstrating the student's ability to operate a motor vehicle. A student shall not be excused from any field test if a parent, guardian, or instructor requests that a test be administered. A final field test prior to a student's completion of an approved course shall be administered by a person qualified as a classroom driver education instructor and certified to provide street and highway driving instruction. A person qualified as a classroom driver education instructor but not certified to provide street and highway driving instruction may administer the final field test if accompanied by another person qualified to provide street and highway driving instruction.

DIVISION XIII
DRIVER EDUCATION BY TEACHING PARENT

Sec. 100. NEW SECTION. **321.178A Driver education — teaching parent.**

1. *Teaching parent.* As an alternative to the driver education requirements under section 321.178, a teaching parent may instruct a student in a driver education course that meets the requirements of this section and provide evidence that the requirements under this section have been met.

2. *Definitions.* For purposes of this section:

a. "Approved course" means driver education curriculum approved by the department pursuant to rules adopted under chapter 17A. An approved course shall, at a minimum, meet the requirements of subsection 3 and be appropriate for teaching-parent-directed driver education and related street or highway instruction. Driver education materials that meet or exceed standards established by the department for an approved course in driver education for a public or private school shall be approved unless otherwise determined by the department. The list of approved courses shall be posted on the department's internet site.

b. "Student" means a person between the ages of fourteen and twenty-one years who is within the custody and control of the teaching parent and who satisfies preliminary licensing requirements of the department.

c. "Teaching parent" means a parent, guardian, or legal custodian of a student who is currently providing competent private instruction to the student pursuant to section 299A.2 or 299A.3 and who provided such instruction to the student during the previous year; who has a valid driver's license, other than a motorized bicycle license or a temporary restricted license, that permits unaccompanied driving; and who has maintained a clear driving record for the previous two years. For purposes of this paragraph, *"clear driving record"* means the

individual has not been identified as a candidate for suspension or revocation of a driver's license under the habitual violator or habitual offender provisions of the department's regulations; is not subject to a driver's license suspension, revocation, denial, cancellation, disqualification, or bar; and has no record of a conviction for a moving traffic violation determined to be the cause of a motor vehicle accident.

3. *Course of instruction.*

a. An approved course administered by a teaching parent shall consist of but not be limited to the following:

(1) Thirty clock hours of classroom instruction.

(2) Forty hours of street or highway driving including four hours of driving after sunset and before sunrise while accompanied by the teaching parent.

(3) Four hours of classroom instruction concerning substance abuse.

(4) A minimum of twenty minutes of instruction concerning railroad crossing safety.

(5) Instruction relating to becoming an organ donor under the revised uniform anatomical gift Act as provided in chapter 142C.

(6) Instruction providing an awareness about sharing the road with bicycles and motorcycles.

b. The content of the course of instruction required under this subsection shall be equivalent to that required under section 321.178. However, reference and study materials, physical classroom requirements, and extra vehicle safety equipment required for instruction under section 321.178 shall not be required for the course of instruction provided under this section.

4. *Course completion and certification.* Upon application by a student for an intermediate license, the teaching parent shall provide evidence showing the student's completion of an approved course and substantial compliance with the requirements of subsection 3 by affidavit signed by the teaching parent on a form to be provided by the department. The evidence shall include all of the following:

a. Documentation that the instructor is a teaching parent as defined in subsection 2.

b. Documentation that the student is receiving competent private instruction under section 299A.2 or the name of the school district within which the student is receiving instruction under section 299A.3.

c. The name of the approved course completed by the student.

d. An affidavit attesting to satisfactory completion of course work and street or highway driving instruction.

e. Copies of written tests completed by the student.

f. A statement of the number of classroom hours of instruction.

g. A log of completed street or highway driving instruction including the dates when the lessons were conducted, the student's and the teaching parent's name and initials noted next to each entry, notes on driving activities including a list of driving deficiencies and improvements, and the duration of the driving time for each session.

5. *Intermediate license.* Any student who successfully completes an approved course as provided in this section, passes a driving test to be administered by the department, and is otherwise qualified under section 321.180B, subsection 2, shall be eligible for an intermediate license pursuant to section 321.180B. Twenty of the forty hours of street or highway driving instruction required under subsection 3, paragraph "*a*", subparagraph (2), may be used to satisfy the requirement of section 321.180B, subsection 2.

6. *Full license.* A student must comply with section 321.180B, subsection 4, to be eligible for a full driver's license pursuant to section 321.180B.

Sec. 101. Section 321.180B, subsection 2, paragraph a, Code 2013, is amended to read as follows:

a. The department may issue an intermediate driver's license to a person sixteen or seventeen years of age who possesses an instruction permit issued under subsection 1 or a comparable instruction permit issued by another state for a minimum of six months immediately preceding application, and who presents an affidavit signed by a parent, guardian, or custodian on a form to be provided by the department that the permittee has accumulated a total of twenty hours of street or highway driving of which two hours were

conducted after sunset and before sunrise and the street or highway driving was with the permittee's parent, guardian, custodian, instructor, a person certified by the department, or a person at least twenty-five years of age who had written permission from a parent, guardian, or custodian to accompany the permittee, and whose driving privileges have not been suspended, revoked, or barred under this chapter or chapter 321J during, and who has been accident and violation free continuously for, the six-month period immediately preceding the application for an intermediate license. An applicant for an intermediate license must meet the requirements of section 321.186, including satisfactory completion of driver education as required in section 321.178 or 321.178A, and payment of the required license fee before an intermediate license will be issued. A person issued an intermediate license must limit the number of passengers in the motor vehicle when the intermediate licensee is operating the motor vehicle to the number of passenger safety belts.

DIVISION XIV
MISCELLANEOUS PROVISIONS

Sec. 102. Section 256.9, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 63. *a.* Develop and implement a coaching and support system for teachers aligned with the framework and comparable systems approved as provided in section 284.15.

b. Develop and implement a coaching and support system for administrators aligned with the beginning administrator mentoring and induction program created pursuant to section 284A.5.

Sec. 103. Section 256C.4, subsection 1, paragraph e, Code 2013, is amended to read as follows:

e. Preschool foundation aid funding shall not be used for the costs of constructing a facility in connection with an approved local program. Preschool foundation aid funding may be used by approved local programs and community providers for professional development for preschool teachers, for instructional equipment, for material and equipment designed to develop pupils' large and small motor skills, and for other direct costs. Preschool foundation aid funding received by an approved local program that remain unexpended or unobligated at the end of a fiscal year shall be used to build the approved local program's preschool program capacity in the next succeeding fiscal year.

Sec. 104. Section 256D.9, Code 2013, is amended to read as follows:

256D.9 Future repeal.

This chapter is repealed effective July 1, ~~2013~~ 2018.

Sec. 105. Section 279.60, subsections 1 and 2, Code 2013, are amended to read as follows:

1. Each school district shall administer ~~a kindergarten readiness~~ the teaching strategies gold early childhood assessment ~~prescribed by the department of education~~ to every resident prekindergarten or four-year-old child whose parent or guardian enrolls the child in the district, and shall administer a valid and reliable universal screening instrument, as prescribed by the department of education, to every kindergarten student enrolled in the district not later than the date specified in section 257.6, subsection 1. The assessment shall be aligned with state early learning standards and preschool programs shall be encouraged to administer the assessment at least at the beginning and end of the preschool program, with the assessment information entered into the statewide longitudinal data system. The department shall work to develop agreements with head start programs to incorporate similar information about four-year-old children served by head start into the statewide longitudinal data system.

2. ~~*a.* Each school district shall administer the dynamic indicators of basic early literacy skills kindergarten benchmark assessment or other kindergarten benchmark assessment adopted by the department of education in consultation with the early childhood Iowa state board to every kindergarten student enrolled in the district not later than the date specified in section 257.6, subsection 1.~~ The school district shall also collect information from each parent, guardian, or legal custodian of a kindergarten student enrolled in the district,

including but not limited to whether the student attended preschool, factors identified by the early childhood Iowa office pursuant to section 256I.5, and other demographic factors. Each school district shall report the results of the community strategies employed during the prior school year pursuant to section 279.68, subsection 4, paragraph "*a*", the assessment administered pursuant to subsection 1, and the preschool information collected to the department of education in the manner prescribed by the department not later than January 1 of that school year. The early childhood Iowa office in the department of management shall have access to the raw data. The department shall review the information submitted pursuant to this section and shall submit its findings and recommendations annually in a report to the governor, the general assembly, the early childhood Iowa state board, and the early childhood Iowa area boards.

~~*b*. This subsection is repealed July 1, 2013.~~

Sec. 106. SCHOOL DISTRICT REPORTING REQUIREMENT TASK FORCE — STATE BOARD OF EDUCATION.

1. a. A reporting requirement review task force is established consisting of five members who shall be appointed by the director of the department of education as follows:

(1) One member from nominees submitted by an organization representing the boards of Iowa school districts.

(2) One member from nominees submitted by an organization representing Iowa school administrators.

(3) One member from nominees submitted by the largest statewide certified employee organization representing Iowa teachers.

(4) One member representing the department of education.

(5) One member representing the general public.

b. The member representing the department of education shall convene the initial meeting, at which the members shall elect a chairperson.

2. The department of education shall compile a list of reports that school districts are required to submit to the department biennially or more frequently. The department shall submit the list to the reporting requirement review task force by September 3, 2013.

3. The task force shall review the list submitted by the department pursuant to subsection 2. For each reporting requirement listed, the task force shall produce written justification for continuing, modifying, or eliminating the requirement. The task force shall compile its written justifications in a report the task force shall submit to the state board of education and to the general assembly by December 2, 2013.

4. The state board of education shall review the report submitted pursuant to subsection 3, and shall determine which of the task force recommendations for modifying or eliminating requirements may be accomplished by administrative rule and which must be accomplished by statute. The state board shall submit its findings and recommendations, including plans for board action relating to administrative rules and board recommendations for specific statutory changes, in a report to the general assembly by February 3, 2014.

Sec. 107. EFFECTIVE DATE. The following provision or provisions of this division of this Act take effect June 30, 2013:

1. The section of this division of this Act amending section 279.60, subsection 2, paragraph "b".

Sec. 108. EFFECTIVE UPON ENACTMENT. The following provision or provisions of this division of this Act, being deemed of immediate importance, take effect upon enactment:

1. The section of this division of this Act amending section 256C.4.

2. The section of this division of this Act amending section 256D.9.

DIVISION XV
EXTENDED LEARNING TIME PILOT PROJECT MODEL — APPROPRIATION

Sec. 109. EXTENDED LEARNING TIME PILOT PROJECT MODEL.

1. The department of education shall develop a proposed model for an extended learning time pilot project. In developing the model, the department shall consider the

recommendations submitted in the final report of the instructional time task force, as well as existing, successful extended time learning opportunities offered within and outside of the state. Three program proposals representing school districts of varied sizes, geographical locations, and socioeconomic status shall be included in the model. Component measures, criteria, and associated benchmarks for selecting participants and gauging success for the model shall include but not be limited to the following considerations: impact on student achievement; overall cost; governance structure; transportation issues; recommended age of students; potential use of teacher preparation candidates; 21st century learning center guidelines as applicable; potential collaboration with area education agencies and other public and private partners for cost effectiveness, efficiency, and community involvement; recommended staffing levels; licensure for staff; involvement of nonprofit organizations; collaboration with the staff in the existing school district; whether all or some students in a district should participate; and use of best practices and latest research in the field. The department shall also recommend potential funding sources for the full implementation of the proposed model for extended learning time pilot projects and of future sustained extended time learning efforts.

2. The department shall submit the proposed model and the department's findings and recommendations in a report to the state board of education, the governor, and the general assembly by December 16, 2013.

DIVISION XVI
EDUCATION REFORM ALLOCATIONS

Sec. 110. DEPARTMENT OF EDUCATION — EDUCATION REFORM ALLOCATIONS. From the moneys appropriated pursuant to 2013 Iowa Acts, House File 604,[1] section 6, subsection 17, the following amounts, or so much thereof as is deemed necessary, shall be used by the department of education as follows for the purposes designated:

1. For purposes of the Iowa learning online initiative established pursuant to section 256.42:
..... $ 1,500,000

A portion of the funds allocated to the department for purposes of this subsection may be used by the department for not more than three full-time equivalent positions.

2. For purposes of the teach Iowa student teaching pilot project established pursuant to section 256.98, if enacted:
..... $ 1,000,000

A portion of the funds allocated to the department for purposes of this subsection may be used by the department for not more than two full-time equivalent positions.

3. For planning grants in accordance with section 284.15, subsection 11:
..... $ 3,500,000

4. To provide for the development of a delivery system to assist in implementing teacher career paths and leadership roles and for administrative purposes as provided in section 284.13, subsection 1, paragraph "0e", subparagraph (3):
..... $ 700,000

5. For purposes of establishing the council on educator development and funding the council's study of a statewide teacher evaluation system and performance review requirements and a statewide administrator evaluation system:
..... $ 100,000

6. For purposes of developing an extended learning time pilot project model in accordance with this Act, if enacted:
..... $ 40,000

Approved June 3, 2013

[1] Chapter 141 herein

CHAPTER 122

SALES AND USE TAXES AND SCHOOL TUITION ORGANIZATION TAX CREDITS

H.F. 625

AN ACT relating to revenue and taxation, including retailers maintaining a place of business in this state for purposes of sales and use taxes, agreements relating to the collection of sales and use taxes, sales of tangible personal property and services to state agencies, modifying the school tuition organization income tax credit, and including effective date and retroactive applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I
SALES AND USE TAX

Section 1. Section 423.1, subsection 48, Code 2013, is amended to read as follows:

48. *a.* *"Retailer maintaining a place of business in this state"* or any like term includes any retailer having or maintaining within this state, directly or by a subsidiary, an office, distribution house, sales house, warehouse, or other place of business, or any representative operating within this state under the authority of the retailer or its subsidiary, irrespective of whether that place of business or representative is located here permanently or temporarily, or whether the retailer or subsidiary is admitted to do business within this state pursuant to chapter 490.

b. (1) A retailer shall be presumed to be maintaining a place of business in this state, as defined in paragraph *"a"*, if any person that has substantial nexus in this state, other than a person acting in its capacity as a common carrier, does any of the following:

(a) Sells a similar line of products as the retailer and does so under the same or similar business name.

(b) Maintains an office, distribution facility, warehouse, storage place, or similar place of business in this state to facilitate the delivery of property or services sold by the retailer to the retailer's customers.

(c) Uses trademarks, service marks, or trade names in this state that are the same or substantially similar to those used by the retailer.

(d) Delivers, installs, assembles, or performs maintenance services for the retailer's customers.

(e) Facilitates the retailer's delivery of property to customers in this state by allowing the retailer's customers to take delivery of property sold by the retailer at an office, distribution facility, warehouse, storage place, or similar place of business maintained by the person in this state.

(f) Conducts any other activities in this state that are significantly associated with the retailer's ability to establish and maintain a market in this state for the retailer's sales.

(2) The presumption established in this paragraph may be rebutted by a showing of proof that the person's activities in this state are not significantly associated with the retailer's ability to establish or maintain a market in this state for the retailer's sales.

Sec. 2. NEW SECTION. **423.13A Administration — effectiveness of agreements with retailers.**

1. Notwithstanding any provision of this chapter to the contrary, any ruling, agreement, or contract, whether written or oral, express or implied, entered into after the effective date of this division of this Act between a retailer and a state agency that provides that a retailer is not required to collect sales and use tax in this state despite the presence in this state of a warehouse, distribution center, or fulfillment center that is owned and operated by the retailer or an affiliate of the retailer shall be null and void unless such ruling, agreement, or contract is approved, by resolution, by a majority vote of each house of the general assembly.

2. For purposes of this section, *"state agency"* means the executive branch, including any executive department, commission, board, institution, division, bureau, office, agency, or

other entity of state government. *"State agency"* does not mean the general assembly, or the judicial branch as provided in section 602.1102.

Sec. 3. Section 423.36, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. *a.* Notwithstanding subsection 1, if any person will make taxable sales of tangible personal property or furnish services to any state agency, that person shall, prior to the sale, apply for and receive a permit to collect sales or use tax pursuant to this section. A state agency shall not purchase tangible personal property or services from any person unless that person has a valid, unexpired permit issued pursuant to this section and is in compliance with all other requirements in this chapter imposed upon retailers, including but not limited to the requirement to collect and remit sales and use tax and file sales and use tax returns.

b. For purposes of this subsection, *"state agency"* means any executive, judicial, or legislative department, commission, board, institution, division, bureau, office, agency, or other entity of state government.

DIVISION II
SCHOOL TUITION ORGANIZATION TAX CREDIT

Sec. 4. Section 422.11S, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. An individual may claim the tax credit allowed a partnership, limited liability company, S corporation, estate, or trust electing to have the income taxed directly to the individual. The amount claimed by the individual shall be based upon the pro rata share of the individual's earnings of the partnership, limited liability company, S corporation, estate, or trust.

Sec. 5. Section 422.11S, subsection 7, paragraph a, subparagraph (2), Code 2013, is amended to read as follows:

(2) *"Total approved tax credits"* means for the tax year beginning in the 2006 calendar year, two million five hundred thousand dollars, for the tax year beginning in the 2007 calendar year, five million dollars, and for tax years beginning on or after January 1, 2008, but before January 1, 2012, seven million five hundred thousand dollars~~. However~~, for tax years beginning on or after January 1, 2012, ~~*"total approved tax credits"* means~~ but before January 1, 2014, eight million seven hundred fifty thousand dollars, and for tax years beginning on or after January 1, 2014, twelve million dollars.

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

Sec. 7. RETROACTIVE APPLICABILITY. The section of this division of this Act enacting section 422.11S, subsection 4A, applies retroactively to January 1, 2013, for tax years beginning on or after that date.

Approved June 11, 2013

CHAPTER 123

STATE AND LOCAL TAXATION OF PROPERTY AND INCOME

S.F. 295

AN ACT relating to state and local finances by establishing a business property tax credit for commercial, industrial, and railway property, establishing and modifying property assessment limitations, providing for commercial and industrial property tax replacement payments, providing for the classification of multiresidential property, modifying provisions for the taxation of telecommunications company property, providing for the study of the taxation of telecommunications company property, providing a taxpayers trust fund tax credit, modifying provisions relating to the property assessment appeal board, modifying the amount of the earned income tax credit, making appropriations, providing penalties, and including effective date, implementation, retroactive applicability, and other applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I
BUSINESS PROPERTY TAX CREDIT

Section 1. Section 331.512, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. Carry out duties relating to the business property tax credit as provided in chapter 426C.

Sec. 2. Section 331.559, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 14A. Carry out duties relating to the business property tax credit as provided in chapter 426C.

Sec. 3. NEW SECTION. **426C.1 Definitions.**

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

1. *"Contiguous parcels"* means any of the following:

a. Parcels that share a common boundary.

b. Parcels within the same building or structure regardless of whether the parcels share a common boundary.

c. Permanent improvements to the land that are situated on one or more parcels of land that are assessed and taxed separately from the permanent improvements if the parcels of land upon which the permanent improvements are situated share a common boundary.

2. *"Department"* means the department of revenue.

3. *"Fund"* means the business property tax credit fund created in section 426C.2.

4. *"Parcel"* means as defined in section 445.1 and, for purposes of business property tax credits claimed for fiscal years beginning on or after January 1, 2016, *"parcel"* also means that portion of a parcel assigned to be commercial property, industrial property, or railway property under chapter 434 pursuant to section 441.21, subsection 13, paragraph *"c"*.

5. *"Property unit"* means contiguous parcels all of which are located within the same county, with the same property tax classification, are owned by the same person, and are operated by that person for a common use and purpose.

Sec. 4. NEW SECTION. **426C.2 Business property tax credit fund — appropriation.**

1. A business property tax credit fund is created in the state treasury under the authority of the department. For the fiscal year beginning July 1, 2014, there is appropriated from the general fund of the state to the department to be credited to the fund, the sum of fifty million dollars to be used for business property tax credits authorized in this chapter. For the fiscal year beginning July 1, 2015, there is appropriated from the general fund of the state to the department to be credited to the fund, the sum of one hundred million dollars to be used for business property tax credits authorized in this chapter. For the fiscal year beginning July 1, 2016, and each fiscal year thereafter, there is appropriated from the general fund of the

state to the department to be credited to the fund, the sum of one hundred twenty-five million dollars to be used for business property tax credits authorized in this chapter.

2. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the fund. Moneys in the fund are not subject to the provisions of section 8.33 and shall not be transferred, used, obligated, appropriated, or otherwise encumbered except as provided in this chapter.

Sec. 5. NEW SECTION. **426C.3 Claims for credit.**

1. Each person who wishes to claim the credit allowed under this chapter shall obtain the appropriate forms from the assessor and file the claim with the assessor. The director of revenue shall prescribe suitable forms and instructions for such claims, and make such forms and instructions available to the assessors.

2. *a.* Claims for the business property tax credit shall be filed not later than March 15 preceding the fiscal year during which the taxes for which the credit is claimed are due and payable.

b. A claim for credit filed after the deadline for filing claims shall be considered as a claim for the following year.

3. Upon the filing of a claim and allowance of the credit, the credit shall be allowed on the parcel or property unit for successive years without further filing as long as the parcel or property unit satisfies the requirements for the credit. If the parcel or property unit ceases to qualify for the credit under this chapter, the owner shall provide written notice to the assessor by the date for filing claims specified in subsection 2 following the date on which the parcel or property unit ceases to qualify for the credit.

4. The assessor shall remit the claims for credit to the county auditor with the assessor's recommendation for allowance or disallowance. If the assessor recommends disallowance of a claim, the assessor shall submit the reasons for the recommendation, in writing, to the county auditor. The county auditor shall forward the claims and recommendations to the board of supervisors. The board shall allow or disallow the claims.

5. For each claim and allowance of a credit for a property unit, the county auditor shall calculate the average of all consolidated levy rates applicable to the several parcels within the property unit. All claims for credit which have been allowed by the board of supervisors, the actual value of such parcels and property units applicable to the fiscal year for which the credit is claimed that are subject to assessment and taxation prior to imposition of any applicable assessment limitation, the consolidated levy rates for such parcels and the average consolidated levy rates for such property units applicable to the fiscal year for which the credit is claimed, and the taxing districts in which the parcel or property unit is located, shall be certified on or before June 30, in each year, by the county auditor to the department.

6. The assessor shall maintain a permanent file of current business property tax credits. The assessor shall file a notice of transfer of property for which a credit has been allowed when notice is received from the office of the county recorder, from the person who sold or transferred the property, or from the personal representative of a deceased property owner. The county recorder shall give notice to the assessor of each transfer of title filed in the recorder's office. The notice from the county recorder shall describe the property transferred, the name of the person transferring title to the property, and the name of the person to whom title to the property has been transferred.

7. When all or a portion of a parcel or property unit that is allowed a credit under this chapter is sold, transferred, or ownership otherwise changes, the buyer, transferee, or new owner who wishes to receive the credit shall refile the claim for credit. In addition, when a portion of a parcel or property unit that is allowed a credit under this chapter is sold, transferred, or ownership otherwise changes, the owner of the portion of the parcel or property unit for which ownership did not change shall refile the claim for credit.

Sec. 6. NEW SECTION. **426C.4 Eligibility and amount of credit.**

1. *a.* Except as provided in paragraph "*b*", parcels classified and taxed as commercial property, industrial property, or railway property under chapter 434 are eligible for a credit under this chapter. A person may claim and receive one credit under this chapter for each eligible parcel unless the parcel is part of a property unit for which a credit is claimed. A

person may claim and receive one credit under this chapter for each property unit. A credit approved for a property unit shall be allocated to the several parcels within the property unit in the proportion that each parcel's total amount of property taxes due and payable bears to the total amount of property taxes due and payable on the property unit. Only property units comprised of property assessed as commercial property, industrial property, or railway property under chapter 434 are eligible for a credit under this chapter. The classification of property used to determine eligibility for the credit under this chapter shall be the classification of the property for the assessment year used to calculate the taxes due and payable in the fiscal year for which the credit is claimed.

b. All of the following shall not be eligible to receive a credit under this chapter or be part of a property unit that receives a credit under this chapter:

(1) Property that is rented or leased to low-income individuals and families as authorized by section 42 of the Internal Revenue Code, as amended, and that is subject to assessment procedures relating to section 42 property under section 441.21, subsection 2, for the applicable assessment year.

(2) For credits claimed for the fiscal year beginning July 1, 2014, and the fiscal year beginning July 1, 2015, property that is a mobile home park, manufactured home community, land-leased community, assisted living facility, as those terms are defined in section 441.21, subsection 13, as enacted in division III of this Act, or that is property primarily used or intended for human habitation containing three or more separate dwelling units.

2. Using the actual value of each parcel or property unit and the consolidated levy rate for each parcel or the average consolidated levy rate for each property unit, as certified by the county auditor to the department under section 426C.3, subsection 5, the department shall calculate, for each fiscal year, an initial amount of actual value for use in determining the amount of the credit for each such parcel or property unit so as to provide the maximum possible credit according to the credit formula and limitations under subsection 3, and to provide a total dollar amount of credits against the taxes due and payable in the fiscal year equal to ninety-eight percent of the moneys in the fund following the deposit of the appropriation for the fiscal year and including interest or earnings credited to the fund.

3. *a.* The amount of the credit for each parcel or property unit for which a claim for credit under this chapter has been approved shall be calculated under paragraph *"b"* using the lesser of the initial amount of actual value determined by the department under subsection 2, and the amount of actual value of the parcel or property unit certified by the county auditor under section 426C.3, subsection 5.

b. The amount of the credit for each parcel or property unit for which a claim for credit under this chapter has been approved shall be equal to the product of the amount of actual value determined under paragraph *"a"* times the difference, stated as a percentage, between the assessment limitation percentage applicable to the parcel or property unit under section 441.21, subsection 5, and the assessment limitation percentage applicable to residential property under section 441.21, subsection 4, divided by one thousand dollars, and then multiplied by the consolidated levy rate or average consolidated levy rate per one thousand dollars of taxable value applicable to the parcel or property unit for the fiscal year for which the credit is claimed as certified by the county auditor under section 426C.3, subsection 5.

Sec. 7. NEW SECTION. **426C.5 Payment to counties.**

1. Annually the department shall certify to the county auditor of each county the amounts of the business property tax credits allowed in the county. Each county auditor shall then enter the credits against the tax levied on each eligible parcel or property unit in the county, designating on the tax lists the credit as being paid from the fund. Each taxing district shall receive its share of the business property tax credit allowed on each eligible parcel or property unit in such taxing district in the proportion that the levy made by such taxing district upon the parcel or property unit bears to the total levy upon the parcel or property unit by all taxing districts. However, the several taxing districts shall not draw the moneys so credited until after the semiannual allocations have been received by the county treasurer, as provided in this section. Each county treasurer shall show on each taxpayer receipt the amount of credit received from the fund.

2. The director of revenue shall authorize the department of administrative services to draw warrants on the fund payable to the county treasurers of the several counties of the state in the amounts certified by the department.

3. The amount due each county shall be paid in two payments on November 15 and March 15 of each fiscal year, drawn upon warrants payable to the respective county treasurers. The two payments shall be as nearly equal as possible.

Sec. 8. NEW SECTION. **426C.6 Appeals.**

1. If the board of supervisors disallows a claim for credit under section 426C.3, subsection 4, the board of supervisors shall send written notice, by mail, to the claimant at the claimant's last known address. The notice shall state the reasons for disallowing the claim for the credit. The board of supervisors is not required to send notice that a claim for credit is disallowed if the claimant voluntarily withdraws the claim. Any person whose claim is disallowed under the provisions of this chapter may appeal from the action of the board of supervisors to the district court of the county in which the parcel or property unit is located by giving written notice of such appeal to the county auditor within twenty days from the date of mailing of notice of such action by the board of supervisors.

2. If a claim for credit is disallowed by the board of supervisors, and such action is subsequently reversed on appeal, the credit shall be allowed on the applicable parcel or property unit, and the director of revenue, the county auditor, and the county treasurer shall provide the credit and change their books and records accordingly. In the event the claimant has paid one or both of the installments of the tax payable in the year or years in question, remittance shall be made to the claimant of the amount of such credit. The amount of such credit awarded on appeal shall be allocated and paid from the balance remaining in the fund.

Sec. 9. NEW SECTION. **426C.7 Audit — recalculation or denial.**

1. If on the audit of a credit provided under this chapter, the director of revenue determines the amount of the credit to have been incorrectly calculated or that the credit is not allowable, the director shall recalculate the credit and notify the claimant and the county auditor of the recalculation or denial and the reasons for it. The director shall not adjust a credit after three years from October 31 of the year in which the claim for the credit was filed. If the credit has been paid, the director shall give notification to the claimant, the county treasurer, and the applicable assessor of the recalculation or denial of the credit and the county treasurer shall proceed to collect the tax owed in the same manner as other property taxes due and payable are collected, if the parcel or property unit for which the credit was allowed is still owned by the claimant. If the parcel or property unit for which the credit was allowed is not owned by the claimant, the amount may be recovered from the claimant by assessment in the same manner that income taxes are assessed under sections 422.26 and 422.30. The amount of such erroneous credit, when collected, shall be deposited in the fund.

2. The claimant or board of supervisors may appeal any decision of the director of revenue to the state board of tax review pursuant to section 421.1, subsection 5. The claimant, the board of supervisors, or the director of revenue may seek judicial review of the action of the state board of tax review in accordance with chapter 17A.

Sec. 10. NEW SECTION. **426C.8 False claim — penalty.**

A person who makes a false claim for the purpose of obtaining a credit provided for in this chapter or who knowingly receives the credit without being legally entitled to it is guilty of a fraudulent practice. The claim for a credit of such a person shall be disallowed and if the credit has been paid the amount shall be recovered in the manner provided in section 426C.7. In such cases, the director of revenue shall send a notice of disallowance of the credit.

Sec. 11. NEW SECTION. **426C.9 Rules.**

The director of revenue shall prescribe forms, instructions, and rules as necessary, pursuant to chapter 17A, to carry out and effectuate the purposes of this chapter.

Sec. 12. IMPLEMENTATION. Notwithstanding the deadline for filing claims established in section 426C.3, for a credit against property taxes due and payable during the fiscal year beginning July 1, 2014, the claim for the credit shall be filed not later than January 15, 2014.

Sec. 13. APPLICABILITY. This division of this Act applies to property taxes due and payable in fiscal years beginning on or after July 1, 2014.

DIVISION II
PROPERTY ASSESSMENT LIMITATION AND REPLACEMENT

Sec. 14. Section 257.3, subsection 1, Code 2013, is amended by adding the following new paragraph:

NEW PARAGRAPH. *d.* The amount paid to each school district for the commercial and industrial property tax replacement claim under section 441.21A shall be regarded as property tax. The portion of the payment which is foundation property tax shall be determined by applying the foundation property tax rate to the amount computed under section 441.21A, subsection 4, paragraph "*a*", and such amount shall be prorated pursuant to section 441.21A, subsection 2, if applicable.

Sec. 15. Section 331.512, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 13A. Carry out duties relating to the calculation and payment of commercial and industrial property tax replacement claims under section 441.21A.

Sec. 16. Section 331.559, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 25A. Carry out duties relating to the calculation and payment of commercial and industrial property tax replacement claims under section 441.21A.

Sec. 17. Section 441.21, subsection 4, Code 2013, is amended to read as follows:

4. For valuations established as of January 1, 1979, the percentage of actual value at which agricultural and residential property shall be assessed shall be the quotient of the dividend and divisor as defined in this section. The dividend for each class of property shall be the dividend as determined for each class of property for valuations established as of January 1, 1978, adjusted by the product obtained by multiplying the percentage determined for that year by the amount of any additions or deletions to actual value, excluding those resulting from the revaluation of existing properties, as reported by the assessors on the abstracts of assessment for 1978, plus six percent of the amount so determined. However, if the difference between the dividend so determined for either class of property and the dividend for that class of property for valuations established as of January 1, 1978, adjusted by the product obtained by multiplying the percentage determined for that year by the amount of any additions or deletions to actual value, excluding those resulting from the revaluation of existing properties, as reported by the assessors on the abstracts of assessment for 1978, is less than six percent, the 1979 dividend for the other class of property shall be the dividend as determined for that class of property for valuations established as of January 1, 1978, adjusted by the product obtained by multiplying the percentage determined for that year by the amount of any additions or deletions to actual value, excluding those resulting from the revaluation of existing properties, as reported by the assessors on the abstracts of assessment for 1978, plus a percentage of the amount so determined which is equal to the percentage by which the dividend as determined for the other class of property for valuations established as of January 1, 1978, adjusted by the product obtained by multiplying the percentage determined for that year by the amount of any additions or deletions to actual value, excluding those resulting from the revaluation of existing properties, as reported by the assessors on the abstracts of assessment for 1978, is increased in arriving at the 1979 dividend for the other class of property. The divisor for each class of property shall be the total actual value of all such property in the state in the preceding year, as reported by the assessors on the abstracts of assessment submitted for 1978, plus the amount of value added to said total actual value by the revaluation of existing properties in 1979 as equalized by the director of revenue pursuant to section 441.49. The director shall utilize information reported on abstracts of assessment submitted pursuant to section 441.45 in determining such percentage. For valuations established as of January 1, 1980, and each assessment year thereafter beginning before January 1, 2013, the percentage of actual value as equalized by the director of revenue as provided in section 441.49 at which agricultural and residential property shall be assessed shall be calculated in accordance with the methods provided

~~herein~~ in this subsection, including the limitation of increases in agricultural and residential assessed values to the percentage increase of the other class of property if the other class increases less than the allowable limit adjusted to include the applicable and current values as equalized by the director of revenue, except that any references to six percent in this subsection shall be four percent. For valuations established as of January 1, 2013, and each assessment year thereafter, the percentage of actual value as equalized by the director of revenue as provided in section 441.49 at which agricultural and residential property shall be assessed shall be calculated in accordance with the methods provided in this subsection, including the limitation of increases in agricultural and residential assessed values to the percentage increase of the other class of property if the other class increases less than the allowable limit adjusted to include the applicable and current values as equalized by the director of revenue, except that any references to six percent in this subsection shall be three percent.

Sec. 18. Section 441.21, subsection 5, Code 2013, is amended to read as follows:

5. *a.* ~~For valuations established as of January 1, 1979, commercial property and industrial property, excluding properties referred to in section 427A.1, subsection 8, shall be assessed as a percentage of the actual value of each class of property. The percentage shall be determined for each class of property by the director of revenue for the state in accordance with the provisions of this section. For valuations established as of January 1, 1979, the percentage shall be the quotient of the dividend and divisor as defined in this section. The dividend for each class of property shall be the total actual valuation for each class of property established for 1978, plus six percent of the amount so determined. The divisor for each class of property shall be the valuation for each class of property established for 1978, as reported by the assessors on the abstracts of assessment for 1978, plus the amount of value added to the total actual value by the revaluation of existing properties in 1979 as equalized by the director of revenue pursuant to section 441.49.~~ For valuations established as of January 1, 1979, property valued by the department of revenue pursuant to chapters 428, 433, 437, and 438 shall be considered as one class of property and shall be assessed as a percentage of its actual value. The percentage shall be determined by the director of revenue in accordance with the provisions of this section. For valuations established as of January 1, 1979, the percentage shall be the quotient of the dividend and divisor as defined in this section. The dividend shall be the total actual valuation established for 1978 by the department of revenue, plus ten percent of the amount so determined. The divisor for property valued by the department of revenue pursuant to chapters 428, 433, 437, and 438 shall be the valuation established for 1978, plus the amount of value added to the total actual value by the revaluation of the property by the department of revenue as of January 1, 1979. ~~For valuations established as of January 1, 1980, commercial property and industrial property, excluding properties referred to in section 427A.1, subsection 8, shall be assessed at a percentage of the actual value of each class of property. The percentage shall be determined for each class of property by the director of revenue for the state in accordance with the provisions of this section. For valuations established as of January 1, 1980, the percentage shall be the quotient of the dividend and divisor as defined in this section. The dividend for each class of property shall be the dividend as determined for each class of property for valuations established as of January 1, 1979, adjusted by the product obtained by multiplying the percentage determined for that year by the amount of any additions or deletions to actual value, excluding those resulting from the revaluation of existing properties, as reported by the assessors on the abstracts of assessment for 1979, plus four percent of the amount so determined. The divisor for each class of property shall be the total actual value of all such property in 1979, as equalized by the director of revenue pursuant to section 441.49, plus the amount of value added to the total actual value by the revaluation of existing properties in 1980. The director shall utilize information reported on the abstracts of assessment submitted pursuant to section 441.45 in determining such percentage.~~ For valuations established as of January 1, 1980, property valued by the department of revenue pursuant to chapters 428, 433, 437, and 438 shall be assessed at a percentage of its actual value. The percentage shall be determined by the director of revenue in accordance with the provisions of this section. For valuations established as of January 1, 1980, the percentage shall be the quotient of the dividend and

divisor as defined in this section. The dividend shall be the total actual valuation established for 1979 by the department of revenue, plus eight percent of the amount so determined. The divisor for property valued by the department of revenue pursuant to chapters 428, 433, 437, and 438 shall be the valuation established for 1979, plus the amount of value added to the total actual value by the revaluation of the property by the department of revenue as of January 1, 1980. ~~For valuations established as of January 1, 1981, and each year thereafter, the percentage of actual value as equalized by the director of revenue as provided in section 441.49 at which commercial property and industrial property, excluding properties referred to in section 427A.1, subsection 8, shall be assessed shall be calculated in accordance with the methods provided herein, except that any references to six percent in this subsection shall be four percent.~~ For valuations established as of January 1, 1981, and each year thereafter, the percentage of actual value at which property valued by the department of revenue pursuant to chapters 428, 433, 437, and 438 shall be assessed shall be calculated in accordance with the methods provided herein, except that any references to ten percent in this subsection shall be eight percent. ~~Beginning with valuations established as of January 1, 1979, and each year thereafter, property valued by the department of revenue pursuant to chapter 434 shall also be assessed at a percentage of its actual value which percentage shall be equal to the percentage determined by the director of revenue for commercial property, industrial property, or property valued by the department of revenue pursuant to chapters 428, 433, 437, and 438, whichever is lowest.~~ For valuations established on or after January 1, 2013, property valued by the department of revenue pursuant to chapter 434 shall be assessed at a percentage of its actual value equal to the percentage of actual value at which property assessed as commercial property is assessed under paragraph *"b"* for the same assessment year.

b. For valuations established on or after January 1, 2013, commercial property, excluding properties referred to in section 427A.1, subsection 8, shall be assessed at a percentage of its actual value, as determined in this paragraph *"b"*. For valuations established for the assessment year beginning January 1, 2013, the percentage of actual value as equalized by the director of revenue as provided in section 441.49 at which commercial property shall be assessed shall be ninety-five percent. For valuations established for the assessment year beginning January 1, 2014, and each assessment year thereafter, the percentage of actual value as equalized by the director of revenue as provided in section 441.49 at which commercial property shall be assessed shall be ninety percent.

c. For valuations established on or after January 1, 2013, industrial property, excluding properties referred to in section 427A.1, subsection 8, shall be assessed at a percentage of its actual value, as determined in this paragraph *"c"*. For valuations established for the assessment year beginning January 1, 2013, the percentage of actual value as equalized by the director of revenue as provided in section 441.49 at which industrial property shall be assessed shall be ninety-five percent. For valuations established for the assessment year beginning January 1, 2014, and each assessment year thereafter, the percentage of actual value as equalized by the director of revenue as provided in section 441.49 at which industrial property shall be assessed shall be ninety percent.

Sec. 19. Section 441.21, subsections 9 and 10, Code 2013, are amended to read as follows:

9. Not later than November 1, 1979, and November 1 of each subsequent year, the director shall certify to the county auditor of each county the percentages of actual value at which residential property, agricultural property, commercial property, industrial property, property valued by the department of revenue pursuant to chapter 434, and property valued by the department of revenue pursuant to chapters 428, 433, ~~434,~~ 437, and 438 in each assessing jurisdiction in the county shall be assessed for taxation. The county auditor shall proceed to determine the assessed values of agricultural property, residential property, commercial property, industrial property, property valued by the department of revenue pursuant to chapter 434, and property valued by the department of revenue pursuant to chapters 428, 433, ~~434,~~ 437, and 438 by applying such percentages to the current actual value of such property, as reported to the county auditor by the assessor, and the assessed values so determined shall be the taxable values of such properties upon which the levy shall be made.

10. The percentage of actual value computed by the director for agricultural property, residential property, commercial property, industrial property, property valued by the department of revenue pursuant to chapter 434, and property valued by the department of revenue pursuant to chapters 428, 433, ~~434,~~ 437, and 438 and used to determine assessed values of those classes of property does not constitute a rule as defined in section 17A.2, subsection 11.

Sec. 20. NEW SECTION. **441.21A Commercial and industrial property tax replacement — replacement claims.**

1. *a.* For each fiscal year beginning on or after July 1, 2014, there is appropriated from the general fund of the state to the department of revenue an amount necessary for the payment of all commercial and industrial property tax replacement claims under this section for the fiscal year. However, for a fiscal year beginning on or after July 1, 2017, the total amount of moneys appropriated from the general fund of the state to the department of revenue for the payment of commercial and industrial property tax replacement claims in that fiscal year shall not exceed the total amount of money necessary to pay all commercial and industrial property tax replacement claims for the fiscal year beginning July 1, 2016.

b. Moneys appropriated by the general assembly to the department under this subsection for the payment of commercial and industrial property tax replacement claims are not subject to a uniform reduction in appropriations in accordance with section 8.31.

2. Beginning with the fiscal year beginning July 1, 2014, each county treasurer shall be paid by the department of revenue an amount equal to the amount of the commercial and industrial property tax replacement claims in the county, as calculated in subsection 4. If an amount appropriated for a fiscal year is insufficient to pay all replacement claims, the director of revenue shall prorate the payment of replacement claims to the county treasurers and shall notify the county auditors of the pro rata percentage on or before September 30.

3. On or before July 1 of each fiscal year beginning on or after July 1, 2014, the assessor shall report to the county auditor the total actual value of all commercial property and industrial property in the county that is subject to assessment and taxation for the assessment year used to calculate the taxes due and payable in that fiscal year.

4. On or before a date established by rule of the department of revenue of each fiscal year beginning on or after July 1, 2014, the county auditor shall prepare a statement, based upon the report received pursuant to subsection 3, listing for each taxing district in the county:

a. The difference between the assessed valuation of all commercial property and industrial property for the assessment year used to calculate taxes which are due and payable in the applicable fiscal year and the actual value of all commercial property and industrial property that is subject to assessment and taxation for the same assessment year. If the difference between the assessed value of all commercial property and industrial property and the actual valuation of all commercial property and industrial property is zero, there is no tax replacement for that taxing district for the fiscal year.

b. The tax levy rate per one thousand dollars of assessed value for each taxing district for that fiscal year.

c. The commercial and industrial property tax replacement claim for each taxing district. The replacement claim is equal to the amount determined pursuant to paragraph *"a"*, multiplied by the tax rate specified in paragraph *"b"*, and then divided by one thousand dollars.

5. For purposes of computing replacement amounts under this section, that portion of an urban renewal area defined as the sum of the assessed valuations defined in section 403.19, subsections 1 and 2, shall be considered a taxing district.

6. *a.* The county auditor shall certify and forward one copy of the statement to the department of revenue not later than a date of each year established by the department of revenue by rule.

b. The replacement claims shall be paid to each county treasurer in equal installments in September and March of each year. The county treasurer shall apportion the replacement claim payments among the eligible taxing districts in the county.

c. If the taxing district is an urban renewal area, the amount of the replacement claim shall be apportioned and credited to those portions of the assessed value defined in section 403.19, subsections 1 and 2, as follows:

(1) To that portion defined in section 403.19, subsection 1, an amount of the replacement claim that is proportionate to the amount of actual value of the commercial and industrial property in the urban renewal area as determined in section 403.19, subsection 1, that was subtracted pursuant to section 403.20, as it bears to the total amount of actual value of the commercial and industrial property in the urban renewal area that was subtracted pursuant to section 403.20 for the assessment year for property taxes due and payable in the fiscal year for which the replacement claim is computed.

(2) To that portion defined in section 403.19, subsection 2, the remaining amount, if any.

d. Notwithstanding the allocation provisions of paragraph "*c*", the amount of the tax replacement amount that shall be allocated to that portion of the assessed value defined in section 403.19, subsection 2, shall not exceed the amount equal to the amount certified to the county auditor under section 403.19 for the fiscal year in which the claim is paid, after deduction of the amount of other revenues committed for payment on that amount for the fiscal year. The amount not allocated to that portion of the assessed value defined in section 403.19, subsection 2, as a result of the operation of this paragraph, shall be allocated to that portion of assessed value defined in section 403.19, subsection 1.

e. The amount of the replacement claim amount credited to the portion of the assessed value defined in section 403.19, subsection 1, shall be allocated to and when received be paid into the fund for the respective taxing district as taxes by or for the taxing district into which all other property taxes are paid. The amount of the replacement claim amount credited to the portion of the assessed value defined in section 403.19, subsection 2, shall be allocated to and when collected be paid into the special fund of the municipality under section 403.19, subsection 2.

Sec. 21. SAVINGS PROVISION. This division of this Act, pursuant to section 4.13, does not affect the operation of, or prohibit the application of, prior provisions of section 441.21, or rules adopted under chapter 17A to administer prior provisions of section 441.21, for assessment years beginning before January 1, 2013, and for duties, powers, protests, appeals, proceedings, actions, or remedies attributable to an assessment year beginning before January 1, 2013.

Sec. 22. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 23. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to January 1, 2013, for assessment years beginning on or after that date.

DIVISION III
MULTIRESIDENTIAL PROPERTY CLASSIFICATION

Sec. 24. Section 404.2, subsection 2, paragraph f, Code 2013, is amended to read as follows:

f. A statement specifying whether the revitalization is applicable to none, some, or all of the property assessed as residential, multiresidential, agricultural, commercial, or industrial property within the designated area or a combination thereof and whether the revitalization is for rehabilitation and additions to existing buildings or new construction or both. If revitalization is made applicable only to some property within an assessment classification, the definition of that subset of eligible property must be by uniform criteria which further some planning objective identified in the plan. The city shall state how long it is estimated that the area shall remain a designated revitalization area which time shall be longer than one year from the date of designation and shall state any plan by the city to issue revenue bonds for revitalization projects within the area. For a county, a revitalization area shall include only property which will be used as industrial property, commercial property, ~~commercial property consisting of three or more separate living quarters with at least seventy-five percent of the space used for residential purposes,~~ multiresidential property,

or residential property. However, a county shall not provide a tax exemption under this chapter to commercial property, ~~commercial property consisting of three or more separate living quarters with at least seventy-five percent of the space used for residential purposes~~ multiresidential property, or residential property which is located within the limits of a city.

Sec. 25. Section 404.3, subsection 4, Code 2013, is amended to read as follows:

4. *a.* All qualified real estate assessed as ~~residential property or assessed as commercial property, if the commercial property consists of three or more separate living quarters with at least seventy-five percent of the space used for residential purposes,~~ any of the following is eligible to receive a one hundred percent exemption from taxation on the actual value added by the improvements~~.~~:

(1) Residential property.

(2) Commercial property if the commercial property consists of three or more separate living quarters with at least seventy-five percent of the space used for residential purposes.

(3) Multiresidential property if the multiresidential property consists of three or more separate living quarters with at least seventy-five percent of the space used for residential purposes.

b. The exemption is for a period of ten years.

Sec. 26. Section 441.21, subsection 8, paragraph b, Code 2013, is amended to read as follows:

b. Notwithstanding paragraph "*a*", any construction or installation of a solar energy system on property classified as agricultural, residential, commercial, multiresidential, or industrial property shall not increase the actual, assessed, and taxable values of the property for five full assessment years.

Sec. 27. Section 441.21, subsections 9 and 10, Code 2013, are amended to read as follows:

9. Not later than November 1, 1979, and November 1 of each subsequent year, the director shall certify to the county auditor of each county the percentages of actual value at which residential property, agricultural property, commercial property, industrial property, multiresidential property, and property valued by the department of revenue pursuant to chapters 428, 433, 434, 437, and 438 in each assessing jurisdiction in the county shall be assessed for taxation. The county auditor shall proceed to determine the assessed values of agricultural property, residential property, commercial property, industrial property, multiresidential property, and property valued by the department of revenue pursuant to chapters 428, 433, 434, 437, and 438 by applying such percentages to the current actual value of such property, as reported to the county auditor by the assessor, and the assessed values so determined shall be the taxable values of such properties upon which the levy shall be made.

10. The percentage of actual value computed by the director for agricultural property, residential property, commercial property, industrial property, multiresidential property, and property valued by the department of revenue pursuant to chapters 428, 433, 434, 437, and 438 and used to determine assessed values of those classes of property does not constitute a rule as defined in section 17A.2, subsection 11.

Sec. 28. Section 441.21, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 13. *a.* Beginning with valuations established on or after January 1, 2015, mobile home parks, manufactured home communities, land-leased communities, assisted living facilities, property primarily used or intended for human habitation containing three or more separate dwelling units, and that portion of a building that is used or intended for human habitation and a proportionate share of the land upon which the building is situated, regardless of the number of dwelling units located in the building, if the use for human habitation is not the primary use of the building and such building is not otherwise classified as residential property, shall be valued as a separate class of property known as multiresidential property and, excluding properties referred to in section 427A.1, subsection 8, shall be assessed at a percentage of its actual value, as determined in this subsection.

b. For valuations established for the assessment year beginning January 1, 2015, the percentage of actual value as equalized by the director of revenue as provided in section 441.49 at which multiresidential property shall be assessed shall be the greater of eighty-six

and twenty-five hundredths percent or the percentage of actual value determined by the director of revenue at which property assessed as residential property is assessed for the same assessment year under subsection 4. For valuations established for the assessment year beginning January 1, 2016, the percentage of actual value as equalized by the director of revenue as provided in section 441.49 at which multiresidential property shall be assessed shall be the greater of eighty-two and five-tenths percent or the percentage of actual value determined by the director of revenue at which property assessed as residential property is assessed for the same assessment year under subsection 4. For valuations established for the assessment year beginning January 1, 2017, the percentage of actual value as equalized by the director of revenue as provided in section 441.49 at which multiresidential property shall be assessed shall be the greater of seventy-eight and seventy-five hundredths percent or the percentage of actual value determined by the director of revenue at which property assessed as residential property is assessed for the same assessment year under subsection 4. For valuations established for the assessment year beginning January 1, 2018, the percentage of actual value as equalized by the director of revenue as provided in section 441.49 at which multiresidential property shall be assessed shall be the greater of seventy-five percent or the percentage of actual value determined by the director of revenue at which property assessed as residential property is assessed for the same assessment year under subsection 4. For valuations established for the assessment year beginning January 1, 2019, the percentage of actual value as equalized by the director of revenue as provided in section 441.49 at which multiresidential property shall be assessed shall be the greater of seventy-one and twenty-five hundredths percent or the percentage of actual value determined by the director of revenue at which property assessed as residential property is assessed for the same assessment year under subsection 4. For valuations established for the assessment year beginning January 1, 2020, the percentage of actual value as equalized by the director of revenue as provided in section 441.49 at which multiresidential property shall be assessed shall be the greater of sixty-seven and five-tenths percent or the percentage of actual value determined by the director of revenue at which property assessed as residential property is assessed for the same assessment year under subsection 4. For valuations established for the assessment year beginning January 1, 2021, the percentage of actual value as equalized by the director of revenue as provided in section 441.49 at which multiresidential property shall be assessed shall be the greater of sixty-three and seventy-five hundredths percent or the percentage of actual value determined by the director of revenue at which property assessed as residential property is assessed for the same assessment year under subsection 4. For valuations established for the assessment year beginning January 1, 2022, and each assessment year thereafter, the percentage of actual value as equalized by the director of revenue as provided in section 441.49 at which multiresidential property shall be assessed shall be equal to the percentage of actual value determined by the director of revenue at which property assessed as residential property is assessed under subsection 4 for the same assessment year.

c. Accordingly, for parcels that, in part, satisfy the requirements for classification as multiresidential property, the assessor shall assign to that portion of the parcel the classification of multiresidential property and to such other portions of the parcel the property classification for which such other portions qualify.

d. In no case, however, shall property that is rented or leased to low-income individuals and families as authorized by section 42 of the Internal Revenue Code, and that is subject to assessment procedures relating to section 42 property under section 441.21, subsection 2, or a hotel, motel, inn, or other building where rooms or dwelling units are usually rented for less than one month be classified as multiresidential property under this subsection.

e. As used in this subsection:

(1) *"Assisted living facility"* means property for providing assisted living as defined in section 231C.2. *"Assisted living facility"* also includes a health care facility, as defined in section 135C.1, an elder group home, as defined in section 231B.1, a child foster care facility under chapter 237, or property used for a hospice program as defined in section 135J.1.

(2) *"Dwelling unit"* means an apartment, group of rooms, or single room which is occupied as separate living quarters or, if vacant, is intended for occupancy as separate living quarters, in which a tenant can live and sleep separately from any other persons in the building.

(3) *"Land-leased community"* means the same as defined in sections 335.30A and 414.28A.

(4) *"Manufactured home community"* means the same as a land-leased community.
(5) *"Mobile home park"* means the same as defined in section 435.1.

Sec. 29. Section 558.46, subsection 5, Code 2013, is amended to read as follows:
5. For the purposes of this section, *"residential property"* includes commercial or multiresidential property ~~consisting~~ if such commercial or multiresidential property consists of three or more separate living quarters with at least seventy-five percent of the space used for residential purposes.

Sec. 30. EFFECTIVE DATE. This division of this Act takes effect January 1, 2015.

DIVISION IV
TELECOMMUNICATIONS COMPANY PROPERTY TAXATION

Sec. 31. Section 433.4, Code 2013, is amended to read as follows:
433.4 Assessment and exemption.
1. The director of revenue shall on or before October 31 each year, proceed to find the actual value of the property of these companies in this state that is used by the companies in the transaction of telegraph and telephone business, taking into consideration the information obtained from the statements required, and any further information the director can obtain, using the same as a means for determining the actual ~~cash~~ value of the property of these companies within this state. The director shall also take into consideration the valuation of all property of these companies, including franchises and the use of the property in connection with lines outside the state, and making these deductions as may be necessary on account of extra value of property outside the state as compared with the value of property in the state, in order that the actual ~~cash~~ value of the property of the company within this state may be ascertained. The assessment shall include all property of every kind and character whatsoever, real, personal, or mixed, used by the companies in the transaction of telegraph and telephone business~~; and the~~. The property so included in the assessment shall not be taxed in any other manner than as provided in this chapter.
2. *a.* For assessment years beginning on or after January 1, 2013, each company assessed for taxation under this chapter shall receive a partial exemption from taxation on the value of the company's property as provided in this subsection.
b. For the assessment year beginning January 1, 2013, the total amount of the exemption for each company shall be equal to the sum of the following amounts:
(1) An amount equal to twenty percent of the actual value of the property of such company for that assessment year, as determined under subsection 1, that exceeds zero dollars but does not exceed twenty million dollars.
(2) An amount equal to seventeen and five-tenths percent of the actual value of the property of such company for that assessment year, as determined under subsection 1, that exceeds twenty million dollars but does not exceed fifty-five million dollars.
(3) An amount equal to twelve and five-tenths percent of the actual value of the property of such company for that assessment year, as determined under subsection 1, that exceeds fifty-five million dollars but does not exceed five hundred million dollars.
(4) An amount equal to ten percent of the actual value of the property of such company for that assessment year, as determined under subsection 1, that exceeds five hundred million dollars.
c. For the assessment year beginning January 1, 2014, and each assessment year thereafter, the total amount of the exemption for each company shall be equal to the sum of the following amounts:
(1) An amount equal to forty percent of the actual value of the property of such company for that assessment year, as determined under subsection 1, that exceeds zero dollars but does not exceed twenty million dollars.
(2) An amount equal to thirty-five percent of the actual value of the property of such company for that assessment year, as determined under subsection 1, that exceeds twenty million dollars but does not exceed fifty-five million dollars.

(3) An amount equal to twenty-five percent of the actual value of the property of such company for that assessment year, as determined under subsection 1, that exceeds fifty-five million dollars but does not exceed five hundred million dollars.

(4) An amount equal to twenty percent of the actual value of the property of such company for that assessment year, as determined under subsection 1, that exceeds five hundred million dollars.

Sec. 32. Section 433.5, Code 2013, is amended to read as follows:

433.5 Actual value per mile — exemption value per mile.

1. The director of revenue shall ascertain the actual value per mile of the property of each ~~of said companies~~ company within this state by dividing the total actual value, as ~~above~~ ascertained under section 433.4, subsection 1, by the number of miles of line of such company within the state, and the result shall be deemed and held to be the actual value per mile of line of the property of such company within this state.

2. The director of revenue shall ascertain the exemption value per mile of the property of each company within this state by dividing the amount of the exemption for that company determined under section 433.4, subsection 2, by the number of miles of line of such company within the state, and the result shall be deemed and held to be the exemption value per mile of line for that company.

Sec. 33. Section 433.8, Code 2013, is amended to read as follows:

433.8 Assessment in each county — how certified.

The director of revenue shall, for the purpose of determining what amount shall be assessed to ~~any one of said companies~~ each company in each county of the state into which the line of the said company extends, ~~multiply the assessed or taxable value per mile of line of said company, as above ascertained, by the number of miles in each of said counties, and the result thereof shall be by the director certified~~ certify to the several county auditors of the respective counties into, over, or through which said line extends the number of miles of line in the county for that company, the actual value per mile of line for that company, and the exemption value per mile of line for that company.

Sec. 34. Section 433.9, Code 2013, is amended to read as follows:

433.9 Entry of certificate.

At the first meeting of the board of supervisors held after ~~such statement~~ the certification made under section 433.8 is received by the county auditor, ~~it~~ the board shall cause such ~~statement~~ certification to be entered in its minute book, and make and enter therein an order stating the length of the lines, ~~and~~ the ~~assessed~~ actual value of the property, and the exempted value of the property of each of said companies situated in each city, township, or lesser taxing district in its county, as fixed by the director of revenue~~, which~~. The value certified by the director of revenue, following application of the percentage of actual value under section 441.21, and following the application of the exemption value certified by the director of revenue, shall constitute the taxable value of said property for taxing purposes, and the taxes on said property when collected by the county treasurer shall be disposed of as other taxes on real estate. The county auditor shall transmit a copy of said order to the council or trustees of each city or township in which the lines of said company extend.

Sec. 35. REPEAL. Section 433.6, Code 2013, is repealed.

Sec. 36. PROPERTY TAXATION OF TELECOMMUNICATIONS COMPANIES STUDY — REPORT.

1. a. The department of revenue, in consultation with the department of management, representatives of companies providing telecommunications services in this state by any means, including but not limited to mobile, wireless, voice over internet protocol, and landline, and other interested persons shall study the current system of assessing telecommunications company property and levying property tax against companies that provide telecommunications services in this state and make recommendations for changes.

b. The department of revenue shall prepare and file a report detailing recommendations for changes to the current system of assessing telecommunications company property

and levying property tax against companies providing telecommunications services in this state. The report shall also include recommendations for establishing methods to provide equivalent property tax treatment for all companies providing telecommunications services in this state and recommendations for apportioning property tax revenues to the appropriate local taxing authorities in the state. The report shall also include proposed legislation to implement the recommendations contained in the report. The report shall be filed by the department of revenue with the chairpersons and ranking members of the ways and means committees of the senate and the house of representatives and with the legislative services agency by August 1, 2015.

c. Upon receipt of the report by the chairpersons and ranking members of the ways and means committees under paragraph "b", a legislative telecommunications company property tax review committee consisting of six members of the general assembly, two appointed by the majority leader of the senate, one appointed by the minority leader of the senate, two appointed by the speaker of the house of representatives, and one appointed by the minority leader of the house of representatives shall review the information and recommendations contained in the report. The department of revenue shall provide additional information and analysis to the review committee or the general assembly upon request of the review committee.

2. Each company providing telecommunications services in this state by any means, including but not limited to mobile, wireless, voice over internet protocol, and landline, shall on or before a date specified by the director of revenue submit to the department of revenue such information determined by the director of revenue to be necessary to facilitate the creation of the report required under this section. However, the director of revenue shall only request aggregate statistical data or information from such companies and in no case shall such companies be required under this section to provide data or information about any individual end user or customer, including but not limited to account information, place of primary use, or service address information within the meaning of section 423.20. In addition, such companies shall not be required to resubmit any information that was submitted to the director of revenue pursuant to the requirements of chapter 433. Information provided to the department under this section shall be verified by the company's president or secretary. The confidentiality provisions of sections 422.20 and 422.72 apply to all information received by the department of revenue for purposes of the report pursuant to this section and pursuant to chapter 433, if applicable.

Sec. 37. IMPLEMENTATION. Section 25B.7 shall not apply to this division of this Act.

Sec. 38. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 39. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to assessment years beginning on or after January 1, 2013.

DIVISION V
IOWA TAXPAYERS TRUST FUND TAX CREDIT

Sec. 40. TAXPAYERS TRUST FUND — IOWA TAXPAYERS TRUST FUND TAX CREDIT TRANSFER. During the fiscal year beginning July 1, 2013, there is transferred from the taxpayers trust fund created in section 8.57E to the Iowa taxpayers trust fund tax credit fund created in section 422.11E, an amount equal to the sum of the balance of the taxpayers trust fund as determined after the close of the fiscal year beginning July 1, 2012, and ending June 30, 2013, including the amount transferred for that fiscal year to the taxpayers trust fund from the Iowa economic emergency fund created in section 8.55 in the fiscal year beginning July 1, 2013, and ending June 30, 2014, to be used for the Iowa taxpayers trust fund tax credit in accordance with section 422.11E, subsection 5.

Sec. 41. Section 8.57E, subsection 2, Code 2013, is amended to read as follows:

2. Moneys in the taxpayers trust fund shall only be used pursuant to appropriations <u>or transfers</u> made by the general assembly for tax relief. <u>During each fiscal year beginning on</u>

or after July 1, 2014, in which the balance of the taxpayers trust fund equals or exceeds thirty million dollars, there is transferred from the taxpayers trust fund to the Iowa taxpayers trust fund tax credit fund created in section 422.11E, the entire balance of the taxpayers trust fund to be used for the Iowa taxpayers trust fund tax credit in accordance with section 422.11E, subsection 5.

Sec. 42. Section 257.21, unnumbered paragraph 2, Code 2013, is amended to read as follows:

The instructional support income surtax shall be imposed on the state individual income tax for the calendar year during which the school's budget year begins, or for a taxpayer's fiscal year ending during the second half of that calendar year and after the date the board adopts a resolution to participate in the program or the first half of the succeeding calendar year, and shall be imposed on all individuals residing in the school district on the last day of the applicable tax year. As used in this section, *"state individual income tax"* means the taxes computed under section 422.5, less the amounts of nonrefundable credits allowed under chapter 422, division II, except for the Iowa taxpayers trust fund tax credit allowed under section 422.11E.

Sec. 43. NEW SECTION. **422.11E Iowa taxpayers trust fund tax credit.**

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

a. "Eligible individual" means, with respect to a tax year, an individual who makes and files an individual income tax return pursuant to section 422.13. *"Eligible individual"* does not include an estate or trust, or an individual for whom an individual income tax return was not timely filed, including extensions.

b. "Unclaimed tax credit" means, with respect to a tax year, the aggregate amount by which the Iowa taxpayers trust fund tax credits that were eligible to be claimed by eligible individuals, if any, exceeds the Iowa taxpayers trust fund tax credits actually claimed by eligible individuals, if any.

2. The taxes imposed under this division, less the credits allowed under this division except the credits for withheld tax and estimated tax paid in section 422.16, shall be reduced by an Iowa taxpayers trust fund tax credit to an eligible individual for the tax year beginning January 1 immediately preceding July 1 of any fiscal year during which a transfer, if any, is made from the taxpayers trust fund in section 8.57E to the Iowa taxpayers trust fund tax credit fund created in this section.

3. The credit shall be equal to the quotient of the amount transferred to the Iowa taxpayers trust fund tax credit fund in the applicable fiscal year, divided by the number of eligible individuals for the tax year immediately preceding the tax year for which the credit in this section is allowed, as determined by the director of revenue in accordance with this section, rounded down to the nearest whole dollar. The department of revenue shall draft the income tax form for any tax year in which a credit will be allowed under this section to provide the information and space necessary for eligible individuals to claim the credit.

4. Any credit in excess of the taxpayer's liability for the tax year is not refundable and shall not be credited to the tax liability for any following year or carried back to a tax year prior to the tax year in which the taxpayer claims the credit.

5. *a.* There is established within the state treasury under the control of the department an Iowa taxpayers trust fund tax credit fund consisting of any moneys transferred by the general assembly by law from the taxpayers trust fund created in section 8.57E for purposes of the credit provided in this section. For the fiscal year beginning July 1, 2013, and for each fiscal year thereafter, the department shall transfer from the Iowa taxpayers trust fund tax credit fund to the general fund of the state, the lesser of the balance of the Iowa taxpayers trust fund tax credit fund or an amount of money equal to the Iowa taxpayers trust fund tax credits claimed in that fiscal year, if any. Any moneys in the Iowa taxpayers trust fund tax credit fund which represent unclaimed tax credits shall immediately revert to the taxpayers trust fund created in section 8.57E. Interest or earnings on moneys in the Iowa taxpayers trust fund tax credit fund shall be credited to the taxpayers trust fund created in section 8.57E.

b. The moneys transferred to the general fund of the state in accordance with this subsection shall not be considered new revenues for purposes of the state general fund

expenditure limitation under section 8.54 but instead as replacement of a like amount included in the expenditure limitation for the fiscal year in which the transfer is made.

Sec. 44. Section 422D.2, Code 2013, is amended to read as follows:

422D.2 Local income surtax.

A county may impose by ordinance a local income surtax as provided in section 422D.1 at the rate set by the board of supervisors, of up to one percent, on the state individual income tax of each individual residing in the county at the end of the individual's applicable tax year. However, the cumulative total of the percents of income surtax imposed on any taxpayer in the county shall not exceed twenty percent. The reason for imposing the surtax and the amount needed shall be set out in the ordinance. The surtax rate shall be set to raise only the amount needed. For purposes of this section, *"state individual income tax"* means the tax computed under section 422.5, less the amounts of nonrefundable credits allowed under chapter 422, division II, except for the Iowa taxpayers trust fund tax credit allowed under section 422.11E.

Sec. 45. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 46. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to January 1, 2013, for tax years beginning on or after that date.

DIVISION VI
PROPERTY ASSESSMENT APPEAL BOARD

Sec. 47. Section 421.1A, subsection 2, paragraph b, Code 2013, is amended to read as follows:

b. Each member of the property assessment appeal board shall be qualified by virtue of at least two years' experience in the area of government, corporate, or private practice relating to property appraisal and property tax administration. ~~One member~~ Two members of the board shall be ~~a~~ certified real ~~estate appraiser or hold a professional appraisal designation,~~ property appraisers and one member shall be an attorney practicing in the area of state and local taxation or property tax appraisals~~, and one member shall be a professional with experience in the field of accounting or finance and with experience in state and local taxation matters~~. No more than two members of the board may be from the same political party as that term is defined in section 43.2.

Sec. 48. Section 421.1A, subsection 6, Code 2013, is amended to read as follows:

6. The members of the property assessment appeal board shall receive ~~compensation from the state commensurate with the salary of a district judge through December 31, 2013~~ a salary set by the governor within a range established by the general assembly. The members of the board shall be considered state employees for purposes of salary and benefits. The members of the board and any employees of the board, when required to travel in the discharge of official duties, shall be paid their actual and necessary expenses incurred in the performance of duties.

Sec. 49. Section 421.1A, subsection 7, Code 2013, is amended by striking the subsection.

Sec. 50. Section 441.21, subsection 3, Code 2013, is amended to read as follows:

3. *a.* *"Actual value"*, *"taxable value"*, or *"assessed value"* as used in other sections of the Code in relation to assessment of property for taxation shall mean the valuations as determined by this section; however, other provisions of the Code providing special methods or formulas for assessing or valuing specified property shall remain in effect, but this section shall be applicable to the extent consistent with such provisions. The assessor and department of revenue shall disclose at the written request of the taxpayer all information in any formula or method used to determine the actual value of the taxpayer's property.

b. The burden of proof shall be upon any complainant attacking such valuation as excessive, inadequate, inequitable, or capricious; however, in protest or appeal proceedings

when the complainant offers competent evidence by at least two disinterested witnesses that the market value of the property is less than the market value determined by the assessor, the burden of proof thereafter shall be upon the officials or persons seeking to uphold such valuation to be assessed.

Sec. 51. Section 441.23, Code 2013, is amended to read as follows:

441.23 Notice of valuation.

If there has been an increase or decrease in the valuation of the property, or upon the written request of the person assessed, the assessor shall, at the time of making the assessment, inform the person assessed, in writing, of the valuation put upon the taxpayer's property, and notify the person, that if the person feels aggrieved, to contact the assessor pursuant to section 441.30 or to appear before the board of review and show why the assessment should be changed. However, if the valuation of a class of property is uniformly decreased, the assessor may notify the affected property owners by publication in the official newspapers of the county. The owners of real property shall be notified not later than April ~~15~~ 1 of any adjustment of the real property assessment.

Sec. 52. Section 441.26, subsection 1, Code 2013, is amended to read as follows:

1. The director of revenue shall each year prescribe the form of assessment roll to be used by all assessors in assessing property, in this state, also the form of pages of the assessor's assessment book. The assessment rolls shall be in a form that will permit entering, separately, the names of all persons assessed, and shall also contain a notice in substantially the following form:

If you are not satisfied that the foregoing assessment is correct, you may contact the assessor on or after April 1, to and including May 4, of the year of the assessment to request an informal review of the assessment pursuant to section 441.30.

If you are not satisfied that the foregoing assessment is correct, you may file a protest against such assessment with the board of review on or after April ~~16~~ 7, to and including May 5, of the year of the assessment, such protest to be confined to the grounds specified in section 441.37.

Dated: ..... day of ..... (month), ... (year)

.....

County/City Assessor.

Sec. 53. Section 441.28, Code 2013, is amended to read as follows:

441.28 Assessment rolls — change — notice to taxpayer.

The assessment shall be completed not later than April ~~15~~ 1 each year. If the assessor makes any change in an assessment after it has been entered on the assessor's rolls, the assessor shall note on the roll, together with the original assessment, the new assessment and the reason for the change, together with the assessor's signature and the date of the change. Provided, however, in the event the assessor increases any assessment the assessor shall give notice of the increase in writing to the taxpayer by mail postmarked no later than April ~~15~~ 1. No changes shall be made on the assessment rolls after April ~~15~~ 1 except by order of the board of review or of the property assessment appeal board, or by decree of court.

Sec. 54. NEW SECTION. **441.30 Informal assessment review period — recommendation.**

1. Any property owner or aggrieved taxpayer who is dissatisfied with the owner's or taxpayer's assessment may contact the assessor by telephone or in writing by paper or electronic medium on or after April 1, to and including May 4, of the year of the assessment to inquire about the specifics and accuracy of the assessment. Such an inquiry may also include a request for an informal review of the assessment by the assessor under one or more of the grounds for protest authorized under section 441.37 for the same assessment year.

2. In response to an inquiry under subsection 1, if the assessor, following an informal review, determines that the assessment was incorrect under one or more of the grounds for protest authorized under section 441.37 for the same assessment year, the assessor may recommend that the property owner or aggrieved taxpayer file a protest with the local

board of review and may file a recommendation with the local board of review related to the informal review.

3. A recommendation filed with the local board of review by the assessor pursuant to subsection 2 shall be utilized by the local board of review in the evaluation of all evidence properly before the local board of review.

4. This section, including any action taken by the assessor under this section, shall not be construed to limit a property owner or taxpayer's ability to file a protest with the local board of review under section 441.37.

Sec. 55. Section 441.35, subsection 2, Code 2013, is amended to read as follows:

2. In any year after the year in which an assessment has been made of all of the real estate in any taxing district, the board of review shall meet as provided in section 441.33, and where the board finds the same has changed in value, the board shall revalue and reassess any part or all of the real estate contained in such taxing district, and in such case, the board shall determine the actual value as of January 1 of the year of the revaluation and reassessment and compute the taxable value thereof. ~~Any aggrieved taxpayer may petition for a revaluation of the taxpayer's property, but no reduction or increase shall be made for prior years.~~ If the assessment of any such property is raised, or any property is added to the tax list by the board, the clerk shall give notice in the manner provided in section 441.36. However, if the assessment of all property in any taxing district is raised, the board may instruct the clerk to give immediate notice by one publication in one of the official newspapers located in the taxing district, and such published notice shall take the place of the mailed notice provided for in section 441.36, but all other provisions of that section shall apply. The decision of the board as to the foregoing matters shall be subject to appeal to the property assessment appeal board within the same time and in the same manner as provided in section 441.37A and to the district court within the same time and in the same manner as provided in section 441.38.

Sec. 56. Section 441.37, subsection 1, paragraphs a and b, Code 2013, are amended to read as follows:

a. Any property owner or aggrieved taxpayer who is dissatisfied with the owner's or taxpayer's assessment may file a protest against such assessment with the board of review on or after April ~~16~~ 7, to and including May 5, of the year of the assessment. In any county which has been declared to be a disaster area by proper federal authorities after March 1 and prior to May 20 of said year of assessment, the board of review shall be authorized to remain in session until June 15 and the time for filing a protest shall be extended to and include the period from May 25 to June 5 of such year. ~~Said~~ The protest shall be in writing and, except as provided in subsection 2A, signed by the one protesting or by the protester's duly authorized agent. The taxpayer may have an oral hearing ~~thereon~~ on the protest if the request ~~therefor~~ for the oral hearing is made in writing ~~is made~~ at the time of filing the protest. ~~Said~~ The protest must be confined to one or more of the following grounds:

(1) For odd-numbered assessment years and for even-numbered assessment years for property that was reassessed in such even-numbered assessment year:

(a) That said assessment is not equitable as compared with assessments of other like property in the taxing district. When this ground is relied upon as the basis of a protest the legal description and assessments of a representative number of comparable properties, as described by the aggrieved taxpayer shall be listed on the protest, otherwise said protest shall not be considered on this ground.

~~(2)~~ (b) That the property is assessed for more than the value authorized by law~~, stating~~. When this ground is relied upon, the protesting party shall state the specific amount which the protesting party believes the property to be overassessed, and the amount which the party considers to be its actual value and ~~the amount the party considers a~~ fair assessment.

~~(3)~~ (c) That the property is not assessable, is exempt from taxes, or is misclassified and stating the reasons for the protest.

~~(4)~~ (d) That there is an error in the assessment and state the specific alleged error. When this ground is relied upon, the error may include but is not limited to listing errors, clerical or mathematical errors, or other errors that result in an error in the assessment.

~~(5)~~ (e) That there is fraud in the assessment which shall be specifically stated.

(2) For even-numbered assessment years, when the property has not been reassessed in such even-numbered assessment year, that there has been a decrease in the value of the property from the previous reassessment year. When this ground is relied upon, the protesting party shall show the decrease in value by comparing the market value of the property as of January 1 of the current assessment year and the actual value of the property for the previous reassessment year. Such protest shall be in the same manner as described in this section and shall be reviewed by the local board of review pursuant to section 441.35, subsection 2, but a reduction or increase shall not be made for prior years.

b. ~~In addition to the above, the property owner may protest annually to the board of review under the provisions of section 441.35, but such protest shall be in the same manner and upon the same terms as heretofore prescribed in this section.~~ The burden of proof for all protests filed under this section shall be as stated in section 441.21, subsection 3.

Sec. 57. Section 441.37, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. For assessment years beginning on or after January 1, 2014, the board of review may allow property owners or aggrieved taxpayers who are dissatisfied with the owner's or taxpayer's assessment to file a protest against such assessment by electronic means. Electronic filing of assessment protests may be authorized for the protest period that begins April 7, the protest period that begins October 15, or both. Except for the requirement that a protest be signed, all other requirements of this section for an assessment protest to the board of review shall apply to a protest filed electronically. If electronic filing is authorized by the local board of review, the availability of electronic filing shall be clearly indicated on the assessment roll notice provided to the property owner or taxpayer and included in the published equalization order notice.

Sec. 58. Section 441.37A, subsection 1, paragraphs a and b, Code 2013, are amended to read as follows:

a. For the assessment year beginning January 1, 2007, and all subsequent assessment years beginning before January 1, 2018, appeals may be taken from the action of the board of review with reference to protests of assessment, valuation, or application of an equalization order to the property assessment appeal board created in section 421.1A. However, a property owner or aggrieved taxpayer or an appellant described in section 441.42 may bypass the property assessment appeal board and appeal the decision of the local board of review to the district court pursuant to section 441.38.

b. For an appeal to the property assessment appeal board to be valid, written notice must be filed by the party appealing the decision with the secretary of the property assessment appeal board within twenty days after the date ~~the board of review's letter of disposition of the appeal is postmarked to the party making the protest~~ of adjournment of the local board of review or May 31, whichever is later. The written notice of appeal shall include a petition setting forth the basis of the appeal and the relief sought. No new grounds in addition to those set out in the protest to the local board of review as provided in section 441.37 can be pleaded, but additional evidence to sustain those grounds may be introduced. The assessor shall have the same right to appeal to the assessment appeal board as an individual taxpayer, public body, or other public officer as provided in section 441.42. An appeal to the board is a contested case under chapter 17A.

Sec. 59. Section 441.37A, subsection 1, Code 2013, is amended by adding the following new paragraph:

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

Sec. 60. Section 441.37A, subsection 2, Code 2013, is amended to read as follows:

2. *a.* A party to the appeal may request a hearing or the appeal may proceed without a hearing. If a hearing is requested, the appellant and the local board of review from which the appeal is taken shall be given at least thirty days' written notice by the property assessment appeal board of the date the appeal shall be heard and the local board of review may be

present and participate at such hearing. Notice to all affected taxing districts shall be deemed to have been given when written notice is provided to the local board of review. The requirement of thirty days' written notice may be waived by mutual agreement of all parties to the appeal. Failure by the appellant to appear at the property assessment appeal board hearing shall ~~be grounds for~~ result in dismissal of the appeal unless a continuance is granted to the appellant by the board following a showing of good cause for the appellant's failure to appear. If an appeal is dismissed for failure to appear, the property assessment appeal board shall have no jurisdiction to consider any subsequent appeal on the appellant's protest.

b. ~~An~~ Each appeal may be considered by ~~less than a majority of the~~ one or more members of the board, and the chairperson of the board may assign members to consider appeals. If a hearing is requested, it shall be open to the public and shall be conducted in accordance with the rules of practice and procedure adopted by the board. The board may provide by rule for participation in such hearings by telephone or other means of electronic communication. However, any deliberation of ~~a~~ the board or of board ~~member~~ members considering the appeal in reaching a decision on any appeal shall be confidential. ~~A meeting of the board~~ Any deliberation of the board or of board members to rule on procedural motions in a pending appeal or to deliberate on the decision to be reached in an appeal is exempt from the provisions of chapter 21. The property assessment appeal board or any member of the board considering the appeal may require the production of any books, records, papers, or documents as evidence in any matter pending before the board that may be material, relevant, or necessary for the making of a just decision. Any books, records, papers, or documents produced as evidence shall become part of the record of the appeal. Any testimony given relating to the appeal shall be transcribed and made a part of the record of the appeal.

Sec. 61. Section 441.37A, subsection 3, paragraph a, Code 2013, is amended to read as follows:

a. The burden of proof for all appeals before the board shall be as stated in section 441.21, subsection 3. The board ~~member~~ members considering the appeal shall determine anew all questions arising before the local board of review which relate to the liability of the property to assessment or the amount thereof. All of the evidence shall be considered and there shall be no presumption as to the correctness of the valuation of assessment appealed from. The property assessment appeal board shall ~~make~~ issue a decision in each appeal filed with the board. If the appeal is considered by less than ~~a majority~~ the full membership of the board, the determination made by ~~that member~~ such members shall be forwarded to the full board for approval, rejection, or modification. If the initial determination is rejected by the board, it shall be returned for reconsideration to the board ~~member~~ members making the initial determination. Any deliberation of the board regarding an initial determination shall be confidential.

Sec. 62. 2005 Iowa Acts, chapter 150, section 134, is amended to read as follows:

SEC. 134. FUTURE REPEAL.

1. The sections of this division of this Act amending sections 7E.6, 13.7, 428.4, 441.19, 441.35, 441.38, 441.39, 441.43, 441.49, and 445.60, and enacting sections 421.1A and 441.37A, are repealed effective July 1, ~~2013~~ 2018.

2. The portion of the section of this division of this Act amending section 441.28 relating only to the property assessment appeal board is repealed effective July 1, ~~2013~~ 2018.

3. The repeals provided for in subsections 1 and 2 shall include all subsequent amendments to such sections relating to the property assessment appeal board.

Sec. 63. 2008 Iowa Acts, chapter 1191, section 14, subsection 5, is amended to read as follows:

5. The following are range 5 positions: administrator of the division of homeland security and emergency management of the department of public defense, state public defender, drug policy coordinator, labor commissioner, workers' compensation commissioner, director of the department of cultural affairs, director of the department of elder affairs, director of the law enforcement academy, members of the property assessment appeal board, and administrator of the historical division of the department of cultural affairs.

Sec. 64. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 65. APPLICABILITY. Except as otherwise provided in this division of this Act, this division of this Act applies to assessment years beginning on or after January 1, 2014.

Sec. 66. APPLICABILITY. The following provision of this division of this Act applies to appointments to the property assessment appeal board on or after the effective date of this division of this Act:

1. The section of this division of this Act amending section 421.1A, subsection 2, paragraph "b".

Sec. 67. APPLICABILITY. The following provisions of this division of this Act apply to fiscal years beginning on or after July 1, 2013:

1. The section of this division of this Act amending section 421.1A, subsection 6.
2. The section of this division of this Act amending 2008 Iowa Acts, chapter 1191, section 14, subsection 5.

Sec. 68. APPLICABILITY. The following provision of this division of this Act applies on or after the effective date of this division of this Act:

1. The section of this division of this Act amending 2005 Iowa Acts, chapter 150, section 134.

Sec. 69. RETROACTIVE APPLICABILITY. The following provision of this division of this Act applies retroactively to January 1, 2013, for assessment years beginning on or after that date:

1. The section of this division of this Act amending section 441.37A, subsection 2.

DIVISION VII
EARNED INCOME TAX CREDIT

Sec. 70. Section 422.12B, subsection 1, Code 2013, is amended to read as follows:

1. *a.* The taxes imposed under this division less the credits allowed under section 422.12 shall be reduced by an earned income credit equal to ~~seven percent~~ the following percentage of the federal earned income credit provided in section 32 of the Internal Revenue Code~~.~~:

(1) For the tax year beginning in the 2013 calendar year, fourteen percent.

(2) For tax years beginning on or after January 1, 2014, fifteen percent.

b. Any credit in excess of the tax liability is refundable.

Sec. 71. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to January 1, 2013, for tax years beginning on or after that date.

Approved June 12, 2013

CHAPTER 124

INSURANCE, INSURERS, AND DUTIES OF THE INSURANCE DIVISION

H.F. 489

AN ACT relating to various matters involving insurance and the insurance division of the department of commerce, providing penalties, and including applicability and effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 123.92, subsection 2, Code 2013, is amended to read as follows:

2. a. Every liquor control licensee and class "B" beer permittee, except a class "E" liquor control licensee, shall furnish proof of financial responsibility by the existence of a liability insurance policy in an amount determined by the division. If an insurer provides dramshop liability insurance at a new location to a licensee or permittee who has a positive loss experience at other locations for which such insurance is provided by the insurer, and the insurer bases premium rates at the new location on the negative loss history of the previous licensee or permittee at that location, the insurer shall examine and consider adjusting the premium for the new location not less than thirty months after the insurance is issued, based on the loss experience of the licensee or permittee at that location during that thirty-month period of time.

b. A dramshop liability insurance policy may be written on an aggregate limit basis.

c. The purpose of dramshop liability insurance is to provide protection for members of the public who experience damages as a result of licensees or permittees serving patrons beer, wine, or intoxicating liquor to a point that reaches or exceeds the standard set forth in law for liability. Minimum coverage requirements for such insurance are not for the purpose of making the insurance affordable for all licensees or permittees regardless of claims experience. A dramshop liability insurance policy obtained by a licensee or permittee shall meet the minimum insurance coverage requirements as determined by the division and is a mandatory condition for holding a license or permit.

Sec. 2. Section 135.22A, subsection 2, paragraph g, Code 2013, is amended by striking the paragraph.

Sec. 3. Section 502.102, subsection 16, paragraph c, Code 2013, is amended to read as follows:

c. Is employed by or associated with a federal covered investment adviser, unless the individual has a "place of business" in this state as that term is defined by rule adopted by the ~~securities and exchange commission under section 203A of the Investment Advisers Act of 1940, 15 U.S.C. § 80b-3a,~~ administrator pursuant to chapter 17A and is any of the following:

(1) An "investment adviser representative" as that term is defined by rule adopted under section 203A of the Investment Advisers Act of 1940, 15 U.S.C. § 80b-3a.

(2) Not a "supervised person" as that term is defined ~~in section 202(a)(25) of the Investment Advisers Act of 1940, 15 U.S.C. § 80b-2(a)(25)~~ by rule adopted by the administrator pursuant to chapter 17A.

Sec. 4. Section 502.412, subsection 3, Code 2013, is amended to read as follows:

3. *Disciplinary penalties — registrants.* If the administrator finds that the order is in the public interest and subsection 4, paragraphs *"a"* through *"f"*, *"h"*, *"i"*, *"j"*, *"l"*, or *"m"*, authorizes the action, an order under this chapter may censure, impose a bar, or impose a civil penalty in an amount not to exceed a maximum of ~~five~~ ten thousand dollars for a single violation or ~~five hundred thousand~~ one million dollars for more than one violation, or in an amount as agreed to by the parties, on a registrant, and, if the registrant is a broker-dealer or investment adviser, a partner, officer, director, or person having a similar status or performing similar functions, or a person directly or indirectly in control, of the broker-dealer or investment adviser.

Sec. 5. Section 502.604, subsection 4, Code 2013, is amended to read as follows:

4. *Civil penalty — restitution — corrective action.* In a final order under subsection 3, the administrator may impose a civil penalty up to an amount not to exceed a maximum of ~~five~~ ten thousand dollars for a single violation or ~~five hundred thousand~~ one million dollars for more than one violation, or in an amount as agreed to by the parties, order restitution, or take other corrective action as the administrator deems necessary and appropriate to accomplish compliance with the laws of the state relating to all securities business transacted in the state.

Sec. 6. Section 502.604, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 5A. *Failure to obey cease and desist order.* A person who fails to obey a valid cease and desist order issued by the administrator under this section may, after notice and opportunity for a hearing, be subject to a civil penalty in an amount of not less than one

thousand dollars and not to exceed ten thousand dollars for violating the order. Each day the failure to obey the cease and desist order occurs or continues constitutes a separate violation of the order. The penalties provided in this subsection are in addition to, and not exclusive of, other remedies that may be available.

Sec. 7. Section 505.8, subsection 10, Code 2013, is amended to read as follows:

10. The commissioner may, after a hearing conducted pursuant to chapter 17A, assess fines or penalties~~,~~; assess costs of an examination, investigation, or proceeding~~,~~; order restitution~~,~~; or take other corrective action as the commissioner deems necessary and appropriate to accomplish compliance with the laws of the state relating to all insurance business transacted in the state.

Sec. 8. NEW SECTION. **506.14 Voluntary dissolution of domestic mutual insurance companies.**

1. Any plan for voluntary dissolution of a domestic mutual insurance company licensed to transact the business of insurance under chapter 508, 515, 518, or 518A shall be presented for approval by the commissioner not less than ninety days in advance of notice of the plan to policyholders.

2. The commissioner shall approve the plan if the commissioner finds that the plan complies with all applicable provisions of law and is fair and equitable to the domestic mutual insurance company and its policyholders.

Sec. 9. Section 507.10, subsection 4, paragraph a, Code 2013, is amended to read as follows:

a. All orders entered pursuant to subsection 3, paragraph *"a"*, shall be accompanied by findings and conclusions resulting from the commissioner's consideration and review of the examination report, relevant examiner work papers, and any written submissions or rebuttals. Any such order is a final administrative decision and may be appealed pursuant to chapter 17A, and shall be served upon the company by certified mail, together with a copy of the adopted examination report. ~~Within thirty days of the issuance of the adopted report, the company shall file affidavits executed by each of its directors stating under oath that they have received a copy of the adopted report and related orders.~~ The board of directors of the company shall timely review the adopted report. The minutes of the meeting of the board at which the adopted report is considered shall reflect that each member of the board has reviewed the adopted report.

Sec. 10. NEW SECTION. **507C.17A Rehabilitation or liquidation of certain covered domestic insurers.**

1. The provisions of this section apply in accordance with Tit. II of the federal Dodd-Frank Wall Street Reform and Consumer Protection Act, Pub. L. No. 111-203, 12 U.S.C. § 5301 et seq., with respect to a domestic insurer that is a covered financial company, as that term is defined under 12 U.S.C. § 5381.

2. The commissioner may petition the district court for an order of rehabilitation or liquidation of a domestic insurer pursuant to this section on any of the following grounds:

a. Upon a determination and notification given by the secretary of the treasury of the United States, in consultation with the president of the United States, that the insurer is a covered financial company satisfying the requirements of 12 U.S.C. § 5383(b), and the board of directors, or a body performing similar functions of a board of directors, of the insurer acquiesces or consents to the appointment of a receiver pursuant to 12 U.S.C. § 5382(a)(1)(A)(i) with such consent to be considered as consent to an order of rehabilitation or liquidation.

b. Upon an order of the United States district court for the District of Columbia under 12 U.S.C. § 5382(a)(1)(A)(iv)(I) granting the petition of the secretary of the treasury of the United States concerning the insurer under 12 U.S.C. § 5382(a)(1)(A)(i).

c. A petition by the secretary of the treasury of the United States concerning the insurer is granted by operation of law under 12 U.S.C. § 5382(a)(1)(A)(v).

3. Notwithstanding any other provision of law to the contrary, after notice to the insurer, a district court may grant an order of rehabilitation or liquidation within twenty-four hours after the filing of such a petition pursuant to this section.

4. If the district court does not make a determination on a petition for an order of rehabilitation or liquidation filed by the commissioner pursuant to this section within twenty-four hours after the filing of the petition, the order shall be deemed granted by operation of law upon the expiration of the twenty-four-hour period.

a. At the time that an order is deemed granted under this subsection, the provisions of this chapter shall be deemed to be in effect, and the commissioner shall be deemed to be affirmed as receiver and to have all of the applicable powers provided by this chapter, regardless of whether an order has been entered by the district court.

b. If an order is deemed granted by operation of law under this subsection, the district court shall expeditiously enter an order of rehabilitation or liquidation that does all of the following:

(1) Is effective as of the date that the order is deemed granted by operation of law.

(2) Conforms to the provisions for rehabilitation or liquidation of an insurer contained in this chapter, as applicable.

5. An order of rehabilitation or liquidation made pursuant to this section shall not be subject to a stay or injunction pending appeal.

6. Nothing in this section shall be construed to supersede or impair any other power or authority of the commissioner or the district court under this chapter.

Sec. 11. Section 511.8, subsection 14, Code 2013, is amended to read as follows:

14. *Urban real estate and personal property.*

a. Personal or real property or both located within the United States or the Dominion of Canada, other than real property used or to be used primarily for agricultural, horticultural, ranching or mining purposes, which produces income or which by suitable improvement will produce income. However, personal property acquired under this subsection shall be acquired for the purpose of entering into a contract for the sale or for a use under which the contractual payments may reasonably be expected to result in the recovery of the investment and an investment return within the anticipated useful life of the property. Legal title to the real property may be acquired subject to a contract of sale.

b. "*Real property*" as used in this subsection includes ~~a~~ all of the following:

(1) A leasehold of real estate~~, an~~.

(2) An undivided interest in a leasehold of real estate~~, and an~~.

(3) An undivided interest in the fee title of real estate.

(4) A controlling membership, partnership, shareholder, or trust interest in any entity created solely for the purpose of owning and operating any of the interests described in subparagraph (1), (2), or (3), if the entity is expressly limited to that purpose within its organizational documents.

c. Investments under this subsection are not eligible in excess of ten percent of the legal reserve.

Sec. 12. Section 511.8, subsection 22, paragraph i, subparagraph (2), Code 2013, is amended to read as follows:

(2) Securities pledged as collateral for financial instruments used in highly effective hedging transactions together with securities pledged to a counterparty, clearing organization, or clearinghouse on an upfront basis in the form of initial margin, independent amount, or other securities pledged as a precondition of entering into financial instruments used in highly effective hedging transactions pursuant to subparagraph (1), are not eligible in excess of ten percent of the legal reserve of the life insurance company or association, less any financial instruments used in hedging transactions held in the legal reserve under this subsection.

Sec. 13. Section 511.8, subsection 22, paragraph i, subparagraph (3), Code 2013, is amended by striking the subparagraph.

Sec. 14. Section 511.8, subsection 23, Code 2013, is amended by adding the following new paragraph:

NEW PARAGRAPH. *g.* For securities loaned pursuant to this subsection that are included in the legal reserve of the life insurance company or association, the collateral received for the loaned securities shall not be eligible for inclusion in the legal reserve.

Sec. 15. Section 511.40, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 5. *a.* The gross amount of premiums received by a life insurance company or association for an employer-owned life insurance contract which has not been allocated to another state shall be allocated to this state for purposes of section 432.1, subsection 1, if either of the following is applicable:

(1) The contract is issued or delivered in this state.

(2) The company or association is domiciled in this state.

b. To the extent that premiums are allocated to this state pursuant to paragraph "*a*", the provisions of section 505.14 are not applicable to those premiums.

c. As used in this subsection, "*employer-owned life insurance contract*" means a policy which provides coverage on a life for which the employer has an insurable interest under this section or a similar provision of the laws of another state and the policy is owned by either the employer or a trust established by the employer for the benefit of the employer or the employer's active or retired employees.

Sec. 16. Section 515.26, Code 2013, is amended to read as follows:

515.26 Directors.

The affairs of a company organized as provided by this chapter shall be managed by a number of directors, of not less than five nor more than twenty-one. ~~In the case of a mutual company, all such directors shall be policyholders.~~

Sec. 17. Section 515.35, subsection 4, paragraph f, Code 2013, is amended to read as follows:

f. Stocks, limited partnership interests, and limited liability company interests.

(1) A company may invest in common stocks, common stock equivalents, mutual fund shares, securities convertible into common stocks or common stock equivalents, or preferred stocks issued or guaranteed by a corporation incorporated under the laws of the United States or a state of the United States, or the laws of Canada or a province of Canada.

~~(1)~~ (a) Stocks purchased under this section shall not exceed one hundred percent of capital and surplus. With the approval of the commissioner, a company may invest any amount in common stocks, preferred stocks, or other securities of one or more subsidiaries provided that after such investments the insurer's surplus as regards policyholders will be reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs.

~~(2)~~ (b) A company shall not invest more than ten percent of its capital and surplus in the stocks of any one corporation.

(2) In addition to those investments permitted under subparagraph (1), a company may invest in or otherwise acquire and hold a limited partnership interest in any limited partnership formed under the laws of any state, commonwealth, or territory of the United States, or under the laws of the United States. A company may invest in or otherwise acquire and hold a member interest in any limited liability company formed under the laws of any state, commonwealth, or territory of the United States or under the laws of the United States. A limited partnership or limited liability company interest shall not be acquired if the investment, valued at cost, exceeds two percent of the capital and surplus of the company or if the investment, plus the book value on the date of the investment of all limited partnership or limited liability company interests then held by the company and held under the authority of this subparagraph, exceeds ten percent of the capital and surplus of the company. A limited partnership or limited liability company interest shall not be acquired under this subparagraph unless the limited partnership or limited liability company is audited annually by an independent auditor.

Sec. 18. Section 515.69, subsection 1, Code 2013, is amended to read as follows:

1. A stock insurance company organized under or by the laws of any other state or foreign government for the purpose specified in this chapter, shall not, directly or indirectly, take risks or transact business of insurance in this state unless the company ~~has two and one-half million dollars of actual paid-up capital, and a surplus in cash or invested in securities authorized by law of not less than two and one-half million dollars,~~ possesses the actual amount of capital and surplus required of any company organized pursuant to this chapter, or if the company is a mutual insurance company, the actual amount of surplus required of any mutual insurance company organized pursuant to this chapter, exclusive of assets deposited in a state, territory, district, or country for the special benefit or security of those insured in that state, territory, district, or country.

Sec. 19. Section 515.128, subsection 1, Code 2013, is amended to read as follows:

1. An insurer shall not fail to renew a commercial line policy or contract of insurance except by notice to the named insured as provided in this section. ~~Nonrenewal of a commercial line policy or contract includes a decision by the insurer not to renew the policy or contract, an increase in the premium of twenty-five percent or more, an increase in the deductible of twenty-five percent or more, or a material reduction in the limits or coverage of the policy or contract. However, a premium charge which is assessed after the beginning date of the policy period for which the premium is due shall not be deemed a premium increase for the purpose of this section.~~

Sec. 20. NEW SECTION. **515.128A Material changes in commercial lines policies or contracts — notice required.**

1. If an insurer has an increase in the premium rates of twenty-five percent or more, an increase in the deductible of twenty-five percent or more, or a material reduction in the limits or coverage of the policy or contract, the insurer shall notify the named insured by a letter of explanation of the changes by mail at least forty-five days prior to the expiration date of the policy or contract. However, a premium charge that is assessed after the beginning date of the policy or contract period for which the premium is due shall not be deemed a premium increase for the purposes of this section.

2. If the insurer fails to meet the notice requirements of this section, the named insured has the option of continuing the policy or contract for the remainder of the notice period plus an additional thirty days at the premium rate of the existing policy or contract. A post office department certificate of mailing to the named insured at the address shown in the policy or contract is proof of receipt of the mailing.

Sec. 21. Section 515.136, Code 2013, is amended to read as follows:

515.136 Value of building — liability.

~~The insurance company or association issuing such policy may show the actual value of said property at date of policy, and any depreciation in the value thereof before the loss occurred; but the said~~ An insurance company or association shall be liable for the actual cash value of the property insured at the date of the loss, unless such value exceeds the amount stated in the policy.

Sec. 22. Section 515A.7, subsection 1, paragraph b, subparagraph (5), Code 2013, is amended to read as follows:

(5) An insurer may adopt a ~~scheduled or~~ schedule rating plan providing for credits or debits in an amount not exceeding the maximum modification allowed as set forth by the commissioner by rule. This amount shall be in addition to the permitted deviations set forth in subparagraphs (1) through (4).

Sec. 23. Section 518.14, subsection 4, paragraph f, unnumbered paragraph 1, Code 2013, is amended to read as follows:

Common stocks, common stock equivalents, mutual fund shares, securities convertible into common stocks or common stock equivalents, or preferred stocks issued or guaranteed by a corporation incorporated under the laws of the United States or a state, or the laws of Canada or a province of Canada, or limited partnerships publicly traded on a nationally established

stock exchange in the United States. Aggregate investments in nondividend paying stocks shall not exceed five percent of surplus.

Sec. 24. Section 518A.12, subsection 4, paragraph f, unnumbered paragraph 1, Code 2013, is amended to read as follows:

Common stocks, common stock equivalents, mutual fund shares, securities convertible into common stocks or common stock equivalents, or preferred stocks issued or guaranteed by a corporation incorporated under the laws of the United States or a state, or the laws of Canada or a province of Canada, or limited partnerships publicly traded on a nationally established stock exchange in the United States. Aggregate investments in nondividend paying stocks shall not exceed five percent of surplus.

Sec. 25. Section 521E.1, subsection 4, unnumbered paragraph 1, Code 2013, is amended to read as follows:

"Domestic insurer" means an insurance company domiciled in this state and licensed to transact the business of insurance under chapter 508, 512B, 515, or 520, except that it shall not include any of the following:

Sec. 26. Section 521E.1, subsection 4, paragraph b, Code 2013, is amended by striking the paragraph.

Sec. 27. Section 521E.1, subsections 6 and 7, Code 2013, are amended to read as follows:

6. *"Foreign insurer"* means an insurance company not domiciled in this state which is licensed to transact the business of insurance in this state under chapter 508, 512B, 515, or 520.

7. *"Life and health insurer"* means an insurance company licensed under chapter 508, a fraternal benefit society organized under chapter 512B, or a licensed property and casualty insurer writing only accident and health insurance under chapter 515.

Sec. 28. Section 521E.3, subsection 1, paragraph a, subparagraph (2), Code 2013, is amended to read as follows:

(2) For a life and health insurer, the insurer's total adjusted capital is greater than or equal to its company-action-level risk-based capital but less than the product of its authorized-control-level risk-based capital and ~~two and one-half~~ three, and has a negative trend.

Sec. 29. Section 522C.6, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 3. *a.* A licensed public adjuster who, after hearing, is found to have violated this chapter or any rule adopted or order issued pursuant to this chapter, may be ordered to cease and desist from engaging in the conduct resulting in the violation and may be assessed a civil penalty as provided in section 505.7A.

b. A person who, after hearing, is found to have violated this chapter by acting as a public adjuster without proper licensure may be ordered to cease and desist from engaging in the conduct resulting in the violation and may be assessed a civil penalty according to the provisions of chapter 507A.

c. If a person has engaged, is engaging, or is about to engage in any act or practice constituting a violation of this chapter or any rule adopted or order issued pursuant to this chapter, the commissioner may issue a summary order that includes a brief statement of findings of fact, conclusions of law, and policy reasons for the order, and that directs the person to cease and desist from engaging in the act or practice constituting the violation and that may assess a civil penalty or take other affirmative action as in the judgment of the commissioner is necessary to assure that the person complies with the requirements of this chapter as provided in chapter 507A.

d. If a person does not comply with an order issued pursuant to this subsection, the commissioner may petition a court of competent jurisdiction to enforce the order. The court shall not require the commissioner to post a bond in an action or proceeding under this subsection. If the court finds, after notice and opportunity for hearing, that the person is not in compliance with an order, the court may adjudge the person to be in civil contempt

of the order. The court may impose a civil penalty against the person for contempt in an amount not less than three thousand dollars but not greater than ten thousand dollars for each violation and may grant any other relief that the court determines is just and proper in the circumstances.

Sec. 30. Section 598.20A, Code 2013, is amended to read as follows:

598.20A Beneficiary revocation — life insurance.

1. Except as preempted by federal law, if a decree of dissolution, annulment, or separate maintenance is issued after ~~an insured~~ the policy owner of an insurance contract insuring the policy owner's own life has designated the ~~insured's~~ policy owner's spouse or one or more relatives of the ~~insured's~~ policy owner's spouse as a beneficiary under a life insurance policy in effect on the date of the decree, a provision in the life insurance policy making such a designation is voided by the issuance of the decree unless any of the following apply:

a. The decree designates the ~~insured's~~ policy owner's former spouse or one or more relatives of the ~~insured's~~ policy owner's spouse as beneficiary.

b. After issuance of the decree, the ~~insured~~ policy owner executes a designation of beneficiary form provided by the insurance company naming the ~~insured's~~ policy owner's former spouse or one or more relatives of the ~~insured's~~ policy owner's former spouse as beneficiary.

c. The ~~insured~~ policy owner and the ~~insured's~~ policy owner's former spouse remarry.

2. If a beneficiary designation is not effective pursuant to subsection 1, the benefits or proceeds of the life insurance policy are payable to an alternate beneficiary, or if there is no alternate beneficiary, to the estate of the ~~insured~~ policy owner.

3. An insurer who pays benefits or proceeds of a life insurance policy to a beneficiary under a designation that is void pursuant to subsection 1 is not liable for payment to an alternative beneficiary as provided under subsection 2 unless both of the following apply:

a. At least ten days prior to payment of the benefits or proceeds of the life insurance policy to the designated beneficiary, the insurer receives written notice at the home office of the insurer that the designation of the beneficiary is not effective pursuant to subsection 1.

b. The insurer has failed to interplead the benefits or proceeds of the life insurance policy in a court of competent jurisdiction in accordance with the rules of civil procedure.

4. This section does not limit the right of a beneficiary to seek recovery from any person or entity that erroneously receives or collects the benefits or proceeds from a life insurance policy.

5. This section does not affect the right of ~~an insured's~~ a policy owner's former spouse to assert an ownership interest in a life insurance policy insuring the life of the policy owner that is not disclosed to the ~~insured's~~ policy owner's spouse prior to the decree of dissolution, annulment, or separate maintenance and that is not addressed by the decree.

6. For purposes of this section, *"relative of the ~~insured's~~ policy owner's spouse"* means a person who is related to the ~~insured's~~ policy owner's former spouse by blood, adoption, or affinity, and who, subsequent to a decree of dissolution, annulment, or separate maintenance, ceases to be related to the ~~insured~~ policy owner by blood, adoption, or affinity.

Sec. 31. EFFECTIVE UPON ENACTMENT. The following provision or provisions of this Act, being deemed of immediate importance, take effect upon enactment:

1. The section of this Act enacting section 507C.17A.

Sec. 32. EFFECTIVE DATE. The following provision or provisions of this Act take effect January 1, 2014:

1. The section of this Act amending section 523A.303, subsection 1, unnumbered paragraph 1. [1]

Approved June 17, 2013

[1] Not enacted

CHAPTER 125

BEGINNING FARMER TAX CREDIT PROGRAM AND AGRICULTURAL LOAN ASSISTANCE

H.F. 599

AN ACT relating to beginning farmers by modifying the agricultural assets transfer tax credit, providing a custom farming contract tax credit, and terminating the agricultural loan assistance program, and including effective date and retroactive applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I
GENERAL PROVISIONS

Section 1. Section 2.48, subsection 3, paragraph e, subparagraph (1), Code 2013, is amended to read as follows:

(1) The agricultural assets transfer tax credit under section 175.37 and the custom farming contract tax credit as provided in section 175.38.

Sec. 2. Section 175.2, subsection 1, Code 2013, is amended by adding the following new paragraphs:

NEW PARAGRAPH. *0h. "Beginning farmer tax credit program"* means all of the following:

(1) The agricultural assets transfer tax credit as provided in section 175.37.

(2) The custom farming contract tax credit as provided in section 175.38.

NEW PARAGRAPH. *0t. "Production item"* includes tools, machinery, or equipment principally used to produce crops or livestock.

NEW PARAGRAPH. *00t. "Qualified beginning farmer"* means a beginning farmer who meets the requirements to participate in a beginning farmer tax credit program as provided in section 175.36A.

NEW PARAGRAPH. *v. "Veteran"* means the same as defined in section 35.1.

Sec. 3. Section 175.4, subsection 18, Code 2013, is amended by striking the subsection.

Sec. 4. Section 175.8, subsection 1, unnumbered paragraph 1, Code 2013, is amended to read as follows:

The authority shall submit a report to the governor and ~~to the members of the~~ general assembly ~~as request it,~~ not later than January 15 of each year~~, a~~. The report shall be complete and economically designed and reproduced, ~~report~~ setting forth all of the following:

Sec. 5. Section 175.8, subsection 2, Code 2013, is amended to read as follows:

2. *a.* The annual report shall ~~identify performance~~ include all of the following:

(1) Performance goals of the authority~~, and~~. The report shall clearly indicate the extent of progress during the reporting period~~,~~ in attaining the goals.

(2) An evaluation of the success of its programs, with a special emphasis on the beginning farmer loan program as provided in section 175.12, and the beginning farmer tax credit program.

b. Where possible, the findings and results of its performance goals and evaluation shall be expressed in terms of number of loans, tax credits, participating qualified beginning farmers, and acres of agricultural land, including by county.

Sec. 6. NEW SECTION. **175.36A Criteria for beginning farmers qualifying to participate in the beginning farmer tax credit program.**

A beginning farmer qualifies to participate in the beginning farmer tax credit program, by meeting all of the following criteria:

1. Is a resident of the state. If the beginning farmer is a partnership, all partners must be residents of the state. If a beginning farmer is a family farm corporation, all shareholders must be residents of the state. If the beginning farmer is a family farm limited liability company, all members must be residents of the state.

2. Has sufficient education, training, or experience in farming. If the beginning farmer is a partnership, each partner who is not a minor must have sufficient education, training, or experience in farming. If the beginning farmer is a family farm corporation, each shareholder who is not a minor must have sufficient education, training, or experience in farming. If the beginning farmer is a family farm limited liability company, each member who is not a minor must have sufficient education, training, or experience in farming.

3. Has access to adequate working capital and production items.

4. Will materially and substantially participate in farming. If the beginning farmer is a partnership, family farm corporation, or family farm limited liability company, each partner, shareholder, or member who is not a minor must materially and substantially participate in farming.

5. Is not responsible for managing or maintaining agricultural land and other agricultural assets that are greater than necessary to adequately support a beginning farmer as determined by the authority according to rules which shall be adopted by the authority.

Sec. 7. NEW SECTION. **175.36B Administration of beginning farmer tax credit program.**

1. To every extent practicable, the authority shall administer tax credits under the beginning farmer tax credit program in a uniform manner that encourages participation by qualified beginning farmers. The authority shall determine a qualified beginning farmer's low or moderate net worth by using a single method applicable to all its programs, including the beginning farmer tax credit program.

2. The authority shall establish a due date to receive applications to participate in the beginning farmer tax credit program. The authority may establish different due dates for applications to qualify for each beginning farmer tax credit.

3. The department of revenue shall cooperate with the authority in administering the beginning farmer tax credit program.

Sec. 8. Section 175.37, subsection 1, Code 2013, is amended to read as follows:

1. An agricultural assets transfer tax credit is allowed under this section. The tax credit is allowed against the taxes imposed in chapter 422, division II, as provided in section 422.11M, and in chapter 422, division III, as provided in section 422.33, to facilitate the transfer of agricultural assets from a taxpayer to a qualified beginning farmer.

Sec. 9. Section 175.37, subsection 2, paragraph b, Code 2013, is amended to read as follows:

b. Execute an agricultural assets transfer agreement with a qualified beginning farmer as provided in this section.

Sec. 10. Section 175.37, subsection 4, Code 2013, is amended to read as follows:

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

a. The agreement ~~may be~~ shall include a lease made on a cash basis or on a commodity share basis which includes a share of the crops or livestock produced on the agricultural land. The agreement must be in writing.

b. The agreement shall be for at least two years, but not more than five years. The agreement or that part of the agreement providing for the lease may be renewed by the qualified beginning farmer for a term of at least two years, but not more than five years. An agreement does not include a lease or the rental of equipment intended as a security.

c. The agricultural transfer agreement cannot be assigned and the land subject to the agreement cannot be subleased.

Sec. 11. Section 175.37, subsection 5, Code 2013, is amended to read as follows:

5. The tax credit shall be ~~calculated~~ based on ~~the gross amount paid to the taxpayer under~~ the agricultural assets transfer agreement. The agreement shall be based on a cash basis or a commodity share basis or both.

a. ~~Except as provided in paragraph "*b*",~~ For an agreement that includes a lease on a cash basis, the tax credit shall ~~equal five~~ be computed as follows:

(1) If the qualified beginning farmer is not a veteran, the taxpayer may claim a tax credit equal to seven percent of the gross amount paid to the taxpayer under the agreement for each tax year that the tax credit is allowed.

(2) If the qualified beginning farmer is a veteran, the taxpayer may claim eight percent of the gross amount paid to the taxpayer under the agreement for the first year that the tax credit is allowed and seven percent of the gross amount paid to the taxpayer for each subsequent tax year that the tax credit is allowed. However, the taxpayer may only claim seven percent of the gross amount paid to the taxpayer under a renewed agreement or a new agreement executed by the same parties.

b. ~~The~~ For an agreement that includes a lease on a commodity share basis, the tax credit shall ~~equal fifteen~~ be computed as follows:

(1) (a) If the qualified beginning farmer is not a veteran, the taxpayer may claim a tax credit equal to seventeen percent of the amount paid to the taxpayer from crops or animals sold under ~~an~~ the agreement in which the payment is exclusively made from the sale of crops or animals.

(b) If the qualified beginning farmer is a veteran, the taxpayer may claim a tax credit equal to eighteen percent of the amount paid to the taxpayer from crops or animals sold under the agreement for the first tax year that the taxpayer is allowed the tax credit and seventeen percent of the amount paid to the taxpayer for each subsequent tax year that the taxpayer is allowed the tax credit. However, the taxpayer may only claim seventeen percent of the amount paid to the taxpayer from crops or animals sold for any tax year under a renewed agreement or a new agreement executed by the same parties.

(2) Notwithstanding subparagraph (1), the authority may elect an alternative method to compute a tax credit for a lease based on a crop share basis. The alternative method shall utilize a formula which uses data compiled by the United States department of agriculture. The formula shall calculate the amount of the tax credit by multiplying the average per bushel yield for the same type of grain as produced under the lease in the same county where the leased land is located by a per bushel state price established for such type of grain harvested the previous fall.

Sec. 12. Section 175.37, subsection 6, Code 2013, is amended by striking the subsection.

Sec. 13. Section 175.37, subsection 8, unnumbered paragraph 1, Code 2013, is amended to read as follows:

A taxpayer shall not claim a tax credit under this section unless a tax credit certificate issued by the authority is attached to the taxpayer's tax return for the tax year for which the tax credit is claimed. The authority must review and approve an application for a tax credit as provided by rules adopted by the authority. The application must include a copy of the agricultural assets transfer agreement. The authority may approve an application and issue a tax credit certificate to a taxpayer who has previously been allowed a tax credit under this section. The authority may require that the parties to an agricultural assets transfer agreement provide additional information as determined relevant by the authority. The authority shall review an application for a tax credit which includes the renewal of an agricultural assets transfer agreement to determine that the parties to the renewed agreement meet the same qualifications as required for an original application. ~~However,~~ The authority shall not approve an application or issue a tax credit certificate to a taxpayer for an amount in excess of fifty thousand dollars. In addition, the authority shall not approve an application or issue a certificate to a taxpayer if any of the following applies:

Sec. 14. Section 175.37, subsection 8, paragraph c, Code 2013, is amended by striking the paragraph.

Sec. 15. Section 175.37, subsection 9, unnumbered paragraph 1, Code 2013, is amended to read as follows:

A taxpayer or the qualified beginning farmer may terminate an agricultural assets transfer agreement as provided in the agreement or by law. The taxpayer must immediately notify

the authority of the termination.

Sec. 16. Section 175.37, subsection 9, paragraph b, Code 2013, is amended to read as follows:

b. If the authority determines that the taxpayer is at fault for the termination, any prior tax credit allowed under this section is disallowed. The ~~tax credit shall be recaptured and the~~ amount of the tax credit shall be immediately due and payable to the department of revenue. If a taxpayer does not immediately notify the authority of the termination, the taxpayer shall be conclusively deemed at fault for the termination.

Sec. 17. Section 175.37, subsection 10, Code 2013, is amended by striking the subsection.

Sec. 18. NEW SECTION. **175.38 Custom farming contract tax credit.**

1. A custom farming contract tax credit is allowed under this section. The tax credit is allowed against the taxes imposed in chapter 422, division II, as provided in section 422.11M, and in chapter 422, division III, as provided in section 422.33, to encourage taxpayers who are considering custom farming agricultural land located in this state to negotiate with qualified beginning farmers.

2. In order to be eligible to claim a custom farming contract tax credit, the taxpayer must meet qualifications established by rules adopted by the authority. At a minimum, the taxpayer must be a person who may acquire or otherwise obtain or lease agricultural land in the same manner as provided for a taxpayer claiming an agricultural assets transfer tax credit under section 175.37.

3. An individual may claim a custom farming contract tax credit of a partnership, limited liability company, S corporation, estate, or trust electing to have income taxed directly to the individual. The amount claimed by the individual shall be based upon the pro rata share of the individual's earnings from the partnership, limited liability company, S corporation, estate, or trust.

4. A custom farming contract tax credit is allowed only for the amount paid by the taxpayer to a qualified beginning farmer under a custom farming contract as provided in rules adopted by the department. The contract must provide for the production of crops located on agricultural land or the production of livestock principally located on agricultural land. The agricultural land must be real estate and any improvements used for farming in which the taxpayer holds a legal or equitable interest.

5. The custom farming contract must provide that the taxpayer pay the qualified beginning farmer on a cash basis. The contract must be in writing for a term of not more than twelve months. The total cash payment must equal at least one thousand dollars.

6. The taxpayer must make all management decisions substantially contributing to or affecting the production of crops located on the agricultural land or the production of livestock principally located on the agricultural land. However, nothing in this paragraph prohibits a qualified beginning farmer from regularly or frequently taking part in making day-to-day operational decisions affecting production. The qualified beginning farmer must provide for all of the following:

a. Production items principally used to produce crops located on the agricultural land or to produce livestock principally located on the agricultural land.

b. Labor principally used to produce crops located on the agricultural land or to produce livestock principally located on the agricultural land. The qualified beginning farmer must personally provide such labor on a regular, continuous, and substantial basis.

7. A custom farming contract tax credit is not allowed if the taxpayer and qualified beginning farmer are related as any of the following:

a. Persons who hold a legal or equitable interest in the same agricultural land, including as individuals or as general partners, limited partners, shareholders, or members in the same business entity as defined in section 501A.102.

b. Family members related as spouse, child, stepchild, brother, or sister.

c. Partners in the same partnership which holds agricultural land, or shareholders in the same family farm corporation or members in the same family farm limited liability company and defined in section 9H.1.

8. A custom farming contract tax credit shall be calculated based on the gross amount paid to the qualified beginning farmer under the custom farming contract.

a. If the qualified beginning farmer is not a veteran, the taxpayer may claim a tax credit equal to seven percent of the gross amount paid to the qualified beginning farmer under the contract for each tax year that the tax credit is allowed.

b. If the qualified beginning farmer is a veteran, the taxpayer may claim a tax credit equal to eight percent of the gross amount paid to the qualified beginning farmer under the contract for the first year that the tax credit is allowed and seven percent of the gross amount paid to the qualified beginning farmer under the contract for each subsequent tax year that the tax credit is allowed. However, the taxpayer may only claim seven percent of the gross amount paid to the qualified beginning farmer under a renewed contract or a new contract executed by the same parties.

9. A custom farming contract tax credit in excess of the taxpayer's liability for the tax year may be credited to the tax liability for the following five years or until depleted, whichever is earlier. A tax credit shall not be carried back to a tax year prior to the tax year in which the taxpayer redeems the tax credit. A tax credit shall not be transferable to any other person other than the taxpayer's estate or trust upon the taxpayer's death.

10. A taxpayer shall not claim a custom farming contract tax credit unless a tax credit certificate issued by the authority under this section is attached to the taxpayer's tax return for the tax year for which the tax credit is claimed. The authority must review and approve an application for a tax credit certificate as provided by rules adopted by the authority. The application must include a copy of the custom farming contract. The authority may approve an application and issue a tax credit certificate to a taxpayer who has previously been allowed a tax credit under this section. The authority may require that the parties to the contract provide additional information as determined relevant by the authority. The authority shall review an application for a tax credit certificate which includes the renewal of a contract to determine that the parties to the renewed contract meet the same qualifications as required for an original application. The authority shall not approve an application or issue a tax credit certificate to a taxpayer for an amount in excess of fifty thousand dollars. In addition, the authority shall not approve an application or issue a tax credit certificate to a taxpayer if any of the following applies:

a. The taxpayer is at fault for terminating another custom farming contract, as determined by the authority.

b. The taxpayer is party to a pending administrative or judicial action, or classified as a habitual violator in the same manner as provided in section 175.37.

c. The contract amount is substantially higher or lower than the market rate for a similar custom farming contract, as determined by the authority.

11. A taxpayer or the qualified beginning farmer may terminate a custom farming contract as provided in the contract or by law. The taxpayer must immediately notify the authority of the termination.

a. If the authority determines that the taxpayer is not at fault for the termination, the authority shall not issue a tax credit certificate to the taxpayer for a subsequent tax year based on the approved application. Any prior tax credit is allowed as provided in this section until its expiration. The taxpayer may apply for and be issued another tax credit certificate for the same agricultural land under a custom farming contract with another qualified beginning farmer.

b. If the authority determines that the taxpayer is at fault for the termination, any prior tax credit allowed under this section is disallowed, and the amount of the tax credit shall be immediately due and payable to the department of revenue. If a taxpayer does not immediately notify the authority of the termination, the taxpayer shall be conclusively deemed at fault for the termination.

Sec. 19. NEW SECTION. **175.39 Tax credit certificates — availability.**

1. The amount of tax credits that may be issued to support the beginning farmer tax credit program shall not in the aggregate exceed twelve million dollars in any year. Of the aggregate amount, eight million dollars is allocated to support the agricultural assets transfer tax credit as provided in section 175.37 and four million dollars is allocated to support the custom

farming contract tax credit as provided in section 175.38. However, the authority's board of directors may at any time during the year adjust the allocation by adopting a resolution.

2. The authority shall issue tax certificates to support a beginning farmer tax credit on a first-come, first-served basis.

Sec. 20. Section 422.11M, Code 2013, is amended to read as follows:

422.11M ~~Agricultural assets transferred to beginning~~ Beginning farmers — agricultural assets transfer tax credit and custom farming contract tax credit.

The taxes imposed under this division, less the credits allowed under section 422.12, shall be reduced by ~~an~~ the following:

1. An agricultural assets transfer tax credit as allowed under section 175.37.

2. A custom farming contract tax credit as allowed under section 175.38.

Sec. 21. Section 422.33, subsection 21, Code 2013, is amended to read as follows:

21. The taxes imposed under this division shall be reduced by ~~an~~ the following:

a. An agricultural assets transfer tax credit as allowed under section 175.37.

b. A custom farming contract tax credit as allowed under section 175.38.

Sec. 22. REPEAL. Section 175.35, Code 2013, is repealed.

Sec. 23. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 24. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to January 1, 2013, for tax years beginning on or after that date.

DIVISION II
FUTURE REPEALS

Sec. 25. FUTURE REPEALS.

1. The sections of this Act amending sections 2.48, 175.8, 175.37, 422.11M, and 422.33, are repealed. The Code editor shall revise the applicable Code language to that language existing in the 2013 Code of Iowa.

2. The sections of this Act enacting section 175.2, subsection 1, paragraphs "0h", "0t", "00t", and "v", section 175.36A, section 175.36B, section 175.38, and section 175.39, are repealed.

3. Any intervening amendments effective prior to the effective date of this division of this Act that relates to the beginning farmer tax credit program shall be stricken with the repeal, unless a subsequent Act specifically provides otherwise.

Sec. 26. PRESERVATION OF EXISTING RIGHTS.

This division of this Act shall not limit, modify, or otherwise adversely affect any of the following:

1. A tax credit or tax credit certificate issued, awarded, or allowed before the effective date of this division of this Act.

2. A taxpayer's right to claim or redeem a tax credit issued, awarded, or allowed before the effective date of this division of this Act, including but not limited to any tax credit carryforward amount.

Sec. 27. IOWA FINANCE AUTHORITY. The Iowa finance authority established in chapter 16 shall propose legislation to the general assembly necessary to implement this division of this Act. The Iowa finance authority shall propose such legislation for consideration by the general assembly during its 2017 legislative session.

Sec. 28. EFFECTIVE DATES.

1. Except as provided in subsection 2, this division of this Act takes effect December 31, 2017.

2. The section of this division of this Act which requires the Iowa finance authority to propose legislation for consideration by the general assembly takes effect July 1, 2013.

Approved June 17, 2013

CHAPTER 126

ECONOMIC DEVELOPMENT PROGRAMS AND FINANCIAL ASSISTANCE

H.F. 620

AN ACT relating to the economic development financial assistance duties and powers of the economic development authority by authorizing and creating fees, affecting the aggregate tax credit limit for certain economic development programs and the tax credit for the endow Iowa tax credit, making appropriations, and including effective date and retroactive applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I
COLLECTION OF FEES

Section 1. Section 15.106B, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 5. *a.* The authority may charge fees to businesses or individuals who receive financial assistance under chapter 15 or 15E. The amount of such fees shall be determined based on the costs of the authority associated with its performance of contract administration and compliance duties relating to economic development programs.

b. The authority may charge businesses and individuals a fee for the use of the authority's federal EB-5 immigrant investor regional center.

c. Fees collected by the authority pursuant to this subsection shall be deposited in a fund within the state treasury created pursuant to section 15.106A, subsection 1, paragraph "*o*", and are appropriated to the authority for the purposes set out in section 15.106A, subsection 1, paragraph "*o*". However, fees collected by the authority pursuant to section 15.330, subsection 12, and section 15E.198, shall be used exclusively for costs associated with the administration of due diligence and compliance.

Sec. 2. Section 15.330, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 12. *a.* The imposition of a one-time compliance cost fee of five hundred dollars to be collected by the authority prior to the issuance of a tax incentive certificate or the disbursement of financial assistance.

b. The imposition of a compliance cost fee equal to one-half of one percent of the value of tax incentives claimed pursuant to an agreement that has an aggregate tax incentive value of one hundred thousand dollars or greater. The authority shall collect the fee from the business after the tax incentive is claimed by the business from the department of revenue.

Sec. 3. NEW SECTION. **15E.198 Compliance cost fees.**

The compliance cost fees imposed in 15.330, subsection 12, shall apply to all agreements entered into under this division and shall be collected by the authority in the same manner and to the same extent as described in that subsection.

Sec. 4. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 5. APPLICABILITY. This division of this Act applies to agreements entered into on or after the effective date of this division of this Act.

DIVISION II
AGGREGATE TAX CREDIT LIMITATION

Sec. 6. Section 15.119, subsection 1, Code 2013, is amended to read as follows:

1. *a.* Notwithstanding any provision to the contrary in any of the programs listed in subsection 2, the authority, except as provided in paragraph "*b*", shall not authorize for any one fiscal year an amount of tax credits for the programs specified in subsection 2 that is in excess of one hundred ~~twenty~~ seventy million dollars.

b. (1) The authority may authorize an amount of tax credits during a fiscal year that is in excess of the amount specified in paragraph "*a*", but the amount of such excess shall not exceed twenty percent of the amount specified in paragraph "*a*", and shall be counted against the total amount of tax credits that may be authorized for the next fiscal year.

(2) Any amount of tax credits authorized and awarded during a fiscal year for a program specified in subsection 2 which are irrevocably declined by the awarded business on or before June 30 of the next fiscal year may be reallocated, authorized, and awarded during the fiscal year in which the declination occurs. Tax credits authorized pursuant to this subparagraph shall not be considered for purposes of subparagraph (1).

Sec. 7. Section 15.119, subsection 2, paragraphs d and e, Code 2013, are amended to read as follows:

d. The tax credits for investments in qualifying businesses and community-based seed capital funds issued pursuant to section 15E.43. In allocating tax credits pursuant to this subsection, the authority shall allocate two million dollars for purposes of this paragraph, unless the authority determines that the tax credits awarded will be less than that amount.

e. The tax credits for investments in an innovation fund pursuant to section 15E.52. In allocating tax credits pursuant to this subsection, the authority shall allocate eight million dollars for purposes of this paragraph, unless the authority determines that the tax credits awarded will be less than that amount.

Sec. 8. Section 15.119, subsection 3, Code 2013, is amended to read as follows:

3. In allocating the amount of tax credits authorized pursuant to subsection 1 among the programs specified in subsection 2, the authority shall not allocate more than ~~five~~ ten million dollars for purposes of subsection 2, paragraph "*f*".

Sec. 9. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 10. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to July 1, 2012.

DIVISION III
ENDOW IOWA TAX CREDIT LIMIT

Sec. 11. Section 15E.305, subsection 2, Code 2013, is amended to read as follows:

2. The aggregate amount of tax credits authorized pursuant to this section shall not exceed a total of ~~three~~ six million ~~five hundred thousand~~ dollars ~~plus such additional credit amount as provided by this section~~ annually.

a. The maximum amount of tax credits granted to a taxpayer shall not exceed five percent of the aggregate amount of tax credits authorized.

~~*a.*~~ *b.* Ten percent of the aggregate amount of tax credits authorized in a calendar year shall be reserved for those endowment gifts in amounts of thirty thousand dollars or less. If by September 1 of a calendar year the entire ten percent of the reserved tax credits is not distributed, the remaining tax credits shall be available to any other eligible applicants.

~~*b.* For purposes of this subsection, the additional credit amount shall be an amount for each applicable calendar year determined by the department of revenue equal to the amount~~

~~of money credited as provided by section 99F.11, subsection 3, paragraph "*d*", subparagraph (3), for the prior fiscal year.~~

Sec. 12. Section 99F.11, subsection 3, paragraph d, subparagraph (3), Code 2013, is amended by striking the subparagraph.

Sec. 13. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 14. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to January 1, 2012, for endow Iowa tax credits authorized on or after that date and for endow Iowa tax credit applications received on or after that date.

DIVISION IV
CITY DEVELOPMENT BOARD FEES

Sec. 15. Section 368.10, Code 2013, is amended to read as follows:

368.10 Rules — establishment of filing fees.

The board may establish rules for the performance of its duties and the conduct of proceedings before it. The rules may include establishing filing fees for applications and petitions submitted to the board. The amounts collected from the establishment of such fees are appropriated to the board for the purpose of reimbursing the economic development authority for the budgeted costs of covering the board's expenses as described in section 368.9, subsection 1. Any amounts collected in a fiscal year by the board in excess of such budgeted costs shall be deposited in the general fund of the state. The board's rules are subject to chapter 17A, as applicable.

DIVISION V
MAIN STREET IOWA PROGRAM APPROPRIATION

Sec. 16. From the moneys appropriated in 2013 Iowa Acts, House File 604,[1] if enacted, for the fiscal year beginning July 1, 2013, and ending June 30, 2014, from the Iowa skilled worker and job creation fund created in section 8.75, if enacted, to the economic development authority for the purposes of providing assistance under the high quality jobs program as described in section 15.335B, not more than $1,000,000 may be used by the economic development authority for purposes of providing infrastructure grants to mainstreet communities under the main street Iowa program.

Approved June 17, 2013

[1] Chapter 141 herein

CHAPTER 127

FLAMMABLE OR COMBUSTIBLE LIQUIDS — MISCELLANEOUS PROVISIONS

H.F. 640

AN ACT relating to liquids which are flammable or combustible, by providing for the storage, marketing, and distribution of such liquids, providing for the marketing and distribution of liquids classified as motor fuel, including a conventional blendstock for oxygenate blending, and blended and unblended gasoline and diesel fuel, extending the period for determining the rates of the motor fuel tax based on calculating the distribution of ethanol blended gasoline and other motor fuel, including fees and penalties, and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I
LEGISLATIVE INTENT

Section 1. USE OF RENEWABLE FUELS. The general assembly finds and declares all of the following:

1. In accordance with the federal Energy Policy Act of 2005, Pub. L. No. 109-58, as amended by the federal Energy Independence and Security Act of 2007, Pub. L. No. 110-140, the United States has demonstrated its commitment to the long-term policy of increasing the production of clean renewable fuels according to a renewable fuel standard, sometimes referred to as "RFS2," by requiring the increased domestic production and use of renewable fuels, which include total renewable biofuels such as ethanol, advanced biofuels, cellulosic and agricultural waste-based biofuels, and biomass-based biodiesel.

2. The renewable fuel standard provides the foundation for reducing dependence on foreign sources of crude oil, reducing the price of domestic transportation fuels, reducing greenhouse gases, increasing farm income, and encouraging the development and expansion of a new industry, and consequently promoting economic growth.

3. The rising price of petroleum hampers this nation's economic recovery and contributes to increasing retail prices, including increased costs attributable to the transportation of food and other goods, that drain the finances of both consumers and business.

4. The United States Environmental Protection Agency is responsible for establishing and implementing the renewable fuel standard, including by requiring that certain volumes of various types of biofuels be blended in transportation fuels each year with authority to adjust those volumes due to availability.

5. The United States government should renew its commitment to this nation's energy security, move the United States toward greater energy independence and security as required by the federal Energy Independence and Security Act, and use all efforts to meet the highest possible renewable fuel volume requirements set forth in the renewable fuel standard in order to ensure that this nation achieves energy independence.

DIVISION II
MOTOR FUEL MARKETING

Sec. 2. Section 214A.1, Code 2013, is amended by adding the following new subsections:

NEW SUBSECTION. 8A. *"Distributor"* means the same as defined in section 452A.2.

NEW SUBSECTION. 12A. *"Marketer"* means a dealer, distributor, nonrefiner biofuel manufacturer, or supplier.

NEW SUBSECTION. 16A. *"Nonrefiner biofuel manufacturer"* means the same as defined in section 452A.2.

NEW SUBSECTION. 18A. *"Pipeline company"* means the same as defined in section 479B.2.

NEW SUBSECTION. 18B. *"Refiner"* means a person engaged in the refining of crude oil to produce motor fuel, and includes any affiliate of such person.

NEW SUBSECTION. 23A. *"Supplier"* means the same as defined in section 452A.2.

NEW SUBSECTION. 23B. *"Terminal"* means the same as defined in section 452A.2.

NEW SUBSECTION. 23C. *"Terminal operator"* means the same as defined in section 452A.2.

NEW SUBSECTION. 23D. *"Terminal owner"* means the same as defined in section 452A.2.

Sec. 3. Section 214A.20, subsection 1, Code 2013, is amended to read as follows:

1. A retail dealer or other marketer, pipeline company, refiner, terminal operator, or terminal owner is not liable for damages caused by the use of incompatible motor fuel dispensed at the retail dealer's retail motor fuel site, if all of the following applies:

a. The incompatible motor fuel complies with the specifications for a type of motor fuel as provided in section 214A.2.

b. The incompatible motor fuel is selected by ~~a person other than the retail dealer, including an employee or agent of the retail dealer~~ the end consumer of the motor fuel.

c. The incompatible motor fuel is dispensed from a motor fuel pump that correctly labels the type of fuel dispensed.

Sec. 4. Section 323.1, Code 2013, is amended by adding the following new subsections:

NEW SUBSECTION. 01. *"Blender pump"* means a motor fuel blender pump as defined in section 214.1 that dispenses motor fuel or special fuel in a manner required pursuant to chapters 214 and 214A.

NEW SUBSECTION. 3A. *a. "Dispenser"* means a meter or similar commercial weighing and measuring device used to measure and dispense motor fuel or special fuel, including renewable fuel, originating from a storage tank used to store fuel.

b. "Dispenser" includes but is not limited to a motor fuel pump or blender pump.

NEW SUBSECTION. 7A. *"Motor fuel pump"* means the same as defined in section 214.1 that dispenses motor fuel or special fuel in a manner that complies with standards set forth in chapters 214 and 214A.

NEW SUBSECTION. 7B. *"Refiner"* means a person engaged in the refining of crude oil to produce motor fuel or special fuel, and includes any affiliate of such person.

NEW SUBSECTION. 7C. *"Renewable fuel"* means the same as defined in section 214A.1 that complies with standards set forth in section 214A.2.

NEW SUBSECTION. 11. *"Storage tank"* means a motor fuel storage tank as defined in section 214.1, including an underground storage tank subject to regulation under chapter 455G.

NEW SUBSECTION. 12. *"Supplier"* means the same as defined in section 452A.2.

Sec. 5. NEW SECTION. **323.4A Use of renewable fuel.**

1. Except as provided in subsection 3, this section applies to a supply agreement or other document executed on or after the effective date of this division of this Act by parties who are receiving and furnishing motor fuel or special fuel as follows:

a. A dealer who is a party receiving motor fuel or special fuel from another party who is a refiner, supplier, or distributor furnishing the motor fuel or special fuel.

b. A distributor who is a party receiving motor fuel or special fuel from another party who is a refiner, supplier, or other distributor furnishing the motor fuel or special fuel.

2. A supply agreement or other document shall not contain a provision restricting a dealer or distributor who is a party receiving motor fuel or special fuel from the other party furnishing the motor fuel or special fuel as described in subsection 1 from doing any of the following:

a. Installing, converting, or operating a storage tank or a dispenser located on the distributor's or dealer's business premises for use in storing or dispensing renewable fuel. However, this paragraph does not apply to a dealer or distributor whose business premises are leased from the other party furnishing the renewable fuel.

b. Using a dispenser to dispense ethanol blended gasoline, including gasoline with a specified blend or a range of blends under chapter 214A, if the dispenser is approved as required by the state fire marshal for dispensing the specified blend or range of blends, including as provided in section 455G.31.

c. Purchasing, selling, or dispensing motor fuel or special fuel that is a renewable fuel from a source other than the party furnishing other motor fuel or special fuel, if such party furnishing the other motor fuel or special fuel does not furnish motor fuel or special fuel that is a renewable fuel for sale by the distributor or dealer.

d. Marketing the sale of any renewable fuel, including but not limited to advertising its availability or price on a sign, on a dispenser, or by media.

e. Selling or dispensing renewable fuel in any specified area located on the distributor's or dealer's business premises, including but not limited to any area in which a name or logo of a franchiser or any other entity appears.

f. Using a payment form for the sale of a renewable fuel by the retail dealer that is the same type as the payment form used for the sale of another type of motor fuel or special fuel by the dealer on the dealer's retail premises.

3. This section does not apply to any activity that constitutes mislabeling, misbranding, willful adulteration, or other trademark violation by a dealer.

Sec. 6. Section 452A.2, Code 2013, is amended by adding the following new subsections:

NEW SUBSECTION. 6A. *"Conventional blendstock for oxygenate blending"* means one or more motor fuel components intended for blending with an oxygenate or oxygenates to produce gasoline.

NEW SUBSECTION. 9A. *"Diesel fuel"* or *"diesel"* means diesel fuel as defined in section 214A.1.

NEW SUBSECTION. 28A. *"Nonrefiner biofuel manufacturer"* means an entity that produces, manufactures, or refines biofuel and does not directly or through a related entity refine, blend, import, or produce a conventional blendstock for oxygenate blending, gasoline, or diesel fuel.

NEW SUBSECTION. 30A. *"Refiner"* means a person engaged in the refining of crude oil to produce motor fuel or special fuel, and includes any affiliate of such person.

NEW SUBSECTION. 37A. *"Terminal owner"* means a person who holds a legal interest or equitable interest in a terminal.

Sec. 7. NEW SECTION. **452A.6A Right of distributors and dealers to blend conventional blendstock for oxygenate blending, gasoline, or diesel fuel using a biofuel.**

1. *a.* A dealer or distributor may blend a conventional blendstock for oxygenate blending, gasoline, or diesel fuel using the appropriate biofuel, or sell unblended or blended gasoline or diesel fuel on any premises in this state.

b. Paragraph *"a"* does not apply to the extent that the use of the premises is restricted by federal, state, or local law.

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

3. This section shall not be construed to do any of the following:

a. Prohibit a distributor or dealer from purchasing, selling or transporting a conventional blendstock for oxygenate blending, gasoline that has not been blended with a biofuel, or diesel fuel that has not been blended with a biofuel.

b. Affect the blender's license requirements under section 452A.6.

c. Prohibit a dealer or distributor from leaving a terminal with a conventional blendstock for oxygenate blending, gasoline that has not been blended with a biofuel, or diesel fuel that has not been blended with a biofuel.

d. Require a nonrefiner biofuel manufacturer to offer or sell a conventional blendstock for oxygenate blending, gasoline that has not been blended with a biofuel, or diesel fuel that has not been blended with a biofuel.

4. A refiner, supplier, terminal operator, or terminal owner who violates this section is subject to a civil penalty of not more than ten thousand dollars per violation. Each day that a violation continues is deemed a separate offense.

DIVISION III
STORAGE TANKS

Sec. 8. Section 101.21, subsection 1, paragraphs a through c, Code 2013, are amended to read as follows:

a. ~~Aboveground tanks of~~ An aboveground tank which complies with any of the following:

(1) Has one thousand one hundred gallons or less capacity.

(2) Stores flammable liquids on a farm located outside the limits of a city, if the aboveground tank has two thousand gallons or less capacity.

(3) Stores combustible liquids on a farm located outside the limits of a city, if the aboveground tank has five thousand gallons or less capacity.

b. ~~Tanks~~ A tank used for storing heating oil for consumptive use on the premises where stored.

c. ~~Underground~~ An underground storage ~~tanks~~ tank as defined by section 455B.471.

Sec. 9. Section 101.21, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. *a.* *"Farm"* means land and associated improvements used to produce agricultural commodities, if at least one thousand dollars is annually generated from the sale of the agricultural commodities.

b. As used in paragraph *"a"*, *"commodities"* means crops as defined in section 202.1 or animals as defined in section 459.102.

Sec. 10. Section 101.22, subsections 4 through 8, Code 2013, are amended to read as follows:

4. The registration notice of the owner or operator to the state fire marshal under subsections 1 through 3 shall be accompanied by an annual fee of ~~ten~~ twenty dollars for each tank included in the notice. All moneys collected shall be retained by the department of public safety and are appropriated for the use of the state fire marshal. The annual renewal fee applies to all owners or operators who file a registration notice with the state fire marshal pursuant to subsections 1 through 3.

5. ~~A person who deposits flammable or combustible liquid in an aboveground flammable or combustible liquid storage tank shall notify the owner or operator in writing of the notification requirements of this section.~~

~~6.~~ A person who sells or constructs a tank intended to be used as an aboveground storage tank shall notify the purchaser of the tank in writing of the notification requirements of this section applicable to the purchaser.

~~7.~~ 6. ~~It is unlawful to deposit flammable or combustible liquid in~~ An owner or operator shall register an aboveground flammable or combustible liquid storage tank ~~which has not been registered~~ pursuant to subsections 1 through 4.

~~8.~~ 7. The state fire marshal shall furnish the owner or operator of an aboveground flammable or combustible liquid storage tank with a registration tag for each aboveground flammable or combustible liquid storage tank registered with the state fire marshal.

~~*a.*~~ The owner or operator shall affix the tag to the fill pipe of each registered aboveground flammable or combustible liquid storage tank.

~~*b.* A person who conveys or deposits flammable or combustible liquid shall inspect the aboveground flammable or combustible liquid storage tank to determine the existence or absence of the registration tag. If a registration tag is not affixed to the aboveground flammable or combustible liquid storage tank fill pipe, the person conveying or depositing the flammable or combustible liquid may deposit the flammable or combustible liquid in the unregistered tank. However, only one deposit is allowed into the unregistered tank, the person making the deposit shall provide the owner or operator of the tank with another notice as required by subsection 5, and the person shall provide the owner or operator with an aboveground flammable or combustible liquid storage tank registration form.~~

~~*c.* It is the owner or operator's duty to comply with registration requirements.~~

8. A late registration penalty of twenty-five dollars is imposed in addition to the registration fee for a tank registered after the required date.

DIVISION IV
FUEL TAX

Sec. 11. Section 452A.3, subsection 1, unnumbered paragraph 1, Code 2013, is amended to read as follows:

Except as otherwise provided in this section and in this division, until June 30, ~~2013~~ 2014, this subsection shall apply to the excise tax imposed on each gallon of motor fuel used for any purpose for the privilege of operating motor vehicles in this state.

Sec. 12. Section 452A.3, subsection 1A, Code 2013, is amended to read as follows:

1A. Except as otherwise provided in this section and in this division, after June 30, ~~2013~~ 2014, an excise tax of twenty cents is imposed on each gallon of motor fuel used for any purpose for the privilege of operating motor vehicles in this state.

Sec. 13. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Approved June 17, 2013

CHAPTER 128

LANDHOLDER LIABILITY FOR PUBLIC USE OF PRIVATE PROPERTY

H.F. 649

AN ACT relating to the liability of a land holder for the public use of private lands and waters for a recreational purpose or urban deer control.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 461C.1, Code 2013, is amended to read as follows:

461C.1 Purpose.

The purpose of this chapter is to encourage private ~~owners~~ holders of land to make land and water areas available to the public for a recreational ~~purposes~~ purpose and for urban deer control by limiting ~~an owner's~~ a holder's liability toward persons entering onto the ~~owner's~~ holder's property for such purposes. The provisions of this chapter shall be construed liberally and broadly in favor of private holders of land to accomplish the purposes of this chapter.

Sec. 2. Section 461C.2, subsections 3, 5, and 6, Code 2013, are amended to read as follows:

3. *"Land"* means private land ~~located in a municipality including~~ that is one or any combination of the following: abandoned or inactive surface mines~~,~~; caves~~, and~~; land used for agricultural purposes~~, including~~; marshlands~~,~~; timber~~,~~; grasslands; ~~and~~ or the privately owned roads, ~~water~~ paths, trails, waters, water courses, ~~private ways and~~ exteriors and interiors of buildings, structures, ~~and~~ machinery, or equipment appurtenant thereto. *"Land"* includes land that is not open to the general public. *"Land"* also includes private land located in a municipality in connection with and while being used for urban deer control.

5. *"Recreational purpose"* means the following or any combination thereof: Hunting, trapping, horseback riding, fishing, swimming, boating, camping, picnicking, hiking, pleasure driving, motorcycling, all-terrain vehicle riding, nature study, water skiing, snowmobiling, other summer and winter sports, educational activities, and viewing or

enjoying historical, archaeological, scenic, or scientific sites while going to and from or actually engaged therein. *"Recreational purpose"* includes the activity of accompanying another person who is engaging in such activities. *"Recreational purpose"* is not limited to active engagement in such activities, but includes entry onto, use of, passage over, and presence on any part of the land in connection with or during the course of such activities.

6. *"Urban deer control"* means deer hunting with a bow and arrow on private land in a municipality, without charge, as authorized by a municipal ordinance, for the purpose of reducing or stabilizing an urban deer population in the municipality. *"Urban deer control"* is not limited to active engagement in the activity of urban deer control but includes entry onto, use of, passage over, and presence on any part of the land in connection with or during the course of such activity.

Sec. 3. Section 461C.3, Code 2013, is amended to read as follows:

461C.3 Liability of ~~owner~~ holder limited.

1. Except as specifically recognized by or provided in section 461C.6, ~~an owner~~ a holder of land ~~owes no~~ does not owe a duty of care to keep the premises safe for entry or use by others for a recreational ~~purposes~~ purpose or urban deer control, or to give any warning of a dangerous condition, use, structure, or activity on such premises to persons entering for such purposes.

2. Except as specifically recognized by or provided in section 461C.6, a holder of land does not owe a duty of care to others solely because the holder is guiding, directing, supervising, or participating in any recreational purpose or urban deer control undertaken by others on the holder's land.

Sec. 4. Section 461C.4, unnumbered paragraph 1, Code 2013, is amended to read as follows:

Except as specifically recognized by or provided in section 461C.6, a holder of land who either directly or indirectly invites or permits without charge any person to use such property for a recreational ~~purposes~~ purpose or urban deer control does not thereby:

Sec. 5. Section 461C.4, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. Assume a duty of care to such person solely because the holder is guiding, directing, supervising, or participating in any recreational purpose or urban deer control undertaken by the person on the holder's land.

Sec. 6. Section 461C.5, Code 2013, is amended to read as follows:

461C.5 Duties and liabilities of ~~owner~~ holder of leased land.

Unless otherwise agreed in writing, the provisions of sections 461C.3 and 461C.4 shall be deemed applicable to the duties and liability of ~~an owner~~ a holder of land leased, or any interest or right therein transferred to, or the subject of any agreement with, the United States or any agency thereof, or the state or any agency or subdivision thereof, for a recreational ~~purposes~~ purpose or urban deer control.

Sec. 7. Section 461C.6, Code 2013, is amended to read as follows:

461C.6 When liability lies against ~~owner~~ holder.

Nothing in this chapter limits in any way any liability which otherwise exists:

1. For willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity.

2. For injury suffered in any case where the ~~owner~~ holder of land charges the person or persons who enter or go on the land for the recreational use thereof or for deer hunting, except that in the case of land or any interest or right therein, leased or transferred to, or the subject of any agreement with, the United States or any agency thereof or the state or any agency thereof or subdivision thereof, any consideration received by the holder for such lease, interest, right, or agreement shall not be deemed a charge within the meaning of this section.

Sec. 8. Section 461C.7, subsection 2, Code 2013, is amended to read as follows:

2. Relieve any person using the land of another for a recreational ~~purposes~~ purpose or urban deer control from any obligation which the person may have in the absence of this chapter to exercise care in the use of such land and in the person's activities thereon, or from the legal consequences of failure to employ such care. [1]

Approved June 17, 2013

CHAPTER 129

STATE GOVERNMENT OPERATIONS

S.F. 396

AN ACT relating to government operations and efficiency and other related matters, and including effective date and applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I
GOVERNMENT INFORMATION TECHNOLOGY SERVICES

Section 1. Section 8A.101, unnumbered paragraph 1, Code 2013, is amended to read as follows:

As used in this chapter and chapter 8B, unless the context otherwise requires:

Sec. 2. Section 8A.103, unnumbered paragraph 1, Code 2013, is amended to read as follows:

The department is created for the purpose of managing and coordinating the major resources of state government including the human, financial, and physical~~, and information~~ resources of state government.

Sec. 3. Section 8A.104, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 6A. Provide accounting and fiscal services and such additional assistance and administrative support services to the office of the chief information officer, created in section 8B.2, as the department and the office determines maximizes the efficiency and effectiveness of both the department and office.

Sec. 4. Section 8A.111, subsection 3, Code 2013, is amended by striking the subsection.

Sec. 5. NEW SECTION. **8B.1 Definitions.**

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

1. *"Information technology"* means computing and electronics applications used to process and distribute information in digital and other forms and includes information technology devices, information technology services, infrastructure services, and value-added services.

2. *"Information technology device"* means equipment or associated software, including programs, languages, procedures, or associated documentation, used in operating the equipment which is designed for utilizing information stored in an electronic format. *"Information technology device"* includes but is not limited to computer systems, computer networks, and equipment used for input, output, processing, storage, display, scanning, and printing.

3. *"Information technology services"* means services designed to do any of the following:

a. Provide functions, maintenance, and support of information technology devices.

[1] See chapter 140, §29, 39 herein

b. Provide services including but not limited to any of the following:
(1) Computer systems application development and maintenance.
(2) Systems integration and interoperability.
(3) Operating systems maintenance and design.
(4) Computer systems programming.
(5) Computer systems software support.
(6) Planning and security relating to information technology devices.
(7) Data management consultation.
(8) Information technology education and consulting.
(9) Information technology planning and standards.
(10) Establishment of local area network and workstation management standards.

4. *"Information technology staff"* includes any employees performing information technology services, including but not limited to agency employees in information technology classifications, contractors, temporary workers, and any other employees providing information technology services.

5. *"Infrastructure services"* includes all of the following:

a. Data centers used to support mainframe and other computers and their associated components including servers, information networks, storage systems, redundant or backup power systems, redundant data communications connections, environmental controls, and security devices.

b. Servers, mainframes, or other centralized processing systems.

c. Storage systems, including but not limited to disk, tape, optical, and other structured repositories for storing digital information.

d. Computer networks commonly referred to as local area networks.

e. Network services, including equipment and software which support local area networks, campus area networks, wide area networks, and metro area networks. Network services also include data network services such as routers, switches, firewalls, virtual private networks, intrusion detection systems, access control, internet protocol load balancers, event logging and correlation, and content caching. Network services do not include services provided by the public broadcasting division of the department of education.

f. Groupware applications used to facilitate collaboration, communication, and workflow, including electronic mail, directory services, calendaring and scheduling, and imaging systems.

g. Information technology help desk services.

h. Cyber security functions and equipment.

i. Digital printing and printing procurement services.

j. Data warehouses, including services that assist in managing and locating digital information.

k. Disaster recovery technology and services.

l. Other similar or related services as determined by the chief information officer.

6. *"Office"* means the office of the chief information officer created in section 8B.2.

7. *"Participating agency"* means any state agency, except the state board of regents and institutions operated under the authority of the state board of regents.

8. *"Technology advisory council"* means the council established in section 8B.8.

9. *"Value-added services"* means services that offer or provide unique, special, or enhanced value, benefits, or features to the customer or user including but not limited to services in which information technology is specially designed, modified, or adapted to meet the special or requested needs of the user or customer; services involving the delivery, provision, or transmission of information or data that require or involve additional processing, formatting, enhancement, compilation, or security; services that provide the customer or user with enhanced accessibility, security, or convenience; research and development services; and services that are provided to support technological or statutory requirements imposed on participating agencies and other governmental entities, businesses, and the public.

Sec. 6. NEW SECTION. **8B.2 Office created — chief information officer appointed.**

1. The office of the chief information officer is created as an independent agency and is attached to the department of administrative services for accounting and fiscal services.

The department of administrative services shall provide such additional assistance and administrative support services to the office as the department of administrative services and the office determines maximizes the efficiency and effectiveness of both the department and office.

2. The chief information officer, who shall be the head of the office, shall be appointed by the governor to serve at the pleasure of the governor and is subject to confirmation by the senate. If the office becomes vacant, the vacancy shall be filled in the same manner as provided for the original appointment.

3. The person appointed as the chief information officer for the state shall be professionally qualified by education and have no less than five years' experience in the field of information technology, and a working knowledge of financial management. The chief information officer shall not be a member of any local, state, or national committee of a political party, an officer or member of a committee in any partisan political club or organization, or hold or be a candidate for a paid elective public office. The chief information officer is subject to the restrictions on political activity provided in section 8A.416.

Sec. 7. NEW SECTION. **8B.3 Office — purpose — mission.**

1. The office is created for the purpose of leading, directing, managing, coordinating, and providing accountability for the information technology resources of state government.

2. The mission of the office is to provide high-quality, customer-focused information technology services and business solutions to government and to citizens.

Sec. 8. NEW SECTION. **8B.4 Powers and duties of the chief information officer.**

The chief information officer shall do all of the following:

1. Direct the internal operations of the office and develop and implement policies, procedures, and internal organization measures designed to ensure the efficient administration of the office.

2. Appoint all information technology staff deemed necessary for the administration of the office's functions as provided in this chapter. For employees of the office, employment shall be consistent with chapter 8A, subchapter IV.

3. Manage, in consultation with the applicable participating agency, the information technology staff of participating agencies, to include directing the work of information technology staff, assigning information technology staff as required to support information technology requirements and initiatives of the office, and to review and recommend approval of information technology staff employment decisions in coordination with the department of management.

4. Prepare an annual budget for the office. Adopt rules for the approval of information technology budgets for participating agencies in conjunction with the department of management.

5. Adopt rules deemed necessary for the administration of this chapter in accordance with chapter 17A.

6. Prescribe and adopt information technology standards and rules.

7. Develop and recommend legislative proposals deemed necessary for the continued efficiency of the office in performing information technology functions, and review legislative proposals generated outside of the office which are related to matters within the office's purview.

8. Provide advice to the governor on issues related to information technology.

9. Consult with agencies and other governmental entities on issues relating to information technology.

10. Work with all governmental entities in an effort to achieve the information technology goals established by the office.

11. Develop systems and methodologies to review, evaluate, and prioritize information technology projects.

12. Administer all accounting, billing, and collection functions required by the department of administrative services pursuant to policies adopted by the chief information officer after consultation and in cooperation with the director of the department of administrative services.

13. Utilize, in a manner determined by the chief information officer, such assistance and administrative support services as provided by the department of administrative services as the office determines to maximize the efficiency and effectiveness of the office.

14. Enter into contracts for the receipt and provision of services as deemed necessary. The chief information officer and the governor may obtain and accept grants and receipts to or for the state to be used for the administration of the office's functions as provided in this chapter.

15. Exercise and perform such other powers and duties as may be prescribed by law.

Sec. 9. NEW SECTION. **8B.5 Prohibited interests — penalty.**

The chief information officer shall not have any pecuniary interest, directly or indirectly, in any contract for supplies furnished to the state, or in any business enterprise involving any expenditure by the state. A violation of the provisions of this section is a serious misdemeanor, and upon conviction, the chief information officer shall be removed from office in addition to any other penalty.

Sec. 10. NEW SECTION. **8B.6 Acceptance of funds.**

The office may receive and accept donations, grants, gifts, and contributions in the form of moneys, services, materials, or otherwise, from the United States or any of its agencies, from this state or any of its agencies, or from any other person, and expend such moneys, services, materials, or other contributions, or issue grants, in carrying out the operations of the office. All federal grants to and the federal receipts of the office are appropriated for the purpose set forth in such federal grants or receipts. The office shall report annually to the general assembly on or before September 1 the donations, grants, gifts, and contributions with a monetary value of one thousand dollars or more that were received during the most recently concluded fiscal year.

Sec. 11. NEW SECTION. **8B.7 Federal funds.**

1. Neither the provisions of this chapter nor rules adopted pursuant to this chapter shall apply in any situation where such provision or rule is in conflict with a governing federal regulation or where the provision or rule would jeopardize the receipt of federal funds.

2. If it is determined by the attorney general that any provision of this chapter would cause denial of funds or services from the United States government which would otherwise be available to an agency of this state, such provision shall be suspended as to such agency, but only to the extent necessary to prevent denial of such funds or services.

Sec. 12. NEW SECTION. **8B.8 Technology advisory council.**

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

a. "*Large agency*" means a participating agency with more than seven hundred full-time, year-round employees.

b. "*Medium-sized agency*" means a participating agency with at least seventy or more full-time, year-round employees, but not more than seven hundred permanent employees.

c. "*Small agency*" means a participating agency with less than seventy full-time, year-round employees.

2. *Membership.*

a. The technology advisory council is composed of ten members as follows:

(1) The chief information officer.

(2) The director of the department of management, or the director's designee.

(3) Eight members appointed by the governor as follows:

(a) Three representatives from large agencies.

(b) Two representatives from medium-sized agencies.

(c) One representative from a small agency.

(d) Two public members who are knowledgeable and have experience in information technology matters.

b. (1) Members appointed pursuant to paragraph "*a*", subparagraph (3), shall serve two-year staggered terms. The office shall provide, by rule, for the commencement of the term of membership for the nonpublic members. The terms of the public members shall be staggered at the discretion of the governor.

(2) Sections 69.16, 69.16A, and 69.19 shall apply to the public members of the council.

(3) Public members appointed by the governor are subject to senate confirmation.

(4) Public members appointed by the governor may be eligible to receive compensation as provided in section 7E.6.

(5) Members shall be reimbursed for actual and necessary expenses incurred in performance of the members' duties.

(6) A director, deputy director, or employee of an agency who has information technology expertise is preferred as an appointed representative for each of the agency categories of membership pursuant to paragraph *"a"*, subparagraph (3).

c. The technology advisory council annually shall elect a chair and a vice chair from among the members of the council, by majority vote, to serve one-year terms.

d. A majority of the members of the council shall constitute a quorum.

e. Meetings of the council shall be held at the call of the chairperson or at the request of three members.

3. *Powers and duties of the council.* The powers and duties of the technology advisory council as they relate to information technology services shall include but are not limited to all of the following:

a. Make recommendations to the chief information officer regarding all of the following:

(1) Information technology standards to be applicable to all participating agencies.

(2) Technology utility services to be implemented by the office.

(3) Improvements to information technology service levels and modifications to the business continuity plan for information technology operations developed by the office for agencies, and to maximize the value of information technology investments by the state.

(4) Technology initiatives for the executive branch.

b. Advise the office regarding rates to be charged for access to and for value-added services performed through IowAccess.

Sec. 13. NEW SECTION. **8B.9 Reports required.**

The office shall provide all of the following reports:

1. An annual report of the office.

2. Internal service fund service business plans and financial reports as required under section 8B.13, subsection 5, paragraph *"a"*, and an annual internal service fund expenditure report as required under section 8B.13, subsection 5, paragraph *"b"*.

3. An annual report regarding total spending on technology as required under section 8B.21, subsection 6.

4. An annual report of expenditures from the IowAccess revolving fund as provided in section 8B.33.

Sec. 14. NEW SECTION. **8B.12 Services to governmental entities and nonprofit organizations.**

1. The chief information officer shall enter into agreements with state agencies, and may enter into agreements with any other governmental entity or a nonprofit organization, to furnish services and facilities of the office to the applicable governmental entity or nonprofit organization. The agreement shall provide for the reimbursement to the office of the reasonable cost of the services and facilities furnished. All governmental entities of this state may enter into such agreements. For purposes of this subsection, *"nonprofit organization"* means a nonprofit entity which is exempt from federal income taxation pursuant to section 501(c)(3) of the Internal Revenue Code and which is funded in whole or in part by public funds.

2. This chapter does not affect any city civil service programs established under chapter 400.

3. The state board of regents shall not be required to obtain any service for the state board of regents or any institution under the control of the state board of regents that is provided by the office pursuant to this chapter without the consent of the state board of regents.

Sec. 15. NEW SECTION. **8B.13 Office internal service funds.**

1. Activities of the office shall be accounted for within the general fund of the state, except that the chief information officer may establish and maintain internal service

funds in accordance with generally accepted accounting principles, as defined in section 8.57, subsection 4, for activities of the office which are primarily funded from billings to governmental entities for services rendered by the office. The establishment of an internal service fund is subject to the approval of the director of the department of management and the concurrence of the auditor of state. At least ninety days prior to the establishment of an internal service fund pursuant to this section, the chief information officer shall notify in writing the general assembly, including the legislative council, legislative fiscal committee, and the legislative services agency.

2. Internal service funds shall be administered by the office and shall consist of moneys collected by the office from billings issued in accordance with section 8B.15 and any other moneys obtained or accepted by the office, including but not limited to gifts, loans, donations, grants, and contributions, which are designated to support the activities of the individual internal service funds.

3. The proceeds of an internal service fund established pursuant to this section shall be used by the office for the operations of the office consistent with this chapter. The chief information officer may appoint the personnel necessary to ensure the efficient provision of services funded pursuant to an internal service fund established under this section. However, this usage requirement shall not limit or restrict the office from using proceeds from gifts, loans, donations, grants, and contributions in conformance with any conditions, directions, limitations, or instructions attached or related thereto.

4. Section 8.33 does not apply to any moneys in internal service funds established pursuant to this section. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in these funds shall be credited to these funds.

5. *a.* The chief information officer shall annually provide internal service fund service business plans and financial reports to the department of management and the general assembly. The business plans may include the recommendation that a portion of unexpended net income be periodically returned to the appropriate funding source.

b. The office shall submit an annual report not later than October 1 to the members of the general assembly and the legislative services agency of the activities funded by and expenditures made from an internal service fund established pursuant to this section during the preceding fiscal year.

Sec. 16. NEW SECTION. **8B.15 Billing — credit card payments.**

1. The chief information officer may bill a governmental entity for services rendered by the office in accordance with the duties of the office as provided in this chapter. Bills may include direct, indirect, and developmental costs which have not been funded by an appropriation to the office. The office shall periodically render a billing statement to a governmental entity outlining the cost of services provided to the governmental entity. The amount indicated on the statement shall be paid by the governmental entity and amounts received by the office shall be considered repayment receipts as defined in section 8.2, and deposited into the accounts of the office.

2. In addition to other forms of payment, a person may pay by credit card for services provided by the office, according to rules adopted by the treasurer of state. The credit card fees to be charged shall not exceed those permitted by statute. A governmental entity may adjust its payment to reflect the costs of processing as determined by the treasurer of state. The discount charged by the credit card issuer may be included in determining the fees to be paid for completing a financial transaction under this section by using a credit card. All credit card payments shall be credited to the fund used to account for the services provided.

Sec. 17. NEW SECTION. **8B.16 Office debts and liabilities — appropriation request.**

If a service provided by the office and funded from an internal service fund established under section 8B.13 ceases to be provided and insufficient funds remain in the internal service fund to pay any outstanding debts and liabilities relating to that service, the chief information officer shall notify the department of management and the general assembly and request that moneys be appropriated from the general fund of the state to pay such debts and liabilities.

Sec. 18. NEW SECTION. **8B.21 Information technology services — office powers and duties — responsibilities.**

1. *Powers and duties of office.* The powers and duties of the office as it relates to information technology services shall include but are not limited to all of the following:

a. Approving information technology for use by agencies and other governmental entities.

b. Implementing the strategic information technology plan.

c. Developing and implementing a business continuity plan, as the chief information officer determines is appropriate, to be used if a disruption occurs in the provision of information technology to participating agencies and other governmental entities.

d. Prescribing standards and adopting rules relating to cyber security, geospatial systems, application development, and information technology and procurement, including but not limited to system design and systems integration, and interoperability, which shall apply to all participating agencies except as otherwise provided in this chapter. The office shall implement information technology standards as established pursuant to this chapter which are applicable to information technology procurements for participating agencies.

e. Establishing an enterprise strategic and project management function for oversight of all information technology-related projects and resources of participating agencies.

f. (1) Developing and maintaining security policies and systems to ensure the integrity of the state's information resources and to prevent the disclosure of confidential records. The office shall ensure that the security policies and systems be consistent with the state's data transparency efforts by developing and implementing policies and systems for the sharing of data and information by participating agencies.

(2) Establishing statewide standards, to include periodic review and compliance measures, for information technology security to maximize the functionality, security, and interoperability of the state's distributed information technology assets, including but not limited to communications and encryption technologies.

(3) Requiring all information technology security services, solutions, hardware, and software purchased or used by a participating agency to be subject to approval by the office in accordance with security standards.

g. Developing and implementing effective and efficient strategies for the use and provision of information technology and information technology staff for participating agencies and other governmental entities.

h. Coordinating and managing the acquisition of information technology services by participating agencies in furtherance of the purposes of this chapter. The office shall institute procedures to ensure effective and efficient compliance with the applicable standards established pursuant to this chapter.

i. Entering into contracts, leases, licensing agreements, royalty agreements, marketing agreements, memorandums of understanding, or other agreements as necessary and appropriate to administer this chapter.

j. Determining and implementing statewide efforts to standardize data elements, determine data ownership assignments, and implement the sharing of data.

k. Requiring that a participating agency provide such information as is necessary to establish and maintain an inventory of information technology used by participating agencies, and such participating agency shall provide such information to the office in a timely manner. The form and content of the information to be provided shall be determined by the office.

l. Requiring participating agencies to provide the full details of the agency's information technology and operational requirements upon request, report information technology security incidents to the office in a timely manner, provide comprehensive information concerning the information technology security employed by the agency to protect the agency's information technology, and forecast the parameters of the agency's projected future information technology security needs and capabilities.

m. Charging reasonable fees, costs, expenses, charges, or other amounts to an agency, governmental entity, public official, or person or entity related to the provision, sale, use, or utilization of, or cost sharing with respect to, information technology and any intellectual property interests related thereto; research and development; proprietary hardware, software, and applications; and information technology architecture and design. The

office may enter into nondisclosure agreements and take any other legal action reasonably necessary to secure a right to an interest in information technology development by or on behalf of the state of Iowa and to protect the state of Iowa's proprietary information technology and intellectual property interests. The provisions of chapter 23A relating to noncompetition by state agencies and political subdivisions with private enterprise shall not apply to office activities authorized under this paragraph.

n. Charging reasonable fees, costs, expenses, charges, or other amounts to an agency, governmental entity, public official, or other person or entity to or for whom information technology or other services have been provided by or on behalf of, or otherwise made available through, the office.

o. Providing, selling, leasing, licensing, transferring, or otherwise conveying or disposing of information technology, or any intellectual property or other rights with respect thereto, to agencies, governmental entities, public officials, or other persons or entities.

p. Entering into partnerships, contracts, leases, or other agreements with public and private entities for the evaluation and development of information technology pilot projects.

q. Initiating and supporting the development of electronic commerce, electronic government, and internet applications across participating agencies and in cooperation with other governmental entities. The office shall foster joint development of electronic commerce and electronic government involving the public and private sectors, develop customer surveys and citizen outreach and education programs and material, and provide for citizen input regarding the state's electronic commerce and electronic government applications.

2. *Responsibilities.* The responsibilities of the office as it relates to information technology services include the following:

a. Coordinate the activities of the office in promoting, integrating, and supporting information technology in all business aspects of state government.

b. Provide for server systems, including mainframe and other server operations, desktop support, and applications integration.

c. Provide applications development, support, and training, and advice and assistance in developing and supporting business applications throughout state government.

3. *Information technology charges.* The office shall render a statement to an agency, governmental entity, public official, or other person or entity to or for whom information technology, value-added services, or other items or services have been provided by or on behalf of, or otherwise made available through, the office. Such an agency, governmental entity, public official, or other person or entity shall pay an amount indicated on such statement in a manner determined by the office.

4. *Dispute resolution.* If a dispute arises between the office and an agency for which the office provides or refuses to provide information technology, the dispute shall be resolved as provided in section 679A.19.

5. *Waivers.*

a. The office shall adopt rules allowing for participating agencies to seek a temporary or permanent waiver from any of the requirements of this chapter concerning the acquisition, utilization, or provision of information technology. The rules shall provide that a waiver may be granted upon a written request by a participating agency and approval of the chief information officer. A waiver shall only be approved if the participating agency shows that a waiver would be in the best interests of the state.

b. Prior to approving or denying a request for a waiver, the chief information officer shall consider all of the following:

(1) Whether the failure to grant a waiver would violate any state or federal law or any published policy, standard, or requirement established by a governing body other than the office.

(2) Whether the failure to grant a waiver would result in the duplication of existing services, resources, or support.

(3) Whether the waiver would obstruct the state's information technology strategic plan, enterprise architecture, security plans, or any other information technology policy, standard, or requirement.

(4) Whether the waiver would result in excessive expenditures or expenditures above market rates.

(5) The life cycle of the system or application for which the waiver is requested.

(6) Whether the participating agency can show that it can obtain or provide the information technology more economically than the information technology can be provided by the office. For purposes of determining if the participating agency can obtain or provide the information technology more economically, the chief information officer shall consider the impact on other participating agencies if the waiver is granted or denied.

(7) Whether the failure to grant a waiver would jeopardize federal funding.

c. Rules adopted pursuant to this subsection relating to a request for a waiver, at a minimum, shall provide for all of the following:

(1) The request shall be in writing and signed by the head of the participating agency seeking the waiver.

(2) The request shall include a reference to the specific policy, standard, or requirement for which the waiver is submitted.

(3) The request shall include a statement of facts including a description of the problem or issue prompting the request; the participating agency's preferred solution; an alternative approach to be implemented by the participating agency intended to satisfy the waived policy, standard, or requirement; the business case for the alternative approach; a third party audit or report that compares the participating agency's preferred solution to the information technology solution that can be provided by the office; the economic justification for the waiver or a statement as to why the waiver is in the best interests of the state; the time period for which the waiver is requested; and any other information deemed appropriate.

d. A participating agency may appeal the decision of the chief information officer to the director of the department of management within seven calendar days following the decision of the chief information officer. The director of the department of management shall respond within fourteen days following the receipt of the appeal.

e. The department of public defense shall not be required to obtain any information technology services pursuant to this chapter for the department of public defense that is [1] provided by the office pursuant to this chapter without the consent of the adjutant general.

6. *Annual report.* On an annual basis, prepare a report to the governor, the department of management, and the general assembly regarding the total spending on technology for the previous fiscal year, the total amount appropriated for the current fiscal year, and an estimate of the amount to be requested for the succeeding fiscal year for all agencies. The report shall include a five-year projection of technology cost savings, an accounting of the level of technology cost savings for the current fiscal year, and a comparison of the level of technology cost savings for the current fiscal year with that of the previous fiscal year. The report shall be filed as soon as possible after the close of a fiscal year, and by no later than the second Monday of January of each year.

Sec. 19. NEW SECTION. **8B.22 Digital government.**

1. The office is responsible for initiating and supporting the development of electronic commerce, electronic government, mobile applications, and internet applications across participating agencies and in cooperation with other governmental entities.

2. In developing the concept of digital government, the office shall do all of the following:

a. Establish standards, consistent with other state law, for the implementation of electronic commerce, including standards for electronic signatures, electronic currency, and other items associated with electronic commerce.

b. Establish guidelines for the appearance and functioning of applications.

c. Establish standards for the integration of electronic data across state agencies.

d. Foster joint development of electronic commerce and electronic government involving the public and private sectors.

e. Develop customer surveys and citizen outreach and education programs and material, and provide for citizen input regarding the state's electronic commerce and electronic government applications.

f. Assist participating agencies in converting printed government materials to electronic materials which can be accessed through an internet searchable database.

[1] See chapter 140, §51 herein

g. Encourage participating agencies to utilize duplex printing and a print on demand strategy to reduce printing costs, publication overruns, excessive inventory, and obsolete printed materials.

Sec. 20. NEW SECTION. **8B.23 Information technology standards.**

1. The office shall develop and adopt information technology standards applicable to the procurement of information technology by all participating agencies. Such standards, unless waived by the office, shall apply to all information technology procurements for participating agencies.

2. The office of the governor or the office of an elective constitutional or statutory officer shall consult with the office prior to procuring information technology and consider the information technology standards adopted by the office, and provide a written report to the office relating to the other office's decision regarding such acquisitions.

Sec. 21. NEW SECTION. **8B.24 Procurement of information technology.**

1. Standards established by the office, unless waived by the office, shall apply to all information technology procurements for participating agencies.

2. The office shall institute procedures to ensure effective and efficient compliance with standards established by the office.

3. The office shall develop policies and procedures that apply to all information technology goods and services acquisitions, and shall ensure the compliance of all participating agencies. The office shall also be the sole provider of infrastructure services for participating agencies.

4. The office, by rule, may implement a prequalification procedure for contractors with which the office has entered or intends to enter into agreements regarding the procurement of information technology.

5. Notwithstanding the provisions governing purchasing as provided in chapter 8A, subchapter III, the office may procure information technology as provided in this section. The office may cooperate with other governmental entities in the procurement of information technology in an effort to make such procurements in a cost-effective, efficient manner as provided in this section. The office, as deemed appropriate and cost effective, may procure information technology using any of the following methods:

a. Cooperative procurement agreement. The office may enter into a cooperative procurement agreement with another governmental entity relating to the procurement of information technology, whether such information technology is for the use of the office or other governmental entities. The cooperative procurement agreement shall clearly specify the purpose of the agreement and the method by which such purpose will be accomplished. Any power exercised under such agreement shall not exceed the power granted to any party to the agreement.

b. Negotiated contract. The office may enter into an agreement for the purchase of information technology if any of the following applies:

(1) The contract price, terms, and conditions are pursuant to the current federal supply contract, and the purchase order adequately identifies the federal supply contract under which the procurement is to be made.

(2) The contract price, terms, and conditions are no less favorable than the contractor's current federal supply contract price, terms, and conditions; the contractor has indicated in writing a willingness to extend such price, terms, and conditions to the office; and the purchase order adequately identifies the contract relied upon.

(3) The contract is with a vendor who has a current exclusive or nonexclusive price agreement with the state for the information technology to be procured, and such information technology meets the same standards and specifications as the items to be procured and both of the following apply:

(a) The quantity purchased does not exceed the quantity which may be purchased under the applicable price agreement.

(b) The purchase order adequately identifies the price agreement relied upon.

c. Contracts let by another governmental entity. The office, on its own behalf or on the behalf of another participating agency or governmental entity, may procure information technology under a contract let by another agency or other governmental entity, or approve

such procurement in the same manner by a participating agency or governmental entity. The office, on its own behalf or on the behalf of another participating agency or governmental entity, may also procure information technology by leveraging an existing competitively procured contract, other than a contract associated with the state board of regents or an institution under the control of the state board of regents.

d. Reverse auction.

(1) The office may enter into an agreement for the purchase of information technology utilizing a reverse auction process. Such process shall result in the purchase of information technology from the vendor submitting the lowest responsible bid amount for the information technology to be acquired. The office, in establishing a reverse auction process, shall do all of the following:

(a) Determine the specifications and requirements of the information technology to be acquired.

(b) Identify and provide notice to potential vendors concerning the proposed acquisition.

(c) Establish prequalification requirements to be met by a vendor to be eligible to participate in the reverse auction.

(d) Conduct the reverse auction in a manner as deemed appropriate by the office and consistent with rules adopted by the office.

(2) Prior to conducting a reverse auction, the office shall establish a threshold amount which shall be the maximum amount that the office is willing to pay for the information technology to be acquired.

(3) The office shall enter into an agreement with a vendor who is the lowest responsible bidder which meets the specifications or description of the information technology to be procured, or the office may reject all bids and begin the process again. In determining the lowest responsible bidder, the office may consider various factors including but not limited to the past performance of the vendor relative to quality of product or service, the past experience of the office in relation to the product or service, the relative quality of products or services, the proposed terms of delivery, and the best interest of the state.

e. Competitive bidding. The office may enter into an agreement for the procurement or acquisition of information technology in the same manner as provided under chapter 8A, subchapter III, for the purchasing of service.

f. Other agreement. In addition to the competitive bidding procedure provided for under paragraph "*e*", the office may enter into an agreement for the purchase, disposal, or other disposition of information technology in the same manner and subject to the same limitations as otherwise provided in this chapter. The office, by rule, shall provide for such procedures.

6. The office shall adopt rules pursuant to chapter 17A to implement the procurement methods and procedures provided for in subsections 2 through 5.

Sec. 22. NEW SECTION. **8B.31 IowAccess — office duties and responsibilities.**

1. *IowAccess.* The office shall establish IowAccess as a service to the citizens of this state that is the gateway for one-stop electronic access to government information and transactions, whether federal, state, or local. Except as provided in this section, IowAccess shall be a state-funded service providing access to government information and transactions. The office, in establishing the fees for value-added services, shall consider the reasonable cost of creating and organizing such government information through IowAccess.

2. *Duties.* The office shall do all of the following:

a. Establish rates to be charged for access to and for value-added services performed through IowAccess.

b. Approve and establish the priority of projects associated with IowAccess. The determination may also include requirements concerning funding for a project proposed by a political subdivision of the state or an association, the membership of which is comprised solely of political subdivisions of the state. Prior to approving a project proposed by a political subdivision, the office shall verify that all of the following conditions are met:

(1) The proposed project provides a benefit to the state.

(2) The proposed project, once completed, can be shared with and used by other political subdivisions of the state, as appropriate.

(3) The state retains ownership of any final product or is granted a permanent license to the use of the product.

c. Establish expected outcomes and effects of the use of IowAccess and determine the manner in which such outcomes are to be measured and evaluated.

d. Establish the IowAccess total budget request and ensure that such request reflects the priorities and goals of IowAccess as established by the office.

e. Advocate for access to government information and services through IowAccess and for data privacy protection, information ethics, accuracy, and security in IowAccess programs and services.

f. Receive status and operations reports associated with IowAccess.

3. *Data purchasing.* This section shall not be construed to impair the right of a person to contract to purchase information or data from the Iowa court information system or any other governmental entity. This section shall not be construed to affect a data purchase agreement or contract in existence on April 25, 2000.

Sec. 23. NEW SECTION. **8B.32 Financial transactions.**

1. Moneys paid to a participating agency from persons who complete an electronic financial transaction with the agency by accessing IowAccess shall be transferred to the treasurer of state for deposit in the general fund of the state, unless the disposition of the moneys is specifically provided for under other law. The moneys may include all of the following:

a. Fees required to obtain an electronic public record as provided in section 22.3A.

b. Fees required to process an application or file a document, including but not limited to fees required to obtain a license issued by a licensing authority.

c. Moneys owed to a governmental entity by a person accessing IowAccess in order to satisfy a liability arising from the operation of law, including the payment of assessments, taxes, fines, and civil penalties.

2. Moneys transferred using IowAccess may include amounts owed by a governmental entity to a person accessing IowAccess in order to satisfy a liability of the governmental entity. The moneys may include the payment of tax refunds, and the disbursement of support payments as defined in section 252D.16 or 598.1 as required for orders issued pursuant to section 252B.14.

3. In addition to other forms of payment, credit cards shall be accepted in payment for moneys owed to or fees imposed by a governmental entity in the same manner as provided in section 8B.15.

Sec. 24. NEW SECTION. **8B.33 IowAccess revolving fund.**

1. An IowAccess revolving fund is created in the state treasury. The revolving fund shall be administered by the office and shall consist of moneys collected by the office as fees, moneys appropriated by the general assembly, and any other moneys obtained or accepted by the office for deposit in the revolving fund. The proceeds of the revolving fund are appropriated to and shall be used by the office to maintain, develop, operate, and expand IowAccess consistent with this chapter, and for the support of activities of the technology advisory council pursuant to section 8B.8.

2. The office shall submit an annual report not later than January 31 to the members of the general assembly and the legislative services agency of the activities funded by and expenditures made from the revolving fund during the preceding fiscal year. Section 8.33 does not apply to any moneys in the revolving fund, and, notwithstanding section 12C.7, subsection 2, earnings or interest on moneys deposited in the revolving fund shall be credited to the revolving fund.

Sec. 25. Section 8D.4, Code 2013, is amended to read as follows:

8D.4 Executive director appointed.

The commission, in consultation with the director of the department of administrative services and the chief information officer, shall appoint an executive director of the commission, subject to confirmation by the senate. Such individual shall not serve as a member of the commission. The executive director shall serve at the pleasure of the commission. The executive director shall be selected primarily for administrative ability and

knowledge in the field, without regard to political affiliation. The governor shall establish the salary of the executive director within range nine as established by the general assembly. The salary and support of the executive director shall be paid from funds deposited in the Iowa communications network fund.

Sec. 26. Section 12C.1, subsection 2, paragraph e, subparagraph (6), Code 2013, is amended to read as follows:

(6) Moneys placed in a depository for the purpose of completing an electronic financial transaction pursuant to section ~~8A.222~~ 8B.32 or 331.427.

Sec. 27. Section 12C.4, Code 2013, is amended to read as follows:

12C.4 Location of depositories.

Deposits by the treasurer of state shall be in depositories located in this state; by a county officer or county public hospital officer or merged area hospital officer, in depositories located in the county or in an adjoining county within this state; by a memorial hospital treasurer, in a depository located within this state which shall be selected by the memorial hospital treasurer and approved by the memorial hospital commission; by a city treasurer or other city financial officer, in depositories located in the county in which the city is located or in an adjoining county, but if there is no depository in the county in which the city is located or in an adjoining county then in any other depository located in this state which shall be selected as a depository by the city council; by a school treasurer or by a school secretary in a depository within this state which shall be selected by the board of directors or the trustees of the school district; by a township clerk in a depository located within this state which shall be selected by the township clerk and approved by the trustees of the township. However, deposits may be made in depositories outside of Iowa for the purpose of paying principal and interest on bonded indebtedness of any municipality when the deposit is made not more than ten days before the date the principal or interest becomes due. Further, the treasurer of state may maintain an account or accounts outside the state of Iowa for the purpose of providing custodial services for the state and state retirement fund accounts. Deposits made for the purpose of completing an electronic financial transaction pursuant to section ~~8A.222~~ 8B.32 or 331.427 may be made in any depository located in this state.

Sec. 28. Section 23A.2, subsection 10, paragraph o, Code 2013, is amended to read as follows:

o. The performance of an activity authorized pursuant to section ~~8A.202~~ 8B.21, subsection ~~2~~ 1, paragraph ~~"*j*"~~ "*m*".

Sec. 29. Section 262.9B, subsection 3, paragraph a, Code 2013, is amended to read as follows:

a. The board shall direct institutions under its control to cooperate with the chief information officer of the state in efforts to cooperatively obtain information technology and related services that result in mutual cost savings and efficiency improvements, and shall seek input from the ~~department of administrative services and the~~ chief information officer of the state regarding specific areas of potential cooperation between the institutions under the control of the board and the ~~department of administrative services~~ office of the chief information officer.

Sec. 30. REPEAL. Sections 8A.201, 8A.201A, 8A.202, 8A.203, 8A.204, 8A.205, 8A.206, 8A.207, 8A.221, 8A.222, and 8A.224, Code 2013, are repealed.

Sec. 31. ADMINISTRATIVE RULES — TRANSITION PROVISIONS. Any rule, regulation, form, order, or directive promulgated by the department of administrative services as it relates to information technology and in effect on the effective date of this division of this Act shall continue in full force and effect until amended, repealed, or supplemented by affirmative action of the office of the chief information officer as established in this division of this Act.

Sec. 32. MISCELLANEOUS TRANSITION PROVISIONS.

1. Any personnel in the state merit system of employment who are mandatorily transferred due to the effect of this division of this Act shall be so transferred without any loss in salary, benefits, or accrued years of service.

2. Any funds in any account or fund of the department of administrative services as it relates to information technology shall be transferred to the comparable fund or account as established and provided by this division of this Act.

3. Any cause of action or statute of limitation relating to the information technology duties provided by the department of administrative services that are transferred to the office of the chief information officer as provided by this division of this Act shall not be affected as a result of the transfer and such cause or statute of limitation shall apply to the successor office.

Sec. 33. OFFICE OF THE CHIEF INFORMATION OFFICER — INFORMATION TECHNOLOGY DEVICE INVENTORY.

1. The office of the chief information officer shall complete an inventory of information technology devices utilized by the office and participating agencies, as defined in section 8B.1, as enacted by this division of this Act. The office shall conduct the inventory with the goal of identifying potential information technology device upgrades, changes, or other efficiencies that will meet the information technology needs of the applicable department or agency at reduced cost to the state.

2. The office shall submit a report to the general assembly by January 1, 2014, describing the office's actions as required by this section. The report shall, if applicable, identify any statutory barriers or needed technology investments for pursuing efforts described in this section and shall include in the report its findings and any recommendations for legislative action.

Sec. 34. OFFICE OF THE CHIEF INFORMATION OFFICER — INFORMATION TECHNOLOGY COORDINATION AND MANAGEMENT.

1. The office of the chief information officer, in accordance with the requirements of Code section 8B.21, subsection 1, paragraph "h", as enacted by this division of this Act, shall coordinate and manage information technology services within the office, shall establish a schedule by which all departments subject to the requirements of that Act and chapter 8B, as enacted by this division of this Act, shall comply with these requirements. The schedule shall provide for implementation of the requirements to all affected state agencies and departments by December 31, 2014. The office shall submit a copy of the schedule to the general assembly by July 31, 2013, and shall provide periodic updates to the general assembly on the progress of meeting the time deadlines contained in the schedule.

2. In procuring information technology as provided in section 8B.24, as enacted by this division of this Act, the office should explore strategies of procuring information technology through leasing.

DIVISION II
PHASED RETIREMENT PROGRAM

Sec. 35. Section 70A.30, Code 2013, is amended to read as follows:

70A.30 Establishment of phased retirement program.

1. ~~There is established~~ The department of administrative services may establish a voluntary employee phased retirement incentive program for full-time state employees ~~who are at least sixty years of age and have completed at least twenty years as full-time state employees~~.

2. ~~The~~ A phased retirement incentive program established by the department of administrative services is a retirement system for purposes of section 20.9, but is not retirement for purposes of chapter 97A, 97B, or 602 or for the employees who are members of the teachers insurance annuity association-college retirement equities fund (TIAA-CREF).

Sec. 36. REPEAL. Sections 70A.31, 70A.32, 70A.33, and 70A.34, Code 2013, are repealed.

Sec. 37. PHASED RETIREMENT PROGRAM — TRANSITION PROVISIONS. State employees who are participating in the phased retirement program established by sections 70A.30 through 70A.34, Code 2013, as of the effective date of this division of this Act shall

remain in the program and be eligible for the benefits of the program as provided prior to the effective date of this division of this Act.

DIVISION III
HUMAN RESOURCE MANAGEMENT

Sec. 38. Section 8A.402, subsection 1, Code 2013, is amended by adding the following new paragraph:

NEW PARAGRAPH. *i.* The development and implementation of a plan to centralize the human resource management functions for state executive branch agencies within the department, except for institutions under the control of the state board of regents.

Sec. 39. DEPARTMENT OF ADMINISTRATIVE SERVICES — CENTRALIZED HUMAN RESOURCE MANAGEMENT.

1. a. The director of the department of administrative services may develop and implement a plan to centralize the human resource management functions for participating agencies under the department of administrative services, except for institutions under the control of the state board of regents, by December 15, 2015.

b. For purposes of this section, "participating agency" means an agency, as defined in section 8A.101, that has agreed to participate in and implement the plan as developed by the department of administrative services pursuant to this section. "Participating agency" does not include institutions under the control of the state board of regents.

2. The centralized human resource management plan shall do all of the following:

a. Identify the human resource duties and processes being utilized by each participating agency.

b. Identify the positions being utilized by the participating agencies to perform the human resource duties.

c. Establish best practices for a consolidated human resources model and identify the estimated cost savings that will result from implementation of the plan. In establishing the new model and plan, the department shall incorporate both information technology resources and personnel resources to provide human resource management functions efficiently and in a manner that includes some level of personal service to participating agencies and their employees.

d. Detail and implement an organizational structure to support a fully consolidated human resources model.

e. Identify space, technology, and equipment needs, and acquire and implement such tools and resources in support of the consolidated human resources model. Such efforts shall be done in collaboration with affected participating agencies, the department of management, the state chief information officer, and the general services, state accounting, and information technology enterprises of the department of administrative services.

f. Establish and implement an access control policy and process related to all personnel files to ensure access to files is limited to business need.

g. Establish detailed timelines for transition and communicate the timelines to the participating agencies.

3. State participating agencies, except for institutions under the control of the state board of regents, shall do all of the following:

a. Provide the department of administrative services with all of the following information:

(1) Information regarding the human resource duties and responsibilities being performed by agency staff.

(2) The direct and indirect costs associated with agency staff performing human resource duties.

(3) Information about the human resource information and records storage systems being used to perform human resource work.

b. Adjust internal staffing as required in the centralized human resource management plan developed by the department of administrative services.

c. Participating agencies outside of the department of administrative services shall not hire or replace any staff for the purposes of conducting human resource work. The department of

administrative services shall partner with participating agencies to transition and consolidate work in the human resource enterprise of the department of administrative services.

d. Transition to the human resources system selected and operated by the department of administrative services pursuant to timelines identified by the department of administrative services.

e. Adhere to all objectives and timelines required in the centralized human resource management plan developed by the department of administrative services.

Sec. 40. DEPARTMENT OF ADMINISTRATIVE SERVICES — PAYROLL SYSTEM. The director of the department of administrative services shall select and implement a new payroll system for state executive branch agencies, except for institutions under the control of the state board of regents. State executive branch agencies, except for institutions under the control of the state board of regents, shall cooperate in the transition to the payroll system selected by the department of administrative services pursuant to timelines identified by the department of administrative services.

Sec. 41. HUMAN RESOURCES PERSONNEL — TRANSITION PROVISIONS. Any noncontract employee who is subject to an employer-mandated reassignment, reduction in hours, layoff, or potential termination as a result of the implementation of the centralized human resource management plan as provided in this division of this Act shall not be authorized to bump or replace an employee in a position covered by a collective bargaining agreement. In order to implement this requirement, if a layoff of noncontract employees were to occur as the result of the centralized human resource management plan, then the layoff units specified within the layoff plan shall not include any positions covered by a collective bargaining agreement. For purposes of this section, a noncontract employee means an employee of the state in a position that is not covered by a collective bargaining agreement.

Sec. 42. DEPARTMENT OF ADMINISTRATIVE SERVICES — HUMAN RESOURCE MANAGEMENT SYSTEM — REQUEST FOR PROPOSALS. The department of administrative services shall issue a request for proposals for a human resource management system, including a payroll system, by December 31, 2013. The human resource management system is a human resource technology system that is intended to automate the core administrative functions of human resources, replace the existing mainframe computer system utilized for this function, and increase the efficiency of the department and the office of the chief information officer, specifically in the areas of human resources, information technology, and the state accounting enterprise.

Sec. 43. DEPARTMENT OF ADMINISTRATIVE SERVICES — HUMAN RESOURCE MANAGEMENT SYSTEM — REPORTS. The department of administrative services shall submit annual status reports to the general assembly concerning the development and implementation of the new human resource management system, including the payroll system, as provided in this division of this Act. The department shall submit an annual status report to the general assembly by January 1 of each calendar year beginning in calendar year 2014 until the new human resource management system and payroll system are selected and implemented. Each status report shall include plain language comprehensive budget and financial information relative to the personnel and infrastructure costs incurred for implementation of the systems as well as projected budget information relative to the implementation of each system for the next succeeding fiscal year. Budget information in each status report shall provide information relative to any direct personnel and infrastructure costs to be incurred by the department of administrative services in the next succeeding fiscal year for implementing each new system and costs to be charged by the department to executive branch agencies for each system. The department shall submit a final report to the general assembly upon selection and implementation of the new human resource management system and payroll system.

* Item veto; see message at end of the Act

DIVISION IV
STATE PHYSICAL RESOURCES

Sec. 44. STATE EMPLOYEE WORK ENVIRONMENT ANALYSIS AND REPORT. By September 30, 2013, the department of administrative services shall conduct a high level needs analysis of state employee work stations and office standards, assessing adequate square footage needs, and creating healthy, productive, and efficient work environments in an economical manner. Overall objectives of the analysis shall include improving employee density; properly allocating space for individual and group work; improving worker health and safety; improving technology integration; and improving energy efficiency and sustainability in state offices. The department shall submit findings and recommendations to the capitol planning commission and to the legislative fiscal committee by October 30, 2013.

DIVISION V
AUDITS

Sec. 45. Section 11.6, subsection 10, Code 2013, is amended to read as follows:

10. The auditor of state shall adopt rules in accordance with chapter 17A to establish and collect a filing fee for the filing of each report of audit or examination conducted pursuant to ~~subsections 1 through 3~~ subsection 1, paragraphs "*a*" and "*c*", subsection 2, and subsection 3. The funds collected shall be maintained in a segregated account for use by the office of the auditor of state in performing audits conducted pursuant to subsection 4 and for work paper reviews conducted pursuant to subsection 5. Any funds collected by the auditor pursuant to subsection 4 shall be deposited in this account. Notwithstanding section 8.33, the funds in this account shall not revert at the end of any fiscal year.

Sec. 46. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION VI
ELECTRONIC COMMUNICATIONS

Sec. 47. Section 22.7, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 65. Electronic mail addresses of individuals collected by state departments and agencies for the sole purpose of disseminating routine information and notices through electronic communications that are not prepared for a specific recipient.

Sec. 48. STATE DEPARTMENT AND AGENCY LIMITATIONS ON MAIL. Notwithstanding any provision of the law to the contrary, a state department or agency shall provide departmental or agency notices or information through the department's or agency's internet site or through electronic mail to the fullest extent possible. This requirement shall not apply to department and agency communications required for purposes of pursuing legal action or to comply with federal law. Departments and agencies shall have rulemaking authority to implement this section and to collect electronic mail addresses for the purpose of electronic communications.

DIVISION VII
PUBLIC HEALTH

Sec. 49. Section 135.11, subsection 24, Code 2013, is amended to read as follows:

24. ~~Establish an abuse education review panel for review and approval of~~ Review and approve mandatory reporter training curricula for those persons who work in a position classification that under law makes the persons mandatory reporters of child or dependent adult abuse and the position classification does not have a mandatory reporter training curriculum approved by a licensing or examining board.

Sec. 50. Section 147A.24, subsection 1, paragraph q, Code 2013, is amended by striking the paragraph and inserting in lieu thereof the following:

q. Iowa's Medicare quality improvement organization.

Sec. 51. Section 147A.24, subsection 4, Code 2013, is amended by adding the following new paragraph:

NEW PARAGRAPH. *h.* Develop, implement, and conduct trauma care system evaluation, quality assessment, and quality improvement.

Sec. 52. Section 147A.24, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 5. Proceedings, records, and reports developed pursuant to this section constitute peer review records under section 147.135, and are not subject to discovery by subpoena or admissible as evidence. All information and documents received from a hospital or emergency care facility under this subchapter shall be confidential pursuant to section 272C.6, subsection 4.

Sec. 53. Section 147A.26, subsection 1, Code 2013, is amended to read as follows:

1. The department shall maintain a statewide trauma reporting system by which ~~the system evaluation and quality improvement committee,~~ the trauma system advisory council, and the department may monitor the effectiveness of the statewide trauma care system.

Sec. 54. Section 232.69, subsection 3, paragraph d, subparagraph (2), Code 2013, is amended to read as follows:

(2) A training program using a curriculum approved by the ~~abuse education review panel established by the~~ director of public health pursuant to section 135.11.

Sec. 55. Section 235B.16, subsection 5, paragraph d, subparagraph (2), Code 2013, is amended to read as follows:

(2) A training program using a curriculum approved by the ~~abuse education review panel established by the~~ director of public health pursuant to section 135.11.

Sec. 56. Section 235B.16, subsection 5, paragraph e, Code 2013, is amended to read as follows:

e. A person required to complete both child abuse and dependent adult abuse mandatory reporter training may complete the training through a program which combines child abuse and dependent adult abuse curricula and thereby meet the training requirements of both this subsection and section 232.69 simultaneously. A person who is a mandatory reporter for both child abuse and dependent adult abuse may satisfy the combined training requirements of this subsection and section 232.69 through completion of a two-hour training program, if the training program curriculum is approved by the appropriate licensing board or the ~~abuse education review panel established by the~~ director of public health pursuant to section 135.11.

Sec. 57. REPEAL. Section 147A.25, Code 2013, is repealed.

Sec. 58. REPEAL. Chapter 135N, Code 2013, is repealed.

DIVISION VIII
PUBLIC SAFETY COMMUNICATIONS

Sec. 59. NEW SECTION. **34A.11 Communications — single point-of-contact.**

1. The joint E911 service board in each enhanced 911 service area shall designate a person to serve as a single point-of-contact to facilitate the communication of needs, issues, or concerns regarding emergency communications, interoperability, and other matters applicable to emergency E911 communications and migration to an internet protocol-enabled next generation network. The person designated as the single point-of-contact shall be responsible for facilitating the communication of such needs, issues, or concerns between public or private safety agencies within the service area, the E911 program manager, the E911 communications council, the statewide interoperable communications system board established in section 80.28, and any other person, entity, or agency the person deems necessary or appropriate. The person designated shall also be responsible for responding to surveys or requests for information applicable to the service area received from a federal, state, or local agency, entity, or board.

2. In the event a joint E911 service board fails to designate a single point-of-contact by November 1, 2013, the chairperson of the joint E911 service board shall serve in that capacity. The E911 service board shall submit the name and contact information for the person designated as the single point-of-contact to the E911 program manager by January 1 annually.

3. The provisions of this section shall be equally applicable to an alternative legal entity created pursuant to chapter 28E if such an entity is established as an alternative to a joint E911 service board as provided in section 34A.3. If such an entity is established, the governing body of that entity shall designate the single point-of-contact for the entity, and the chairperson or representative official of the governing body shall serve in the event a single point-of-contact is not designated.

DIVISION IX
REPORT — STATE DEBT COORDINATOR

Sec. 60. DEPARTMENT OF REVENUE AND OFFICE OF THE STATE DEBT COORDINATOR — REPORT. The director of revenue shall develop and recommend legislative proposals deemed necessary for the continued efficiency of the functions of the office of the state debt coordinator established in section 421C.1, and shall prepare and file a report detailing the recommendations. The report shall be filed by the director of revenue with the department of management, the governor, and the general assembly no later than January 13, 2014.

DIVISION X
ONGOING PROGRAM REVIEW

Sec. 61. Section 2.69, subsection 4, Code 2013, is amended by adding the following new paragraph:

NEW PARAGRAPH. *0c.* Comprehensively review on a regular basis the programs and projects administered by state government to determine whether each program and project reviewed is effectively and efficiently meeting the needs for which created, and whether the needs remain applicable. The review shall consider whether modifications to the program or project reviewed could better meet the needs identified in a more effective manner.

DIVISION XI
BOARDS AND COMMISSIONS

Sec. 62. Section 190A.3, subsection 3, Code 2013, is amended to read as follows:

3. The ~~farm-to-school council~~ department of agriculture and land stewardship and the department of education shall seek to establish partnerships with public agencies and nonprofit organizations to implement a structure to facilitate communication between farmers and schools.

Sec. 63. Section 190A.3, subsection 4, Code 2013, is amended to read as follows:

4. The ~~farm-to-school council~~ department of agriculture and land stewardship and the department of education shall actively seek financial or in-kind contributions from organizations or persons to support the program.

Sec. 64. Section 256.9, subsection 55, paragraph j, Code 2013, is amended by striking the paragraph.

Sec. 65. REPEAL. Section 190A.2, Code 2013, is repealed.

DIVISION XII
OBSOLETE PROVISIONS

Sec. 66. REPEAL. Section 15.112, Code 2013, is repealed.

Sec. 67. REPEAL. Chapters 15C and 15D, Code 2013, are repealed.

Approved June 20, 2013, with exceptions noted.

TERRY E. BRANSTAD, *Governor*

Dear Mr. Secretary:

I hereby transmit Senate File 396, an Act relating to government operations and efficiency and other related matters, and including effective date and applicability provisions.

Senate File 396 is approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve Sections 40, 42, and 43 in their entirety. These items require the director of the department of administrative services to purchase a new payroll system for the executive branch. From the beginning of my administration, I asked state agencies to work diligently to reduce administrative costs and reduce overhead costs. At my direction, many efficiency and cost-control measures are already being implemented by the executive branch departments. My administration is committed to reducing the size and cost of government by 15% through efficiencies and new technologies that allow for savings. I believe a mandate to purchase a payroll system at this time is inappropriate. The department may review the payroll system and determine the best way to proceed while protecting and serving the taxpayers of Iowa.

I am unable to approve Section 41 in its entirety. This item prohibits non-contract employees from bumping contract employees in the case of a reduction in force. In order to achieve increased efficiencies within state government, my administration is committed to finding areas where we can consolidate duplicative efforts. However, in doing so we must strive to ensure that various classifications of employees are treated fairly. The executive branch will continue to implement policies that will reduce the size and cost of government by 15% and this provision would be an impediment in achieving this goal.

For the above reasons, I respectfully disapprove the designated items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 396 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, *Governor*

CHAPTER 130

MENTAL HEALTH ADVOCATES AND INVOLUNTARY COMMITMENTS

S.F. 406

AN ACT relating to involuntary commitments for persons with substance-related disorders, mental illness, and intellectual disabilities, and providing for the creation of a mental health advocate division in the department of inspections and appeals and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

**DIVISION I*
DEPARTMENTAL RESPONSIBILITY FOR MENTAL HEALTH ADVOCATES

Section 1. NEW SECTION. ***10A.901 Definitions.***
As used in this article, unless the context otherwise requires:
1. "Administrator" means the person coordinating the administration of this division.
2. "Division" means the mental health advocate division of the department of inspections and appeals.

Sec. 2. NEW SECTION. ***10A.902 Duties of administrator.***
The administrator shall administer the division's conduct of the mental health advocate program as provided by section 229.19 and other applicable law. The person appointed as administrator must meet the qualifications to be appointed as a mental health advocate. The administrator's duties may include but are not limited to all of the following:
1. Appointing persons to serve as mental health advocates and other division staff and identifying qualifications for persons serving as a mental health advocate. A mental health advocate serving as of June 30, 2013, shall be deemed to be qualified. The minimum qualifications for a mental health advocate whose initial appointment commences on or after July 1, 2013, shall be a bachelor's degree from an accredited school, college, or university in social work, counseling, human services, health, nursing, or psychology, and one year of experience in the provision of mental health services. A person who is a licensed registered nurse pursuant to chapter 152 who is current with applicable continuing education requirements shall be deemed to have met the minimum experience requirement.
2. Training and supervising division staff.
3. Implementing procedures for appointing, dismissing, and supervising advocates and for reassigning advocate responsibilities based on the location of the patient's placement or other patient need. The court shall be notified of any reassignment. The procedures for appointing a person to a vacant mental health advocate position assigned to a geographic area shall require the person appointed to the vacant position to reside within the assigned geographic area.
4. Administering program additions and expansions, including providing advocate services for persons with a substance-related disorder and persons found not guilty by reason of insanity, if such additions or expansions are authorized and funded.
5. Developing and implementing a case weight system for use in appointing and compensating advocates.
6. Administering case reviews and audits.
7. Implementing a uniform description of the duties of a mental health advocate, based upon the best practices developed and promulgated by the judicial council pursuant to section 229.19, subsection 1, paragraph "c".

Sec. 3. TRANSITION.
1. The department of inspections and appeals shall commence organizational activities during the fiscal year beginning July 1, 2013, as necessary to fully implement this division and assume responsibility for mental health advocates as provided in this division and division II of this Act on July 1, 2014.
2. If necessary for the purposes of subsection 1, the department of inspections and appeals may adopt emergency rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph "b", to implement the provisions of division II of this Act on July 1, 2014, and the rules shall be effective immediately upon filing unless a later date is specified in the rules. Any rules adopted in accordance with this section shall also be published as a notice of intended action as provided in section 17A.4.

* Item veto; see message at end of the Act

DIVISION II
IMPLEMENTATION — MENTAL HEALTH ADVOCATES

Sec. 4. Section 225C.4, subsection 1, paragraph m, Code 2013, is amended to read as follows:

m. Provide consultation and technical assistance to ~~patients'~~ mental health advocates appointed pursuant to section 229.19, in cooperation with the judicial branch and the department of inspections and appeals, and to the resident advocate committees appointed for health care facilities pursuant to section 135C.25.

Sec. 5. Section 226.31, Code 2013, is amended to read as follows:

226.31 Examination by court — notice.

Before granting the order authorized in section 226.30 the court or judge shall investigate the allegations of the petition and before proceeding to a hearing on the allegations shall require notice to be served on the attorney who represented the patient in any prior proceedings under sections 229.6 to 229.15 ~~or the~~ and to any mental health advocate appointed for the patient under section 229.19, or in the case of a patient who entered the hospital voluntarily, on any relative, friend, or guardian of the person in question of the filing of the application. At the hearing the court or judge shall appoint a guardian ad litem for the person, if the court or judge deems such action necessary to protect the rights of the person. The guardian ad litem shall be a practicing attorney.

Sec. 6. Section 229.2, subsection 1, paragraph b, subparagraph (6), Code 2013, is amended to read as follows:

(6) Upon approval of the admission of a minor over the minor's objections, the juvenile court shall appoint an individual to act as an advocate representing the interests of the minor in the same manner as ~~an~~ a mental health advocate representing the interests of patients involuntarily hospitalized ~~pursuant to~~ in accordance with section 229.19.

Sec. 7. Section 229.9A, Code 2013, is amended to read as follows:

229.9A ~~Advocate~~ Mental health advocate informed — hearings.

The court shall direct the clerk to furnish the mental health advocate ~~of the respondent's county of legal settlement~~ designated for the court by the department of inspections and appeals with a copy of application and any order issued pursuant to section 229.8, subsection 3. The mental health advocate designated for the court may attend ~~the hospitalization~~ any court hearing ~~of any~~ involving the respondent ~~for whom the advocate has received notice of a hospitalization hearing~~.

Sec. 8. Section 229.12, subsection 2, Code 2013, is amended to read as follows:

2. All persons not necessary for the conduct of the proceeding shall be excluded, except that the court may admit persons having a legitimate interest in the proceeding and shall permit the mental health advocate ~~from the respondent's county of legal settlement~~ designated for the court by the department of inspections and appeals to attend the hearing. Upon motion of the county attorney, the judge may exclude the respondent from the hearing during the testimony of any particular witness if the judge determines that witness's testimony is likely to cause the respondent severe emotional trauma.

Sec. 9. Section 229.14A, subsection 1, Code 2013, is amended to read as follows:

1. With respect to a chief medical officer's report made pursuant to section 229.14, subsection 1, paragraph "b", "c", or "d", or any other provision of this chapter related to involuntary commitment for which the court issues a placement order or a transfer of placement is authorized, the court shall provide notice to the respondent, ~~and~~ the respondent's attorney ~~or~~, and any mental health advocate appointed for the respondent pursuant to section 229.19 concerning the placement order and the respondent's right to request a placement hearing to determine if the order for placement or transfer of placement is appropriate.

Sec. 10. Section 229.14A, subsection 5, paragraph c, Code 2013, is amended to read as follows:

c. If the respondent's attorney has withdrawn ~~pursuant to section 229.19~~, the court shall appoint an attorney for the respondent in the manner described in section 229.8, subsection 1.

Sec. 11. Section 229.15, subsection 6, Code 2013, is amended to read as follows:

6. Upon receipt of any report required or authorized by this section the court shall furnish a copy to the patient's attorney~~, or alternatively~~ and to the mental health advocate appointed ~~as required by section 229.19~~ for the patient. The court shall examine the report and take the action thereon which it deems appropriate. Should the court fail to receive any report required by this section or section 229.14 at the time the report is due, the court shall investigate the reason for the failure to report and take whatever action may be necessary in the matter.

Sec. 12. Section 229.19, Code 2013, is amended to read as follows:

229.19 ~~Advocates~~ Mental health advocates — duties ~~— compensation — state and county liability~~.

1. a. ~~In each county with a population of three hundred thousand or more inhabitants the board of supervisors shall appoint an individual who has demonstrated by prior activities an informed concern for the welfare and rehabilitation of persons with mental illness, and who is not an officer or employee of the department of human services nor of any agency or facility providing care or treatment to persons with mental illness, to act as an advocate representing the interests of patients involuntarily hospitalized by the court, in any matter relating to the patients' hospitalization or treatment under section 229.14 or 229.15. In each county with a population of under three hundred thousand inhabitants, the chief judge of the judicial district encompassing the county shall appoint the advocate.~~ For the purposes of this section, "division" means the mental health advocate division of the department of inspections and appeals.

~~b. The court or, if the advocate is appointed by the county board of supervisors, the board shall assign the advocate appointed from a patient's county of legal settlement to represent the interests of the patient. If a patient has no county of legal settlement, the court or, if the advocate is appointed by the county board of supervisors, the board shall assign the advocate appointed from the county where the hospital or facility is located to represent the interests of the patient.~~

~~c. The advocate's responsibility with respect to any patient shall begin at whatever time the attorney employed or appointed to represent that patient as respondent in hospitalization proceedings, conducted under sections 229.6 to 229.13, reports to the court that the attorney's services are no longer required and requests the court's approval to withdraw as counsel for that patient. However, if~~

b. If the patient is found to be seriously mentally impaired at the hospitalization hearing, ~~the attorney representing the patient shall automatically be relieved of responsibility in the case and an~~ a mental health advocate shall be ~~assigned to~~ appointed for the patient at the conclusion of the hearing ~~unless the attorney indicates an intent to continue the attorney's services and~~. The court shall notify the division of the court's finding and the division shall appoint an advocate for the patient. The advocate's responsibility with respect to a patient shall begin when the advocate is appointed for the patient. The attorney representing the patient shall automatically be relieved of responsibility at the conclusion of the hearing unless the attorney requests to continue representation and the court ~~so directs~~ authorizes the attorney to remain on the case. If the court directs the attorney to remain on the case, the attorney shall ~~assume all the duties of an advocate~~ cooperate with the advocate appointed for the patient. The clerk shall furnish the advocate with a copy of the court's order approving the withdrawal or continuation of the attorney and shall inform the patient of the name of the patient's advocate.

~~d.~~ c. With regard to each patient ~~whose interests the~~ for whom a mental health advocate is ~~required to represent~~ appointed pursuant to this section, the advocate's duties shall include all of the following:

(1) To review each report submitted pursuant to sections 229.14 and 229.15.

(2) ~~If the advocate is not an attorney, to~~ To advise the court at any time it appears that the services of an attorney are required to properly safeguard the patient's interests.

(3) To be readily accessible to communications from the patient and to originate communications with the patient within five days of the patient's commitment.

(4) To visit the patient within fifteen days of the patient's commitment and periodically thereafter.

(5) To communicate with medical personnel treating the patient and to review the patient's medical records pursuant to section 229.25.

(6) To file with the court and the division quarterly reports, and additional reports as the advocate feels necessary or as required by the ~~court~~ division, in a form prescribed by the ~~court~~ division. The reports shall state what actions the advocate has taken with respect to each patient and the amount of time spent.

(7) To utilize the related best practices for the duties identified in this paragraph ~~"d"~~ "c" developed and promulgated by the judicial council.

~~e.~~ d. ~~An~~ Subject to the availability of funding appropriated for this purpose, a mental health advocate may also be appointed pursuant to this section for an individual who has been diagnosed with a co-occurring mental illness and ~~substance-related~~ substance-related disorder.

2. The hospital or facility to which a patient is committed shall grant all reasonable requests of the patient's mental health advocate to visit the patient, to communicate with medical personnel treating the patient, and to review the patient's medical records pursuant to section 229.25. An advocate shall not disseminate information from a patient's medical records to any other person unless done for official purposes in connection with the advocate's duties pursuant to this chapter or when required by law.

3. The ~~court or, if the advocate is appointed by the county board of supervisors, the board~~ division shall ~~prescribe~~ provide reasonable compensation for the services of the advocate in accordance with section 10A.902. ~~The compensation shall be based upon the reports filed by the advocate with the court. The advocate's compensation shall be paid by the county in which the court is located, either on order of the court or, if the advocate is appointed by the county board of supervisors, on the direction of the board. If the advocate is appointed by the court, the advocate is an employee of the state for purposes of chapter 669. If the advocate is appointed by the county board of supervisors, the advocate is an employee of the county for purposes of chapter 670.~~ If the patient or the person who is legally liable for the patient's support is not indigent, the ~~board~~ division shall recover the costs of compensating the advocate from that person. ~~If that person has an income level as determined pursuant to section 815.9 greater than one hundred percent but not more than one hundred fifty percent of the poverty guidelines, at least one hundred dollars of the advocate's compensation shall be recovered in the manner prescribed by the county board of supervisors. If that person has an income level as determined pursuant to section 815.9 greater than one hundred fifty percent of the poverty guidelines, at least two hundred dollars of the advocate's compensation shall be recovered in substantially the same manner prescribed by the county board of supervisors as provided in section 815.9.~~

Sec. 13. Section 229.25, subsection 1, paragraph a, subparagraph (1), Code 2013, is amended to read as follows:

(1) The information is requested by a licensed physician, attorney, or the mental health advocate ~~who provides~~ appointed for the person. The requester must provide the chief medical officer with a written waiver signed by the person about whom the information is sought.

Sec. 14. APPOINTMENT OF MENTAL HEALTH ADVOCATES. The persons appointed to provide mental health advocate services under section 229.19 immediately prior to July 1, 2014, shall be appointed as mental health advocates pursuant to section 10A.902, effective July 1, 2014.

*Sec. 15. EFFECTIVE DATE. This division of this Act takes effect July 1, 2014.**

* Item veto; see message at end of the Act

DIVISION III
INVOLUNTARY COMMITMENTS — PERSONS WITH INTELLECTUAL DISABILITIES

Sec. 16. Section 48A.2, subsection 3, Code 2013, is amended to read as follows:
3. *"Person who is incompetent to vote"* means a person with an intellectual disability who has been found to lack the mental capacity to vote in a proceeding held pursuant to section ~~222.31 or~~ 633.556.

Sec. 17. Section 222.6, Code 2013, is amended to read as follows:
222.6 State districts.
The administrator shall divide the state into two districts in such manner that one of the resource centers shall be located within each of the districts. Such districts may from time to time be changed. After such districts have been established, the administrator shall notify all boards of supervisors, county auditors, and clerks of the district courts of the action. Thereafter, unless the administrator otherwise orders, all admissions ~~or commitments~~ of persons with an intellectual disability from a district shall be to the resource center located within such district.

Sec. 18. Section 222.12, subsection 2, Code 2013, is amended to read as follows:
2. Notice of the death of the patient, and the cause of death, shall be sent to the county board of supervisors ~~and to the judge of the court that had jurisdiction over a committed patient~~. The fact of death with the time, place, and alleged cause shall be entered upon the docket of the court.

Sec. 19. Section 222.15, subsection 3, Code 2013, is amended by striking the subsection.

Sec. 20. Section 222.59, subsection 3, Code 2013, is amended by striking the subsection.

Sec. 21. Section 222.60, subsection 1, unnumbered paragraph 1, Code 2013, is amended to read as follows:
All necessary and legal expenses for the cost of admission ~~or commitment~~ or for the treatment, training, instruction, care, habilitation, support and transportation of persons with an intellectual disability, as provided for in the county management plan provisions implemented pursuant to section 331.439, subsection 1, in a state resource center, or in a special unit, or any public or private facility within or without the state, approved by the director of the department of human services, shall be paid by either:

Sec. 22. Section 222.61, Code 2013, is amended to read as follows:
222.61 Legal settlement determined.
When a county receives an application on behalf of any person for admission to a resource center or a special unit ~~or when a court issues an order committing any person to a resource center or a special unit~~, the board of supervisors shall utilize the central point of coordination process to determine and certify that the legal settlement of the person is in one of the following:
1. In the county in which the application is received ~~or court is located~~.
2. In some other county of the state.
3. In another state or in a foreign country.
4. Unknown.

Sec. 23. Section 222.64, Code 2013, is amended to read as follows:
222.64 Foreign state or country or unknown legal settlement.
If the legal settlement of the person is determined by the board of supervisors through the central point of coordination process to be in a foreign state or country or is determined to be unknown, the board of supervisors shall certify the determination to the administrator. The certification shall be accompanied by a copy of the evidence supporting the determination. The care of the person shall be as arranged by the board of supervisors or by an order as the court may enter. Application for admission ~~or order of commitment~~ may be made pending investigation by the administrator.

Sec. 24. Section 222.67, Code 2013, is amended to read as follows:

222.67 Charge on finding of settlement.

If a person has been received into a resource center or a special unit as a patient whose legal settlement is supposedly outside the state or is unknown and the administrator determines that the legal settlement of the patient was at the time of admission ~~or commitment~~ in a county of this state, the administrator shall certify the determination and charge all legal costs and expenses pertaining to the admission ~~or commitment~~ and support of the patient to the county of legal settlement. The certification shall be sent to the county of legal settlement. The certification shall be accompanied by a copy of the evidence supporting the determination. If the person's legal settlement status has been determined in accordance with section 225C.8, the legal costs and expenses shall be charged to the county or as a state case in accordance with that determination. The costs and expenses shall be collected as provided by law in other cases.

Sec. 25. Section 222.68, Code 2013, is amended to read as follows:

222.68 Costs paid in first instance.

All necessary and legal expenses for the cost of admission ~~or commitment~~ of a person to a resource center or a special unit when the person's legal settlement is found to be in another county of this state shall in the first instance be paid by the county from which the person was admitted ~~or committed~~. The county of legal settlement shall reimburse the county which pays for all such expenses. Where any county fails to make such reimbursement within forty-five days following submission of a properly itemized bill to the county of legal settlement, a penalty of not greater than one percent per month on and after forty-five days from submission of the bill may be added to the amount due.

Sec. 26. Section 222.69, Code 2013, is amended to read as follows:

222.69 Payment by state.

All necessary and legal expenses for the cost of admission ~~or commitment~~ of a person to a resource center or a special unit when the person's legal settlement is outside this state or is unknown shall be paid out of any money in the state treasury not otherwise appropriated. Such payments shall be made on itemized vouchers executed by the auditor of the county from which the expenses have been paid and approved by the administrator.

Sec. 27. Section 222.70, Code 2013, is amended to read as follows:

222.70 Legal settlement disputes.

If a dispute arises between counties or between the department and a county as to the legal settlement of a person admitted ~~or committed~~ to a resource center, a special unit, or a community-based service, the dispute shall be resolved as provided in section 225C.8.

Sec. 28. Section 222.78, Code 2013, is amended to read as follows:

222.78 Parents and others liable for support.

The father and mother of any patient admitted ~~or committed~~ to a resource center or to a special unit, as either an inpatient or an outpatient, and any person, firm, or corporation bound by contract made for support of the patient are liable for the support of the patient. The patient and those legally bound for the support of the patient shall be liable to the county for all sums advanced by the county to the state under the provisions of sections 222.60 and 222.77. The liability of any person, other than the patient, who is legally bound for the support of a patient who is under eighteen years of age in a resource center or a special unit shall not exceed the average minimum cost of the care of a normally intelligent minor without a disability of the same age and sex as the minor patient. The administrator shall establish the scale for this purpose but the scale shall not exceed the standards for personal allowances established by the state division under the family investment program. The father or mother shall incur liability only during any period when the father or mother either individually or jointly receive a net income from whatever source, commensurate with that upon which they would be liable to make an income tax payment to this state. The father or mother of a patient shall not be liable for the support of the patient upon the patient attaining eighteen years of age. Nothing in this section shall be construed to prevent a relative or other person from voluntarily paying the full actual cost as established by the administrator for caring for the

patient with an intellectual disability.

Sec. 29. Section 222.80, Code 2013, is amended to read as follows:

222.80 Liability to county.

A person admitted ~~or committed~~ to a county institution or home or admitted ~~or committed~~ at county expense to a private hospital, sanitarium, or other facility for treatment, training, instruction, care, habilitation, and support as a patient with an intellectual disability shall be liable to the county for the reasonable cost of the support as provided in section 222.78.

Sec. 30. Section 222.91, Code 2013, is amended to read as follows:

222.91 Direct referral to special unit.

In addition to any other manner of referral~~,~~ or admission~~, or commitment~~ to the special unit provided for by this chapter, persons may be referred directly to the special unit by courts, law enforcement agencies, or state penal or correctional institutions for services under ~~subsection 2 of~~ section 222.88, subsection 2,~~;~~ but persons so referred shall not be admitted ~~or committed~~ unless a preadmission diagnostic evaluation indicates that the person would benefit from such services, and the admission ~~or commitment~~ of the person to the special unit would not cause the special unit's patient load to exceed its capacity.

Sec. 31. Section 232.51, Code 2013, is amended to read as follows:

232.51 Disposition of child with mental illness ~~or an intellectual disability~~.

1. If the evidence received at an adjudicatory or a dispositional hearing indicates that the child is mentally ill, the court may direct the juvenile court officer or the department to initiate proceedings or to assist the child's parent or guardian to initiate civil commitment proceedings in the juvenile court and such proceedings in the juvenile court shall adhere to the requirements of chapter 229.

~~2. If the evidence received at an adjudicatory or a dispositional hearing indicates that the child has an intellectual disability, the court may direct the juvenile court officer or the department to initiate proceedings or to assist the child's parent or guardian to initiate civil commitment proceedings in the juvenile court and such proceedings shall adhere to the requirements of chapter 222.~~

~~3.~~ 2. *a.* If prior to the adjudicatory or dispositional hearing on the pending delinquency petition, the child is committed as a child with a mental illness ~~or an intellectual disability~~ and is ordered into a residential facility, institution, or hospital for inpatient treatment, the delinquency proceeding shall be suspended until such time as the juvenile court either terminates the civil commitment order or the child is released from the residential facility, institution, or hospital for purposes of receiving outpatient treatment.

b. During any time that the delinquency proceeding is suspended pursuant to this subsection, any time limits for speedy adjudicatory hearings and continuances shall be tolled.

c. This subsection shall not apply to waiver hearings held pursuant to section 232.45.

Sec. 32. Section 331.756, subsection 42, Code 2013, is amended by striking the subsection.

Sec. 33. Section 602.8102, subsections 36 and 37, Code 2013, are amended by striking the subsections.

Sec. 34. REPEAL. Sections 222.16 through 222.33, sections 222.36 through 222.49, section 222.51, and sections 222.54 through 222.58, Code 2013, are repealed.

Sec. 35. EFFECTIVE DATE. This division of this Act takes effect July 1, 2014.

DIVISION IV
INVOLUNTARY COMMITMENTS —
SUBSTANCE-RELATED DISORDERS AND MENTAL ILLNESS

Sec. 36. NEW SECTION. **125.74A Preapplication screening assessment — program.**

Prior to filing an application pursuant to section 125.75, the clerk of the district court or

the clerk's designee shall inform the interested person referred to in section 125.75 about the option of requesting a preapplication screening assessment through a preapplication screening assessment program, if available. The state court administrator shall prescribe practices and procedures for implementation of the preapplication screening assessment program.

Sec. 37. Section 125.75, Code 2013, is amended to read as follows:

125.75 ~~Involuntary commitment or treatment — application~~ Application.

1. Proceedings for the involuntary commitment or treatment of a person with a substance-related disorder to a facility pursuant to this chapter or for the involuntary hospitalization of a person pursuant to chapter 229 may be commenced by ~~the county attorney or an~~ any interested person by filing a verified application with the clerk of the district court of the county where the respondent is presently located or which is the respondent's place of residence. The clerk or the clerk's designee shall assist the applicant in completing the application.

2. The application shall:

~~1.~~ *a.* State the applicant's belief that the respondent is a person ~~with a substance-related disorder.~~ who presents a danger to self or others and lacks judgmental capacity due to either of the following:

(1) A substance-related disorder as defined in section 125.2.

(2) A serious mental impairment as defined in section 229.1.

~~2.~~ *b.* State ~~any other pertinent~~ facts in support of each belief described in paragraph "*a*".

~~3.~~ *c.* Be accompanied by one or more of the following:

~~*a.*~~ (1) A written statement of a licensed physician in support of the application.

~~*b.*~~ (2) One or more supporting affidavits corroborating the application.

~~*c.*~~ (3) Corroborative information obtained and reduced to writing by the clerk or the clerk's designee, but only when circumstances make it infeasible to obtain, or when the clerk considers it appropriate to supplement, the information under either ~~paragraph "*a*"~~ subparagraph (1) or ~~paragraph "*b*"~~ (2).

3. Prior to the filing of an application pursuant to this section, the clerk or the clerk's designee shall inform the interested person referred to in subsection 1 about the option of requesting a preapplication screening assessment pursuant to section 125.74A.

4. The supreme court shall prescribe rules and establish forms as necessary to carry out the provisions of this section.

Sec. 38. Section 125.75A, Code 2013, is amended to read as follows:

125.75A Involuntary ~~commitment or treatment of~~ proceedings — minors — jurisdiction.

The juvenile court has exclusive original jurisdiction in proceedings concerning a minor for whom an application ~~for involuntary commitment or treatment~~ is filed under section 125.75. In proceedings under this division concerning a minor's involuntary commitment or treatment, the term "*court*", "*judge*", or "*clerk*" means the juvenile court, judge, or clerk.

Sec. 39. Section 125.77, Code 2013, is amended to read as follows:

125.77 Service of notice.

Upon the filing of an application ~~for involuntary commitment~~ pursuant to section 125.75, the clerk shall docket the case and immediately notify a district court judge, a district associate judge, or magistrate who is admitted to the practice of law in this state, who shall review the application and accompanying documentation. The clerk shall send copies of the application and supporting documentation, together with the notice informing the respondent of the procedures required by this division, to the sheriff, for immediate service upon the respondent. If the respondent is taken into custody under section 125.81, service of the application, documentation, and notice upon the respondent shall be made at the time the respondent is taken into custody.

Sec. 40. Section 125.78, unnumbered paragraph 1, Code 2013, is amended to read as follows:

As soon as practical after the filing of an application ~~for involuntary commitment or treatment~~ pursuant to section 125.75, the court shall:

Sec. 41. Section 125.79, Code 2013, is amended to read as follows:

125.79 Respondent's attorney informed.

The court shall direct the clerk to furnish at once to the respondent's attorney, copies of the application ~~for involuntary commitment of the respondent~~ pursuant to section 125.75 and the supporting documentation, and of the court's order issued pursuant to section 125.78, subsection 3. If the respondent is taken into custody under section 125.81, the attorney shall also be advised of that fact. The respondent's attorney shall represent the respondent at all stages of the proceedings and shall attend the commitment hearing.

Sec. 42. Section 229.5, Code 2013, is amended to read as follows:

229.5 Departure without notice.

If a voluntary patient departs from the hospital without notice, and in the opinion of the chief medical officer the patient is seriously mentally impaired, the chief medical officer may file an application ~~for involuntary hospitalization of~~ on the departed voluntary patient pursuant to section 229.6, and request that an order for immediate custody be entered by the court pursuant to section 229.11.

Sec. 43. Section 229.5A, Code 2013, is amended to read as follows:

229.5A Preapplication screening assessment — program.

Prior to filing an application ~~for involuntary hospitalization~~ pursuant to section 229.6, the clerk of the district court or the clerk's designee shall inform the interested person referred to in section 229.6, subsection 1, about the option of requesting a preapplication screening assessment through a preapplication screening assessment program, if available. The state court administrator shall prescribe practices and procedures for implementation of the preapplication screening assessment program.

Sec. 44. Section 229.6, Code 2013, is amended to read as follows:

229.6 Application for order of involuntary hospitalization.

1. Proceedings for the involuntary hospitalization of an individual pursuant to this chapter or for the involuntary commitment or treatment of a person with a substance-related disorder to a facility pursuant to chapter 125 may be commenced by any interested person by filing a verified application with the clerk of the district court of the county where the respondent is presently located, or which is the respondent's place of residence. The clerk, or the clerk's designee, shall assist the applicant in completing the application.

2. The application shall:

a. State the applicant's belief that the respondent is ~~seriously mentally impaired.~~ a person who presents a danger to self or others and lacks judgmental capacity due to either of the following:

(1) A substance-related disorder as defined in section 125.2.

(2) A serious mental impairment as defined in section 229.1.

b. State ~~any other pertinent~~ facts in support of each belief described in paragraph "*a*".

c. Be accompanied by any of the following:

(1) A written statement of a licensed physician in support of the application.

(2) One or more supporting affidavits otherwise corroborating the application.

(3) Corroborative information obtained and reduced to writing by the clerk or the clerk's designee, but only when circumstances make it infeasible to comply with, or when the clerk considers it appropriate to supplement the information supplied pursuant to, either subparagraph (1) or (2).

~~2.~~ 3. Prior to the filing of an application pursuant to this section, the clerk or the clerk's designee shall inform the interested person referred to in subsection 1 about the option of requesting a preapplication screening assessment pursuant to section 229.5A.

4. The supreme court shall prescribe rules and establish forms as necessary to carry out the provisions of this section.

Sec. 45. Section 229.6A, subsection 1, Code 2013, is amended to read as follows:

1. Notwithstanding section 229.11, the juvenile court has exclusive original jurisdiction in proceedings concerning a minor for whom an application ~~for involuntary admission~~ is filed under section 229.6 or for whom an application for voluntary admission is made under

section 229.2, subsection 1, to which the minor objects. In proceedings under this chapter concerning a minor, notwithstanding section 229.11, the term *"court"*, *"judge"*, or *"clerk"* means the juvenile court, judge, or clerk.

Sec. 46. Section 229.7, Code 2013, is amended to read as follows:

229.7 Service of notice upon respondent.

Upon the filing of an application ~~for involuntary hospitalization~~ pursuant to section 229.6, the clerk shall docket the case and immediately notify a district court judge, district associate judge, or magistrate who is admitted to the practice of law in this state, who shall review the application and accompanying documentation. If the application is adequate as to form, the court may set a time and place for a hearing on the application, if feasible, but the hearing shall not be held less than forty-eight hours after notice to the respondent unless the respondent waives such minimum prior notice requirement. The court shall direct the clerk to send copies of the application and supporting documentation, together with a notice informing the respondent of the procedures required by this chapter, to the sheriff or the sheriff's deputy for immediate service upon the respondent. If the respondent is taken into custody under section 229.11, service of the application, documentation and notice upon the respondent shall be made at the time the respondent is taken into custody.

Sec. 47. Section 229.8, unnumbered paragraph 1, Code 2013, is amended to read as follows:

As soon as practicable after the filing of an application ~~for involuntary hospitalization~~ pursuant to section 229.6, the court shall:

Sec. 48. Section 229.9, Code 2013, is amended to read as follows:

229.9 Respondent's attorney informed.

The court shall direct the clerk to furnish at once to the respondent's attorney copies of the application ~~for involuntary hospitalization of the respondent~~ filed pursuant to section 229.6 and the supporting documentation, and of the court's order issued pursuant to section 229.8, subsection 3. If the respondent is taken into custody under section 229.11, the attorney shall also be advised of that fact. The respondent's attorney shall represent the respondent at all stages of the proceedings, and shall attend the hospitalization hearing.

Sec. 49. Section 229.21, subsection 2, Code 2013, is amended to read as follows:

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

Sec. 50. Section 229.22, subsection 2, paragraph a, Code 2013, is amended to read as follows:

a. (1) In the circumstances described in subsection 1, any peace officer who has reasonable grounds to believe that a person is mentally ill, and because of that illness is likely to physically injure the person's self or others if not immediately detained, may without a warrant take or cause that person to be taken to the nearest available facility or hospital as defined in section 229.11, subsection 1, paragraphs *"b"* and *"c"*. A person believed mentally ill, and likely to injure the person's self or others if not immediately detained, may be delivered to a facility or hospital by someone other than a peace officer.

(2) Upon delivery of the person believed mentally ill to the facility or hospital, the examining physician, examining physician assistant, or examining psychiatric advanced

registered nurse practitioner may order treatment of that person, including chemotherapy, but only to the extent necessary to preserve the person's life or to appropriately control behavior by the person which is likely to result in physical injury to that person or others if allowed to continue.

(3) The peace officer who took the person into custody, or other party who brought the person to the facility or hospital, shall describe the circumstances of the matter to the examining physician, examining physician assistant, or examining psychiatric advanced registered nurse practitioner. If the person is a peace officer, the peace officer may do so either in person or by written report.

(4) If the examining physician, examining physician assistant, or examining psychiatric advanced registered nurse practitioner finds that there is reason to believe that the person is seriously mentally impaired, and because of that impairment is likely to physically injure the person's self or others if not immediately detained, the examining physician, examining physician assistant, or examining psychiatric advanced registered nurse practitioner shall at once communicate with the nearest available magistrate as defined in section 801.4, subsection 10. For purposes of this subparagraph, the findings of the examining physician assistant must be approved by the examining physician assistant's supervising physician before the examining physician assistant communicates with the nearest available magistrate.

(5) The magistrate shall, based upon the circumstances described by the examining physician, examining physician assistant, or examining psychiatric advanced registered nurse practitioner, give the examining physician, examining physician assistant, or examining psychiatric advanced registered nurse practitioner oral instructions either directing that the person be released forthwith or authorizing the person's detention in an appropriate facility. A peace officer from the law enforcement agency that took the person into custody, if available, during the communication with the magistrate, may inform the magistrate that an arrest warrant has been issued for or charges are pending against the person and request that any oral or written order issued under this subsection require the facility or hospital to notify the law enforcement agency about the discharge of the person prior to discharge. The magistrate may also give oral instructions and order that the detained person be transported to an appropriate facility.

Sec. 51. Section 229.22, subsection 3, Code 2013, is amended to read as follows:

3. The chief medical officer of the facility or hospital shall examine and may detain and care for the person taken into custody under the magistrate's order for a period not to exceed forty-eight hours from the time such order is dated, excluding Saturdays, Sundays and holidays, unless the order is sooner dismissed by a magistrate. The facility or hospital may provide treatment which is necessary to preserve the person's life, or to appropriately control behavior by the person which is likely to result in physical injury to the person's self or others if allowed to continue, but may not otherwise provide treatment to the person without the person's consent. The person shall be discharged from the facility or hospital and released from custody not later than the expiration of that period, unless an application ~~for the person's involuntary hospitalization~~ is sooner filed with the clerk pursuant to section 229.6. Prior to such discharge the facility or hospital shall, if required by this section, notify the law enforcement agency requesting such notification about the discharge of the person. The law enforcement agency shall retrieve the person no later than six hours after notification from the facility or hospital but in no circumstances shall the detention of the person exceed the period of time prescribed for detention by this subsection. The detention of any person by the procedure and not in excess of the period of time prescribed by this section shall not render the peace officer, physician, facility, or hospital so detaining that person liable in a criminal or civil action for false arrest or false imprisonment if the peace officer, physician, facility, or hospital had reasonable grounds to believe the person so detained was mentally ill and likely to physically injure the person's self or others if not immediately detained, or if the facility or hospital was required to notify a law enforcement agency by this section, and the law enforcement agency requesting notification prior to discharge retrieved the person no later than six hours after the notification, and the detention prior to the retrieval of the person did not exceed the period of time prescribed for detention by this subsection.

Sec. 52. Section 229.24, subsection 1, Code 2013, is amended to read as follows:

1. All papers and records pertaining to any involuntary hospitalization or application ~~for involuntary hospitalization~~ pursuant to section 229.6 of any person under this chapter, whether part of the permanent record of the court or of a file in the department of human services, are subject to inspection only upon an order of the court for good cause shown.

Sec. 53. Section 229.27, subsection 2, Code 2013, is amended to read as follows:

2. The applicant may, in initiating a petition ~~for involuntary hospitalization of a person~~ under section 229.6 or at any subsequent time prior to conclusion of the involuntary hospitalization proceeding, also petition the court for a finding that the person is incompetent by reason of mental illness. The test of competence for the purpose of this section shall be whether the person possesses sufficient mind to understand in a reasonable manner the nature and effect of the act in which the person is engaged; the fact that a person is mentally ill and in need of treatment for that illness but because of the illness lacks sufficient judgment to make responsible decisions with respect to the person's hospitalization or treatment does not necessarily mean that that person is incapable of transacting business on any subject.

Sec. 54. Section 602.1209, subsection 16, Code 2013, is amended to read as follows:

16. Prescribe practices and procedures for the implementation of the preapplication screening assessment program referred to in ~~section~~ sections 125.75A and 229.5A.

Sec. 55. REPEAL. Sections 125.75B and 229.2A, Code 2013, are repealed.

Sec. 56. STUDY — BED AVAILABILITY TRACKING SYSTEM. The department of human services shall conduct a study regarding the possible development of a hospital bed tracking system in order to most efficiently and effectively serve the needs of persons suffering from mental illness. The department shall submit a report of the study and make recommendations to the governor and the general assembly by December 16, 2013.

Approved June 20, 2013, with exceptions noted.

TERRY E. BRANSTAD, *Governor*

Dear Mr. Secretary:

I hereby transmit Senate File 406, an Act relating to involuntary commitments for persons with substance-related disorders, mental illness, and intellectual disabilities, and providing for the creation of a mental health advocate division in the department of inspections and appeals and including effective date provisions.

Senate File 406 is approved on this date with the following exception, which I hereby disapprove.

I am unable to approve of the item designated as Divisions I and II in their entirety. This item establishes new positions of mental health advocates within the Iowa Department of Inspections and Appeals. Currently, these advocates work at the county level. In the newly redesigned mental health and disability services system, it is best for these positions to remain at the local level where services will be managed and delivered regionally. I look forward to continuing to work with the House and Senate on implementing Mental Health redesign in a manner that best serves Iowans and fits within my goals for efficient and effective state government.

For the above reasons, I respectfully disapprove the designated item in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 406 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, *Governor*

CHAPTER 131

APPROPRIATIONS FOR MENTAL HEALTH AND DISABILITY SERVICES

H.F. 160

AN ACT relating to mental health and disability services by making transfers and appropriations for the fiscal year beginning July 1, 2012, and including related changes and effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. CHILDREN'S HEALTH INSURANCE PROGRAM — CHILD ENROLLMENT CONTINGENCY FUND — MENTAL HEALTH AND DISABILITY SERVICES REDESIGN TRANSITION FUND — FY 2012-2013.

1. Of the moneys received from the federal government through the child enrollment contingency fund established pursuant to section 103 of the federal Children's Health Insurance Program Reauthorization Act of 2009, Pub. L. No. 111-3, the following amount is transferred from such moneys to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, to be credited as follows:

To be credited to the mental health and disability services redesign transition fund created in 2012 Iowa Acts, chapter 1120, section 23:
..... $ 11,628,317

2. The moneys credited to the mental health and disability services redesign transition fund pursuant to subsection 1 are appropriated to the department of human services for allocation to counties as follows:

a. To those counties identified by the department in scenario 1 of the department's report on the transition fund submitted to the general assembly on December 1, 2012, pursuant to 2012 Iowa Acts, chapter 1120, section 23, to be used to continue or restore services as provided in the application and the department's determination of the award amount:
..... $ 11,628,317

b. The allocations under this subsection shall be remitted to counties not later than two calendar weeks following the effective date of this Act.

c. A county receiving an allocation under this subsection shall not use the allocation in a manner that violates federal match requirements for the medical assistance program or for the child enrollment contingency fund under federal Children's Health Insurance Program Reauthorization Act of 2009. Such requirements include but are not limited to those specified in 42 C.F.R. § 433.51 and 42 C.F.R. § 457.628. A county receiving an allocation under this subsection shall not use the allocation in any way that supports or draws federal match moneys.

d. A county receiving an allocation under this subsection shall enter into a formal agreement with the department concerning the allocation and shall comply with any audit requirements for the county's expenditures relating to the allocation. The department shall develop the audit requirements with assistance from the office of the auditor of state. The requirements shall provide for the county to bear the costs of any federal audit of the county's use of the allocation, including any federal repayment or penalty determination resulting from the audit findings. The audit requirements may be applied on a selective or random

basis so that the audit requirements do not apply to all counties receiving an allocation. Any costs relating to the performance of nonfederal, state-only audit requirements established by the department are the responsibility of the department.

3. For purposes of an application for county formation of a mental health and disability services region submitted on or before April 1, 2013, in accordance with section 331.389, subsection 4, the director of human services may approve an application for a region that includes a county that is not contiguous with any of the other counties in the region, as otherwise required under section 331.389, subsection 3, paragraph "a", if the county that is not contiguous has had a formal relationship for two years or longer with one or more of the other counties in the region for provision of mental health and disability services.

Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved March 28, 2013

CHAPTER 132

APPROPRIATIONS — AGRICULTURE AND NATURAL RESOURCES

S.F. 435

AN ACT relating to and making appropriations involving state government entities involved with agriculture, natural resources, and environmental protection.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I
DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
GENERAL APPROPRIATION FOR FY 2013-2014

Section 1. GENERAL FUND — DEPARTMENT.

1. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

..... $ 17,581,328
..... FTEs 372.00

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

..... $ 238,000

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

DESIGNATED APPROPRIATIONS
MISCELLANEOUS FUNDS

Sec. 2. UNCLAIMED PARI-MUTUEL WAGERING WINNINGS — HORSE AND DOG RACING. There is appropriated from the moneys available under section 99D.13 to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the department's administration and enforcement of horse and dog racing law pursuant to section 99D.22, including for salaries, support, maintenance, and miscellaneous purposes:

..... $ 305,516

Sec. 3. RENEWABLE FUEL INFRASTRUCTURE FUND — MOTOR FUEL INSPECTION. There is appropriated from the renewable fuel infrastructure fund created in section 159A.16 to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of the inspection of motor fuel, including salaries, support, maintenance, and miscellaneous purposes:

..... $ 500,000

The department shall establish and administer programs for the auditing of motor fuel including biofuel processing and production plants, for screening and testing motor fuel, including renewable fuel, and for the inspection of motor fuel sold by dealers including retail dealers who sell and dispense motor fuel from motor fuel pumps.

SPECIAL APPROPRIATIONS
GENERAL FUND

Sec. 4. DAIRY REGULATION. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

1. For purposes of performing functions pursuant to section 192.109, including conducting a survey of grade "A" milk and certifying the results to the secretary of agriculture:

..... $ 189,196

2. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available to be used for the purposes designated until the close of the succeeding fiscal year.

Sec. 5. LOCAL FOOD AND FARM PROGRAM. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

1. For purposes of supporting the local food and farm program pursuant to chapter 267A:

..... $ 75,000

2. The department shall enter into a cost-sharing agreement with Iowa state university to support the local food and farm program coordinator position as part of the university's cooperative extension service in agriculture and home economics pursuant to chapter 267A.

3. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available to be used for the purposes designated until the close of the succeeding fiscal year.

Sec. 6. AGRICULTURAL EDUCATION. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

1. For purposes of allocating moneys to an Iowa association affiliated with a national organization which promotes agricultural education providing for future farmers:
..... $ 25,000

2. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available to be used for the purposes designated until the close of the succeeding fiscal year.

Sec. 7. FARMERS WITH DISABILITIES PROGRAM.

1. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting a program for farmers with disabilities:
..... $ 130,000

2. The moneys appropriated in subsection 1 shall be used for the public purpose of providing a grant to a national nonprofit organization with over 80 years of experience in assisting children and adults with disabilities and special needs.

a. The moneys shall be used to support a nationally recognized program that began in 1986 and has been replicated in at least 30 other states, but which is not available through any other entity in this state, and that provides assistance to farmers with disabilities in all 99 counties to allow the farmers to remain in their own homes and be gainfully engaged in farming through provision of agricultural worksite and home modification consultations, peer support services, services to families, information and referral, and equipment loan services.

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

DIVISION II
GENERAL FUND
DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
WATER QUALITY
APPROPRIATIONS FOR FY 2013-2014

Sec. 8. WATER QUALITY INITIATIVE — GENERAL.

1. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For deposit in the water quality initiative fund created in section 466B.45, as enacted by this Act, for purposes of supporting the water quality initiative administered by the soil conservation division as provided in section 466B.42, as enacted by this Act, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... $ 2,400,000
..... FTEs 1.00

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

a. The demonstration projects shall utilize water quality practices as described in the latest revision of the document entitled "Iowa Nutrient Reduction Strategy" initially presented in November 2012 by the department of agriculture and land stewardship, the department of natural resources, and Iowa state university of science and technology.

b. The division shall implement demonstration projects as provided in paragraph "a" by providing for participation by persons who hold a legal interest in agricultural land used in farming. To every extent practical, the division shall provide for collaborative participation

by such persons who hold a legal interest in agricultural land located within the same subwatershed.

c. The division shall implement a demonstration project on a cost-share basis as determined by the division. However, the state's share of the amount shall not exceed 50 percent of the estimated cost of establishing the practice as determined by the division or 50 percent of the actual cost of establishing the practice, whichever is less.

d. The demonstration projects shall be used to educate other persons about the feasibility and value of establishing similar water quality practices. The division shall promote field day events for purposes of allowing interested persons to establish water quality practices on their agricultural land.

e. The division shall conduct water quality evaluations within supported subwatersheds. Within a reasonable period after accumulating information from such evaluations, the division shall create an aggregated database of water quality practices. Any information identifying a person holding a legal interest in agricultural land or specific agricultural land shall be a confidential record under section 22.7.

3. The moneys appropriated in subsection 1 shall be used to support education and outreach in a manner that encourages persons who hold a legal interest in agricultural land used for farming to implement water quality practices, including the establishment of such practices in watersheds generally, and not limited to subwatersheds or high-priority watersheds.

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

5. Notwithstanding any other provision of law to the contrary, the department may use moneys appropriated in subsection 1 in combination with other moneys appropriated to the department from the environment first fund created in section 8.57A for cost sharing to match the United States department of agriculture, natural resources conservation service, wetland reserve enhancement program.

Sec. 9. IOWA NUTRIENT RESEARCH CENTER.

1. There is appropriated from the general fund of the state to Iowa state university of science and technology for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

..... $ 1,500,000

2. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year beginning July 1, 2014.

Sec. 10. WATER QUALITY INITIATIVE APPROPRIATIONS — FEDERAL MONEYS. The department of agriculture and land stewardship, and its soil conservation division, may use moneys appropriated in this division of this Act to support the water quality initiative, including its projects, as provided in this division of this Act, in combination with other moneys provided by the United States government.

Sec. 11. WATER QUALITY INITIATIVE — REPORT. The department of agriculture and land stewardship shall prepare a preliminary report and final report regarding its efforts to administer the water quality initiative as provided in this division. Each report shall include information regarding the establishment of water quality practices, including demonstration projects. The department shall deliver the preliminary report to the governor and general assembly not later than January 15, 2014, and shall deliver the final report to the governor and general assembly not later than January 15, 2015. A report shall not identify an individual or specific agricultural land.

DIVISION III
DEPARTMENT OF NATURAL RESOURCES
GENERAL APPROPRIATIONS FOR FY 2013-2014

Sec. 12. GENERAL FUND — DEPARTMENT.

1. There is appropriated from the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

..... $ 12,766,700
..... FTEs 1,145.95

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

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

Sec. 13. STATE FISH AND GAME PROTECTION FUND — REGULATION AND ADVANCEMENT OF OUTDOOR ACTIVITIES.

1. There is appropriated from the state fish and game protection fund to the department of natural resources for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the regulation or advancement of hunting, fishing, or trapping, or the protection, propagation, restoration, management, or harvest of fish or wildlife, including for administration, regulation, law enforcement, and programs; and for salaries, support, maintenance, equipment, and miscellaneous purposes:

..... $ 41,078,234

2. Notwithstanding section 455A.10, the department may use the unappropriated balance remaining in the state fish and game protection fund to provide for the funding of health and life insurance premium payments from unused sick leave balances of conservation peace officers employed in a protection occupation who retire, pursuant to section 97B.49B.

3. Notwithstanding section 455A.10, the department of natural resources may use the unappropriated balance remaining in the state fish and game protection fund for the fiscal year beginning July 1, 2013, and ending June 30, 2014, as is necessary to fund salary adjustments for departmental employees which the general assembly has made an operating budget appropriation for in subsection 1.

Sec. 14. GROUNDWATER PROTECTION FUND — WATER QUALITY. There is appropriated from the groundwater protection fund created in section 455E.11 to the department of natural resources for the fiscal year beginning July 1, 2013, and ending June 30, 2014, from those moneys which are not allocated pursuant to that section, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the department's protection of the state's groundwater, including for administration, regulation, and programs, and for salaries, support, maintenance, equipment, and miscellaneous purposes:

..... $ 3,455,832

DESIGNATED APPROPRIATIONS
MISCELLANEOUS FUNDS

Sec. 15. SPECIAL SNOWMOBILE FUND — SNOWMOBILE PROGRAM. There is appropriated from the special snowmobile fund created under section 321G.7 to the department of natural resources for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For purposes of administering and enforcing the state snowmobile programs:
..... $ 100,000

Sec. 16. UNASSIGNED REVENUE FUND — UNDERGROUND STORAGE TANK SECTION EXPENSES. There is appropriated from the unassigned revenue fund administered by the Iowa comprehensive underground storage tank fund board[1] to the department of natural resources for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For purposes of paying for administration expenses of the department's underground storage tank section:
..... $ 200,000

Sec. 17. GROUNDWATER PROTECTION FUND — IMPLEMENTATION OF LEGISLATION.

1. Notwithstanding section 455E.11, subsection 2, paragraph "b", there is appropriated from the agriculture management account of the groundwater protection fund to the department of natural resources for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of fully implementing the provisions of section 459.315, subsection 3, paragraph "d", if enacted by 2013 Iowa Acts, House File 312,[2] section 2:[3]
..... $ 250,000

2. The appropriation made in subsection 1 shall be allotted to the department prior to any other allocation from the agriculture management account as provided in section 455E.11, subsection 2, paragraph "b".

3. The moneys appropriated in subsection 1 fully satisfies the contingent implementation provision in 2013 Iowa Acts, House File 312,[4] if enacted.

SPECIAL APPROPRIATIONS
GENERAL FUND

Sec. 18. FLOODPLAIN MANAGEMENT AND DAM SAFETY.

1. There is appropriated from the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For purposes of supporting floodplain management and dam safety:
..... $ 2,000,000

2. Of the amount appropriated in subsection 1, up to $400,000 may be used by the department to acquire or install stream gages for purposes of tracking and predicting flood events and for compiling necessary data to improve flood frequency analysis.

3. Notwithstanding section 8.33, moneys appropriated in subsection 1 that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

[1] According to enrolled Act; the phrase "Iowa comprehensive petroleum underground storage tank fund board" probably intended
[2] Chapter 60 herein
[3] According to enrolled Act; a reference to section 1 probably intended
[4] Chapter 60 herein

Sec. 19. FORESTRY HEALTH MANAGEMENT.

1. There is appropriated from the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of providing for forestry health management programs:

..... $ 200,000

2. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available to be used for the purposes designated until the close of the succeeding fiscal year.

Sec. 20. LOESS HILLS DEVELOPMENT AND CONSERVATION FUND.

1. There is transferred from the general fund of the state to the loess hills development and conservation fund created in section 161D.2 for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For supporting the purposes of the fund:

..... $ 75,000

2. a. Of the amount transferred in subsection 1, $56,250 shall be allocated to the fund's hungry canyons account.

b. Not more than 10 percent of the moneys allocated to the hungry canyons account as provided in paragraph "a" may be used for administrative costs.

3. a. Of the amount transferred in subsection 1, $18,750 shall be allocated to the fund's loess hills alliance account.

b. Not more than 10 percent of the moneys allocated to the loess hills alliance account as provided in paragraph "a" may be used for administrative costs.

4. Moneys deposited to the loess hills development and conservation fund and its accounts for the fiscal year are appropriated to the authority to be used as provided by law.

DIVISION IV
IOWA STATE UNIVERSITY
SPECIAL GENERAL FUND APPROPRIATION FOR FY 2013-2014

Sec. 21. VETERINARY DIAGNOSTIC LABORATORY.

1. There is appropriated from the general fund of the state to Iowa state university of science and technology for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the college of veterinary medicine for the operation of the veterinary diagnostic laboratory and for not more than the following full-time equivalent positions:

..... $ 3,762,636
..... FTEs 50.00

2. a. Iowa state university of science and technology shall not reduce the amount that it allocates to support the college of veterinary medicine from any other source due to the appropriation made in this section.

b. Paragraph "a" does not apply to a reduction made to support the college of veterinary medicine, if the same percentage of reduction imposed on the college of veterinary medicine is also imposed on all of Iowa state university's budget units.

3. If by June 30, 2014, Iowa state university of science and technology fails to allocate the moneys appropriated in this section to the college of veterinary medicine in accordance with this section, the moneys appropriated in this section for that fiscal year shall revert to the general fund of the state.

Sec. 22. VETERINARY DIAGNOSTIC LABORATORY — FUTURE FISCAL YEAR. This section applies if appropriations made in this Act and all other Acts enacted by the Eighty-fifth General Assembly during the 2013 regular session and all extraordinary sessions, for the fiscal year beginning July 1, 2013, and ending June 30, 2014, for purposes of supporting the operation of the veterinary diagnostic laboratory associated with the college of veterinary

medicine at Iowa state university, total less than $4,000,000. It is the intent of the general assembly that the amount of any deficit will be appropriated by the general assembly during its 2014 regular session for purposes of supporting the operation of the veterinary diagnostic laboratory for the fiscal year beginning July 1, 2014, and ending June 30, 2015.

DIVISION V
ENVIRONMENT FIRST FUND
GENERAL APPROPRIATIONS FOR FY 2013-2014

Sec. 23. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP. There is appropriated from the environment first fund created in section 8.57A to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP)

a. For the conservation reserve enhancement program to restore and construct wetlands for the purposes of intercepting tile line runoff, reducing nutrient loss, improving water quality, and enhancing agricultural production practices:

..... $ 1,000,000

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

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

2. WATERSHED PROTECTION

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

..... $ 900,000

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

3. FARM MANAGEMENT DEMONSTRATION PROGRAM

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

..... $ 625,000

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

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

4. SOIL AND WATER CONSERVATION — ADMINISTRATION

For use by the department for costs of administration and implementation of soil and water conservation practices:

..... $ 2,550,000

5. CONSERVATION RESERVE PROGRAM (CRP)

a. To encourage and assist farmers in enrolling in and the implementation of the federal conservation reserve program and to work with them to enhance their revegetation efforts to improve water quality and habitat:

..... $ 1,000,000

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

6. SOIL AND WATER CONSERVATION

a. For use by the department in providing for soil and water conservation administration, the conservation of soil and water resources, or the support of soil and water conservation district commissioners:
..... $ 6,650,000

b. Not more than 5 percent of the moneys appropriated in paragraph "a" may be allocated for cost sharing to address complaints filed under section 161A.47.

c. Of the moneys appropriated in paragraph "a", 5 percent shall be allocated for financial incentives to establish practices to protect watersheds above publicly owned lakes of the state from soil erosion and sediment as provided in section 161A.73.

d. Not more than 30 percent of a soil and water conservation district's allocation of moneys as financial incentives may be provided for the purpose of establishing management practices to control soil erosion on land that is row cropped, including but not limited to no-till planting, ridge-till planting, contouring, and contour strip-cropping as provided in section 161A.73.

e. The state soil conservation committee established by section 161A.4 may allocate moneys appropriated in paragraph "a" to conduct research and demonstration projects to promote conservation tillage and nonpoint source pollution control practices.

f. The allocation of moneys as financial incentives as provided in section 161A.73 may be used in combination with moneys allocated by the department of natural resources.

g. Not more than 15 percent of the moneys appropriated in paragraph "a" may be used for costs of administration and implementation of soil and water conservation practices.

h. In lieu of moneys appropriated in section 466A.5, not more than $50,000 of the moneys appropriated in paragraph "a" shall be used by the soil conservation division of the department of agriculture and land stewardship to provide administrative support to the watershed improvement review board established in section 466A.3.

i. The department of agriculture and land stewardship may procure computer program licenses for use by soil and water conservation districts in order to utilize light detection and ranging technology.

7. LOESS HILLS DEVELOPMENT AND CONSERVATION FUND

a. For deposit in the loess hills development and conservation fund created in section 161D.2:
..... $ 525,000

b. (1) Of the amount appropriated in paragraph "a", $393,750 shall be allocated to the fund's hungry canyons account.

(2) Not more than 10 percent of the moneys allocated to the hungry canyons account as provided in subparagraph (1) may be used for administrative costs.

c. (1) Of the amount appropriated in paragraph "a", $131,250 shall be allocated to the fund's loess hills alliance account.

(2) Not more than 10 percent of the moneys allocated to the loess hills alliance account as provided in subparagraph (1) may be used for administrative costs.

Sec. 24. DEPARTMENT OF NATURAL RESOURCES. There is appropriated from the environment first fund created in section 8.57A to the department of natural resources for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. KEEPERS OF THE LAND

For statewide coordination of volunteer efforts under the water quality and keepers of the land programs:
..... $ 100,000

2. STATE PARKS MAINTENANCE AND OPERATIONS

For regular maintenance of state parks and staff time associated with these activities:
..... $ 6,360,000

3. GEOGRAPHIC INFORMATION SYSTEM (GIS)

To provide local watershed managers with geographic information system data for their use in developing, monitoring, and displaying results of their watershed work:
..... $ 195,000

4. WATER QUALITY MONITORING

For continuing the establishment and operation of water quality monitoring stations:

..... $ 2,955,000

5. PUBLIC WATER SUPPLY SYSTEM ACCOUNT

For deposit in the public water supply system account of the water quality protection fund created in section 455B.183A:

..... $ 500,000

6. REGULATION OF ANIMAL FEEDING OPERATIONS

For the regulation of animal feeding operations, including as provided for in chapters 459 through 459B:

..... $ 1,320,000

7. AMBIENT AIR QUALITY

For the abatement, control, and prevention of ambient air pollution in this state, including measures as necessary to assure attainment and maintenance of ambient air quality standards from particulate matter:

..... $ 425,000

8. WATER QUANTITY REGULATION

For regulating water quantity from surface and subsurface sources by providing for the allocation and use of water resources, the protection and management of water resources, and the preclusion of conflicts among users of water resources, including as provided in chapter 455B, division III, part 4:

..... $ 495,000

9. GEOLOGICAL AND WATER SURVEY

For continuing the operations of the department's geological and water survey including but not limited to providing analysis, data collection, investigative programs, and information for water supply development and protection:

..... $ 200,000

10. KEEP IOWA BEAUTIFUL INITIATIVE

For purposes of supporting a keep Iowa beautiful initiative in order to assist communities in developing and implementing beautification and community development plans:

..... $ 200,000

Sec. 25. REVERSION. Notwithstanding section 8.33, moneys appropriated for the fiscal year beginning July 1, 2013, in this division of this Act that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available to be used for the purposes designated until the close of the succeeding fiscal year or until the project for which the appropriation was made is completed, whichever is earlier.

DIVISION VI
ENVIRONMENT FIRST FUND
SPECIAL APPROPRIATION FOR FY 2013-2014

Sec. 26. REAP — IN LIEU OF GENERAL FUND APPROPRIATION. Notwithstanding the amount of the standing appropriation from the general fund of the state to the Iowa resources enhancement and protection fund as provided in section 455A.18, there is appropriated from the environment first fund created in section 8.57A to the Iowa resources enhancement and protection fund, in lieu of the appropriation made in section 455A.18, for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, to be allocated as provided in section 455A.19:

..... $ 16,000,000

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

Sec. 27. GENERAL FUND — DEPARTMENT.

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

For purposes of supporting the department, including its divisions, for administration,

regulation, and programs; for salaries, support, maintenance, and miscellaneous purposes; and for not more than the following full-time equivalent positions:

..... $ 8,790,664

..... FTEs 372.00

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

..... $ 119,000

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

DESIGNATED APPROPRIATIONS
MISCELLANEOUS FUNDS

Sec. 28. UNCLAIMED PARI-MUTUEL WAGERING WINNINGS — HORSE AND DOG RACING. There is appropriated from the moneys available under section 99D.13 to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the department's administration and enforcement of horse and dog racing law pursuant to section 99D.22, including for salaries, support, maintenance, and miscellaneous purposes:

..... $ 152,758

Sec. 29. RENEWABLE FUEL INFRASTRUCTURE FUND — MOTOR FUEL INSPECTION. There is appropriated from the renewable fuel infrastructure fund created in section 159A.16 to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of the inspection of motor fuel, including salaries, support, maintenance, and miscellaneous purposes:

..... $ 250,000

The department shall establish and administer programs for the auditing of motor fuel including biofuel processing and production plants, for screening and testing motor fuel, including renewable fuel, and for the inspection of motor fuel sold by dealers including retail dealers who sell and dispense motor fuel from motor fuel pumps.

SPECIAL APPROPRIATIONS
GENERAL FUND

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

1. For purposes of performing functions pursuant to section 192.109, including conducting a survey of grade "A" milk and certifying the results to the secretary of agriculture:

..... $ 94,598

2. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available to be used for the purposes designated until the close of the succeeding fiscal year.

Sec. 31. LOCAL FOOD AND FARM PROGRAM. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

1. For purposes of supporting the local food and farm program pursuant to chapter 267A:
..... $ 37,500

2. The department shall enter into a cost-sharing agreement with Iowa state university to support the local food and farm program coordinator position as part of the university's cooperative extension service in agriculture and home economics pursuant to chapter 267A.

3. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available to be used for the purposes designated until the close of the succeeding fiscal year.

Sec. 32. AGRICULTURAL EDUCATION. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

1. For purposes of allocating moneys to an Iowa association affiliated with a national organization which promotes agricultural education providing for future farmers:
..... $ 12,500

2. Notwithstanding section 8.33, moneys appropriated for the fiscal year beginning July 1, 2014, in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available to be used for the purposes designated until the close of the succeeding fiscal year.

Sec. 33. FARMERS WITH DISABILITIES PROGRAM.

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

For purposes of supporting a program for farmers with disabilities:
..... $ 65,000

2. The moneys appropriated in subsection 1 shall be used for the public purpose of providing a grant to a national nonprofit organization with over 80 years of experience in assisting children and adults with disabilities and special needs.

a. The moneys shall be used to support a nationally recognized program that began in 1986 and has been replicated in at least 30 other states, but which is not available through any other entity in this state, and that provides assistance to farmers with disabilities in all 99 counties to allow the farmers to remain in their own homes and be gainfully engaged in farming through provision of agricultural worksite and home modification consultations, peer support services, services to families, information and referral, and equipment loan services.

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

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

Sec. 34. WATER QUALITY INITIATIVE — GENERAL.

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

For deposit in the water quality initiative fund created in section 466B.45, as enacted by this Act, for purposes of supporting the water quality initiative administered by the soil conservation division as provided in section 466B.42, as enacted by this Act, including

salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 4,400,000
..... FTEs 1.00

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

a. The demonstration projects shall utilize water quality practices as described in the latest revision of the document entitled "Iowa Nutrient Reduction Strategy" initially presented in November 2012 by the department of agriculture and land stewardship, the department of natural resources, and Iowa state university of science and technology.

b. The division shall implement demonstration projects as provided in paragraph "a" by providing for participation by persons who hold a legal interest in agricultural land used in farming. To every extent practical, the division shall provide for collaborative participation by such persons who hold a legal interest in agricultural land located within the same subwatershed.

c. The division shall implement a demonstration project on a cost-share basis as determined by the division. However, the state's share of the amount shall not exceed 50 percent of the estimated cost of establishing the practice as determined by the division or 50 percent of the actual cost of establishing the practice, whichever is less.

d. The demonstration projects shall be used to educate other persons about the feasibility and value of establishing similar water quality practices. The division shall promote field day events for purposes of allowing interested persons to establish water quality practices on their agricultural land.

e. The division shall conduct water quality evaluations within supported subwatersheds. Within a reasonable period after accumulating information from such evaluations, the division shall create an aggregated database of water quality practices. Any information identifying a person holding a legal interest in agricultural land or specific agricultural land shall be a confidential record under section 22.7.

3. The moneys appropriated in subsection 1 shall be used to support education and outreach in a manner that encourages persons who hold a legal interest in agricultural land used for farming to implement water quality practices, including the establishment of such practices in watersheds generally, and not limited to subwatersheds or high-priority watersheds.

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

5. Notwithstanding any other provision of law to the contrary, the department may use moneys appropriated in subsection 1 in combination with other moneys appropriated to the department from the environment first fund created in section 8.57A for cost sharing to match the United States department of agriculture, natural resources conservation service, wetland reserve enhancement program.

Sec. 35. IOWA NUTRIENT RESEARCH CENTER.

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

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

..... $ 750,000

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

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

DIVISION IX
DEPARTMENT OF NATURAL RESOURCES
GENERAL APPROPRIATIONS FOR FY 2014-2015

Sec. 37. GENERAL FUND — DEPARTMENT.

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

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

..... $ 6,383,350
..... FTEs 1,145.95

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

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

Sec. 38. STATE FISH AND GAME PROTECTION FUND — REGULATION AND ADVANCEMENT OF OUTDOOR ACTIVITIES.

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

For purposes of supporting the regulation or advancement of hunting, fishing, or trapping, or the protection, propagation, restoration, management, or harvest of fish or wildlife, including for administration, regulation, law enforcement, and programs; and for salaries, support, maintenance, equipment, and miscellaneous purposes:

..... $ 20,539,117

2. Notwithstanding section 455A.10, the department may use the unappropriated balance remaining in the state fish and game protection fund to provide for the funding of health and life insurance premium payments from unused sick leave balances of conservation peace officers employed in a protection occupation who retire, pursuant to section 97B.49B.

3. Notwithstanding section 455A.10, the department of natural resources may use the unappropriated balance remaining in the state fish and game protection fund for the fiscal year beginning July 1, 2014, and ending June 30, 2015, as is necessary to fund salary adjustments for departmental employees which the general assembly has made an operating budget appropriation for in subsection 1.

Sec. 39. GROUNDWATER PROTECTION FUND — WATER QUALITY. There is appropriated from the groundwater protection fund created in section 455E.11 to the department of natural resources for the fiscal year beginning July 1, 2014, and ending June 30, 2015, from those moneys which are not allocated pursuant to that section, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the department's protection of the state's groundwater, including for administration, regulation, and programs, and for salaries, support, maintenance, equipment, and miscellaneous purposes:

..... $ 1,727,916

DESIGNATED APPROPRIATIONS
MISCELLANEOUS FUNDS

Sec. 40. SPECIAL SNOWMOBILE FUND — SNOWMOBILE PROGRAM. There is appropriated from the special snowmobile fund created under section 321G.7 to the department of natural resources for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For purposes of administering and enforcing the state snowmobile programs:
..... $ 50,000

Sec. 41. UNASSIGNED REVENUE FUND — UNDERGROUND STORAGE TANK SECTION EXPENSES. There is appropriated from the unassigned revenue fund administered by the Iowa comprehensive underground storage tank fund board[5] to the department of natural resources for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For purposes of paying for administration expenses of the department's underground storage tank section:
..... $ 100,000

SPECIAL APPROPRIATIONS
GENERAL FUND

Sec. 42. FLOODPLAIN MANAGEMENT AND DAM SAFETY.

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

For purposes of supporting floodplain management and dam safety:
..... $ 1,000,000

2. Of the amount appropriated in subsection 1, up to $340,000 may be used by the department to acquire or install stream gages for purposes of tracking and predicting flood events and for compiling necessary data to improve flood frequency analysis.

3. Notwithstanding section 8.33, moneys appropriated in subsection 1 that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 43. FORESTRY HEALTH MANAGEMENT.

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

For purposes of providing for forestry health management programs:
..... $ 100,000

2. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available to be used for the purposes designated until the close of the succeeding fiscal year.

Sec. 44. LOESS HILLS DEVELOPMENT AND CONSERVATION FUND.

1. There is transferred from the general fund of the state to the loess hills development and conservation fund created in section 161D.2 for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For supporting the purposes of the fund:

[5] According to enrolled Act; the phrase "Iowa comprehensive petroleum underground storage tank fund board" probably intended

..... $ 37,500

2. a. Of the amount transferred in subsection 1, $28,125 shall be allocated to the fund's hungry canyons account.

b. Not more than 10 percent of the moneys allocated to the hungry canyons account as provided in paragraph "a" may be used for administrative costs.

3. a. Of the amount transferred in subsection 1, $9,375 shall be allocated to the fund's loess hills alliance account.

b. Not more than 10 percent of the moneys allocated to the loess hills alliance account as provided in paragraph "a" may be used for administrative costs.

4. Moneys deposited to the loess hills development and conservation fund and its accounts for the fiscal year are appropriated to the authority to be used as provided by law.

DIVISION X
IOWA STATE UNIVERSITY
SPECIAL GENERAL FUND APPROPRIATION FOR FY 2014-2015

Sec. 45. VETERINARY DIAGNOSTIC LABORATORY.

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

For purposes of supporting the college of veterinary medicine for the operation of the veterinary diagnostic laboratory and for not more than the following full-time equivalent positions:

..... $ 1,881,318
..... FTEs 50.00

2. a. Iowa state university of science and technology shall not reduce the amount that it allocates to support the college of veterinary medicine from any other source due to the appropriation made in this section.

b. Paragraph "a" does not apply to a reduction made to support the college of veterinary medicine, if the same percentage of reduction imposed on the college of veterinary medicine is also imposed on all of Iowa state university's budget units.

3. If by June 30, 2015, Iowa state university of science and technology fails to allocate the moneys appropriated in this section to the college of veterinary medicine in accordance with this section, the moneys appropriated in this section for that fiscal year shall revert to the general fund of the state.

Sec. 46. VETERINARY DIAGNOSTIC LABORATORY — FUTURE FISCAL YEAR. This section applies if appropriations made in this Act and all other Acts enacted by the Eighty-fifth General Assembly during the 2014 regular session and all extraordinary sessions, for the fiscal year beginning July 1, 2014, and ending June 30, 2015, for purposes of supporting the operation of the veterinary diagnostic laboratory associated with the college of veterinary medicine at Iowa state university, total less than $4,000,000. It is the intent of the general assembly that the amount of any deficit will be appropriated by the general assembly during its 2015 regular session for purposes of supporting the operation of the veterinary diagnostic laboratory for the fiscal year beginning July 1, 2015, and ending June 30, 2016.

DIVISION XI
ENVIRONMENT FIRST FUND
GENERAL APPROPRIATIONS FOR FY 2014-2015

Sec. 47. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP. There is appropriated from the environment first fund created in section 8.57A to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP)

a. For the conservation reserve enhancement program to restore and construct wetlands for the purposes of intercepting tile line runoff, reducing nutrient loss, improving water quality, and enhancing agricultural production practices:
..... $ 500,000

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

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

2. WATERSHED PROTECTION

a. For continuation of a program that provides multiobjective resource protections for flood control, water quality, erosion control, and natural resource conservation:
..... $ 450,000

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

3. FARM MANAGEMENT DEMONSTRATION PROGRAM

a. For continuation of a statewide voluntary farm management demonstration program to demonstrate the effectiveness and adaptability of emerging practices in agronomy that protect water resources and provide other environmental benefits:
..... $ 312,500

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

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

4. SOIL AND WATER CONSERVATION — ADMINISTRATION

For use by the department for costs of administration and implementation of soil and water conservation practices:
..... $ 1,275,000

5. CONSERVATION RESERVE PROGRAM (CRP)

a. To encourage and assist farmers in enrolling in and the implementation of the federal conservation reserve program and to work with them to enhance their revegetation efforts to improve water quality and habitat:
..... $ 500,000

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

6. SOIL AND WATER CONSERVATION

a. For use by the department in providing for soil and water conservation administration, the conservation of soil and water resources, or the support of soil and water conservation district commissioners:
..... $ 3,325,000

b. Not more than 5 percent of the moneys appropriated in paragraph "a" may be allocated for cost sharing to address complaints filed under section 161A.47.

c. Of the moneys appropriated in paragraph "a", 5 percent shall be allocated for financial incentives to establish practices to protect watersheds above publicly owned lakes of the state from soil erosion and sediment as provided in section 161A.73.

d. Not more than 30 percent of a soil and water conservation district's allocation of moneys as financial incentives may be provided for the purpose of establishing management practices to control soil erosion on land that is row cropped, including but not limited to no-till planting, ridge-till planting, contouring, and contour strip-cropping as provided in section 161A.73.

e. The state soil conservation committee established by section 161A.4 may allocate moneys appropriated in paragraph "a" to conduct research and demonstration projects to promote conservation tillage and nonpoint source pollution control practices.

f. The allocation of moneys as financial incentives as provided in section 161A.73 may be used in combination with moneys allocated by the department of natural resources.

g. Not more than 15 percent of the moneys appropriated in paragraph "a" may be used for costs of administration and implementation of soil and water conservation practices.

h. In lieu of moneys appropriated in section 466A.5, not more than $25,000 of the moneys appropriated in paragraph "a" shall be used by the soil conservation division of the department of agriculture and land stewardship to provide administrative support to the watershed improvement review board established in section 466A.3.

7. LOESS HILLS DEVELOPMENT AND CONSERVATION FUND

a. For deposit in the loess hills development and conservation fund created in section 161D.2:

..... $ 262,500

b. (1) Of the amount appropriated in paragraph "a", $196,875 shall be allocated to the fund's hungry canyons account.

(2) Not more than 10 percent of the moneys allocated to the hungry canyons account as provided in subparagraph (1) may be used for administrative costs.

c. (1) Of the amount appropriated in paragraph "a", $65,625 shall be allocated to the fund's loess hills alliance account.

(2) Not more than 10 percent of the moneys allocated to the loess hills alliance account as provided in subparagraph (1) may be used for administrative costs.

Sec. 48. DEPARTMENT OF NATURAL RESOURCES. There is appropriated from the environment first fund created in section 8.57A to the department of natural resources for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. KEEPERS OF THE LAND

For statewide coordination of volunteer efforts under the water quality and keepers of the land programs:

..... $ 50,000

2. STATE PARKS MAINTENANCE AND OPERATIONS

For regular maintenance of state parks and staff time associated with these activities:

..... $ 3,180,000

3. GEOGRAPHIC INFORMATION SYSTEM (GIS)

To provide local watershed managers with geographic information system data for their use in developing, monitoring, and displaying results of their watershed work:

..... $ 97,500

4. WATER QUALITY MONITORING

For continuing the establishment and operation of water quality monitoring stations:

..... $ 1,477,500

5. PUBLIC WATER SUPPLY SYSTEM ACCOUNT

For deposit in the public water supply system account of the water quality protection fund created in section 455B.183A:

..... $ 250,000

6. REGULATION OF ANIMAL FEEDING OPERATIONS

For the regulation of animal feeding operations, including as provided for in chapters 459 through 459B:

..... $ 660,000

7. AMBIENT AIR QUALITY

For the abatement, control, and prevention of ambient air pollution in this state, including measures as necessary to assure attainment and maintenance of ambient air quality standards from particulate matter:

..... $ 212,500

8. WATER QUANTITY REGULATION

For regulating water quantity from surface and subsurface sources by providing for the allocation and use of water resources, the protection and management of water resources, and the preclusion of conflicts among users of water resources, including as provided in chapter 455B, division III, part 4:

..... $ 247,500

9. GEOLOGICAL AND WATER SURVEY

For continuing the operations of the department's geological and water survey including but not limited to providing analysis, data collection, investigative programs, and information for water supply development and protection:

..... $ 100,000

10. KEEP IOWA BEAUTIFUL INITIATIVE

For purposes of supporting a keep Iowa beautiful initiative in order to assist communities in developing and implementing beautification and community development plans:

..... $ 100,000

Sec. 49. REVERSION. Notwithstanding section 8.33, moneys appropriated for the fiscal year beginning July 1, 2014, in this division of this Act that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available to be used for the purposes designated until the close of the fiscal year beginning July 1, 2015, or until the project for which the appropriation was made is completed, whichever is earlier.

DIVISION XII
RELATED STATUTORY CHANGES
MANURE MANAGEMENT

Sec. 50. CERTIFICATION REQUIREMENTS — REPEAL. 2013 Iowa Acts, House File 312,[6] section 2, subsection 3, if enacted by 2013 Iowa Acts, House File 312,[7] is amended by striking the subsection.

DIVISION XIII
RELATED STATUTORY CHANGES
DNR RADIOS

Sec. 51. 2011 Iowa Acts, chapter 128, section 19, subsection 1, as amended by 2012 Iowa Acts, chapter 1135, section 15, is amended to read as follows:

SEC. 19. USE OF MONEYS — RADIOS.

1. Notwithstanding 2010 Iowa Acts, chapter 1191, section 7, the department of natural resources may use the unappropriated balance remaining in the state fish and game protection fund for the fiscal year beginning July 1, 2010, and ending June 30, 2011, to purchase mobile radios to meet federal and state requirements for homeland security and public safety. This section applies to those moneys in the fund that are not otherwise used, obligated, or encumbered for payment of health and life insurance premium payments for conservation peace officer retirements for that fiscal year. The department may use such moneys until June 30, ~~2013~~ 2014.

Sec. 52. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XIV
RELATED STATUTORY CHANGES
AGRICULTURAL DRAINAGE WELLS

Sec. 53. Section 460.303, subsection 3, Code 2013, is amended to read as follows:

3. ~~The~~ Moneys in the fund ~~shall be used~~ are appropriated to support an agricultural drainage well water quality assistance program as provided in section 460.304. Moneys shall be used to provide financial incentives under the program, and to defray expenses by the division in administering the program. However, not more than one percent of the money in the fund is available to defray administrative expenses. The division may adopt rules pursuant to chapter 17A to administer this section.

[6] Chapter 60 herein
[7] Chapter 60 herein

DIVISION XV
RELATED STATUTORY CHANGES
OUTDOOR RECREATION

Sec. 54. Section 321G.29, subsection 3, Code 2013, is amended to read as follows:

3. An owner of a snowmobile shall apply to the county recorder for issuance of a certificate of title within thirty days after acquisition. The application shall be on forms the department prescribes and accompanied by the required fee. The application ~~shall be signed and sworn to before a notarial officer as provided in chapter 9B or other person who administers oaths, or~~ shall include a certification signed in writing containing substantially the representation that statements made are true and correct to the best of the applicant's knowledge, information, and belief, under penalty of perjury. The application shall contain the date of sale and gross price of the snowmobile or the fair market value if no sale immediately preceded the transfer and any additional information the department requires. If the application is made for a snowmobile last previously registered or titled in another state or foreign country, the application shall contain this information and any other information the department requires.

Sec. 55. Section 321I.31, subsection 3, Code 2013, is amended to read as follows:

3. An owner of an all-terrain vehicle shall apply to the county recorder for issuance of a certificate of title within thirty days after acquisition. The application shall be on forms the department prescribes and accompanied by the required fee. The application ~~shall be signed and sworn to before a notary public as provided in chapter 9B or other person who administers oaths, or~~ shall include a certification signed in writing containing substantially the representation that statements made are true and correct to the best of the applicant's knowledge, information, and belief, under penalty of perjury. The application shall contain the date of sale and gross price of the all-terrain vehicle or the fair market value if no sale immediately preceded the transfer and any additional information the department requires. If the application is made for an all-terrain vehicle last previously registered or titled in another state or foreign country, the application shall contain this information and any other information the department requires.

Sec. 56. REPEAL. Section 461A.3A, Code 2013, is repealed.

DIVISION XVI
RELATED STATUTORY CHANGES
WATERSHED PROTECTION

Sec. 57. Section 466B.2, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. *"Political subdivision"* means a city, county, or soil and water conservation district.

Sec. 58. Section 466B.21, subsection 3, Code 2013, is amended by striking the subsection.

Sec. 59. NEW SECTION. **466B.41 Definitions.**

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

1. *"Center"* means the Iowa nutrient research center established pursuant to section 466B.47.

2. *"Council"* means the Iowa nutrient research center advisory council established pursuant to section 466.48. [8]

3. *"Division"* means the division of soil conservation within the department of agriculture and land stewardship as established in section 161A.4.

4. *"Fund"* means the water quality initiative fund created in section 466B.45.

5. *"Nutrient"* includes nitrogen and phosphorus.

Sec. 60. NEW SECTION. **466B.42 Water quality initiative.**

The division shall establish a water quality initiative in order to assess and reduce nutrients

[8] According to enrolled Act; the phrase "section 466B.48" probably intended

in this state's watersheds, including subwatersheds, and regional watersheds. The division shall establish and administer projects to reduce nutrients in surface waters from nonpoint sources in a scientific, reasonable, and cost-effective manner. The division shall utilize a pragmatic, strategic, and coordinated approach with the goal of accomplishing reductions over time.

Sec. 61. NEW SECTION. **466B.45 Water quality initiative fund.**

1. A water quality initiative fund is created in the state treasury under the management and control of the division.

2. The fund shall include moneys appropriated by the general assembly. The fund may include other moneys available to and obtained or accepted by the division, including moneys from public or private sources.

3. Moneys in the fund are appropriated to the division and shall be used exclusively to carry out the provisions of this subchapter as determined by the division, and shall not require further special authorization by the general assembly.

4. *a.* Notwithstanding section 12C.7, interest or earnings on moneys in the fund shall be credited to the fund.

b. Notwithstanding section 8.33, moneys appropriated or otherwise credited to the fund for a fiscal year shall not revert to the fund from which appropriated at the close of the fiscal year for which the appropriation was made but shall remain available for expenditure for the purposes designated until the close of the fiscal year that begins three years from the beginning date of the fiscal year for which the appropriation was made.

Sec. 62. NEW SECTION. **466B.47 Iowa nutrient research center — establishment and purpose.**

1. The state board of regents shall establish and maintain in Ames as part of Iowa state university of science and technology an Iowa nutrient research center.

2. The purpose of the center shall be to pursue a science-based approach to nutrient management research that may include but is not limited to evaluating the performance of current and emerging nutrient management practices, and using an adaptive management framework for providing recommendations for the implementation of nutrient management practices and the development of new nutrient management practices.

3. The center shall be administered by a director who shall be appointed by the dean of the college of agriculture and life sciences of Iowa state university of science and technology.

4. The center shall facilitate collaboration among appropriate institutions of higher education governed by the state board of regents, including but not limited to institutes, departments, and centers.

5. Any information collected or received by the center that identifies a person holding a legal interest in agricultural land or specific agricultural land shall be a confidential record under section 22.7.

Sec. 63. NEW SECTION. **466B.48 Iowa nutrient research center advisory council — establishment and purpose.**

1. The state board of regents shall establish and maintain in Ames as part of Iowa state university of science and technology an Iowa nutrient research center advisory council.

2. The council shall consist of the following members:

a. The dean of the college of agriculture and life sciences of Iowa state university of science and technology, or the dean's designee.

b. The director of the Iowa state university of science and technology extension service, or the director's designee.

c. A representative of the IIHR — hydroscience and engineering within the college of engineering of the university of Iowa who shall be appointed by the president of the university.

d. A person knowledgeable in an area related to nutrient research who shall be appointed by the president of the university of northern Iowa.

e. A person knowledgeable in an area related to nutrient research who shall be appointed by the state association of private colleges and universities.

f. The secretary of agriculture or the secretary's designee.

g. The administrative director of the soil conservation division of the department of agriculture and land stewardship as provided in chapter 161A, or the administrative director's designee.

h. The director of the department of natural resources, or the director's designee.

3. *a.* An appointed or designated member of the council shall serve at the pleasure of the person making the appointment or designation.

b. A majority of the members of the council as provided in subsection 2 constitutes a quorum. Any action taken by the council must be adopted by the affirmative vote of a majority of its members present, except that a lesser number may adjourn a meeting. The majority shall not include any member who has a conflict of interest and a statement by a member of a conflict of interest shall be conclusive for this purpose.

c. The council shall elect a chairperson and any other officers from the membership of the council as the council determines necessary. An officer shall serve for a term required by rules adopted by the council. A vacancy in the membership does not impair the right of a quorum to exercise all rights and perform all duties of the council.

d. The council shall adopt rules that it determines are necessary for the conduct of business.

e. Only the member appointed by the state association of private colleges and universities is eligible for reimbursement of actual expenses as provided in section 7E.6. However, no member is eligible for a payment of a per diem.

4. The council shall function on a continuing basis for the study, and recommendation of solutions for consideration by the Iowa nutrient research center in carrying out its purpose as provided in section 466B.47.

Approved June 17, 2013

CHAPTER 133

APPROPRIATIONS — JUDICIAL BRANCH

S.F. 442

AN ACT relating to appropriations to the judicial branch.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I
FY 2013-2014

Section 1. JUDICIAL BRANCH.

1. There is appropriated from the general fund of the state to the judicial branch for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

a. For salaries of supreme court justices, appellate court judges, district court judges, district associate judges, associate juvenile judges, associate probate judges, judicial magistrates and staff, state court administrator, clerk of the supreme court, district court administrators, clerks of the district court, juvenile court officers, board of law examiners and board of examiners of shorthand reporters and judicial qualifications commission; receipt and disbursement of child support payments; reimbursement of the auditor of state for expenses incurred in completing audits of the offices of the clerks of the district court during the fiscal year beginning July 1, 2013; and maintenance, equipment, and miscellaneous purposes:

..... $ 164,599,367

b. For deposit in the revolving fund created pursuant to section 602.1302, subsection 3, for jury and witness fees, mileage, costs related to summoning jurors, fees for interpreters, and reimbursement of attorney fees paid by the state public defender:

..... $ 3,100,000

2. The judicial branch, except for purposes of internal processing, shall use the current state budget system, the state payroll system, and the Iowa finance and accounting system in administration of programs and payments for services, and shall not duplicate the state payroll, accounting, and budgeting systems.

3. The judicial branch shall submit monthly financial statements to the legislative services agency and the department of management containing all appropriated accounts in the same manner as provided in the monthly financial status reports and personal services usage reports of the department of administrative services. The monthly financial statements shall include a comparison of the dollars and percentage spent of budgeted versus actual revenues and expenditures on a cumulative basis for full-time equivalent positions and dollars.

4. The judicial branch shall focus efforts upon the collection of delinquent fines, penalties, court costs, fees, surcharges, or similar amounts.

5. It is the intent of the general assembly that the offices of the clerks of the district court operate in all 99 counties and be accessible to the public as much as is reasonably possible in order to address the relative needs of the citizens of each county.

6. In addition to the requirements for transfers under section 8.39, the judicial branch shall not change the appropriations from the amounts appropriated to the judicial branch in this division of this Act, unless notice of the revisions is given prior to their effective date to the legislative services agency. The notice shall include information on the branch's rationale for making the changes and details concerning the workload and performance measures upon which the changes are based.

7. The judicial branch shall submit a semiannual update to the legislative services agency specifying the amounts of fines, surcharges, and court costs collected using the Iowa court information system since the last report. The judicial branch shall continue to facilitate the sharing of vital sentencing and other information with other state departments and governmental agencies involved in the criminal justice system through the Iowa court information system.

8. The judicial branch shall provide a report to the general assembly by January 1, 2014, concerning the amounts received and expended from the enhanced court collections fund created in section 602.1304 and the court technology and modernization fund created in section 602.8108, subsection 7, during the fiscal year beginning July 1, 2012, and ending June 30, 2013, and the plans for expenditures from each fund during the fiscal year beginning July 1, 2013, and ending June 30, 2014. A copy of the report shall be provided to the legislative services agency.

Sec. 2. CIVIL TRIALS — LOCATION. Notwithstanding any provision to the contrary, for the fiscal year beginning July 1, 2013, and ending June 30, 2014, if all parties in a case agree, a civil trial including a jury trial may take place in a county contiguous to the county with proper jurisdiction, even if the contiguous county is located in an adjacent judicial district or judicial election district. If the trial is moved pursuant to this section, court personnel shall treat the case as if a change of venue occurred. However, if a trial is moved to an adjacent judicial district or judicial election district, the judicial officers serving in the judicial district or judicial election district receiving the case shall preside over the case.

Sec. 3. TRAVEL REIMBURSEMENT. Notwithstanding section 602.1509, for the fiscal year beginning July 1, 2013, a judicial officer may waive travel reimbursement for any travel outside the judicial officer's county of residence to conduct official judicial business.

Sec. 4. POSTING OF REPORTS IN ELECTRONIC FORMAT — LEGISLATIVE SERVICES AGENCY. All reports or copies of reports required to be provided by the judicial branch for fiscal year 2013-2014 to the legislative services agency shall be provided in an electronic format. The legislative services agency shall post the reports on its internet website and shall notify by electronic means all the members of the joint appropriations subcommittee on the justice system when a report is posted. Upon request, copies of the reports may be mailed to members of the joint appropriations subcommittee on the justice system.

Sec. 5. JUDICIAL OFFICER — UNPAID LEAVE. Notwithstanding the annual salary rates for judicial officers established by 2008 Iowa Acts, chapter 1191, section 11, for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the supreme court may by order place all judicial officers on unpaid leave status on any day employees of the judicial branch are placed on temporary layoff status. The biweekly pay of the judicial officers shall be reduced accordingly for the pay period in which the unpaid leave date occurred in the same manner as for noncontract employees of the judicial branch. Through the course of the fiscal year, the judicial branch may use an amount equal to the aggregate amount of salary reductions due to the judicial officer unpaid leave days for any purpose other than for judicial salaries.

Sec. 6. IOWA COMMUNICATIONS NETWORK. It is the intent of the general assembly that the judicial branch utilize the Iowa communications network or other secure electronic communications in lieu of traveling for the fiscal year beginning July 1, 2013.

DIVISION II
FY 2014-2015

Sec. 7. JUDICIAL BRANCH.

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

a. For salaries of supreme court justices, appellate court judges, district court judges, district associate judges, associate juvenile judges, associate probate judges, judicial magistrates and staff, state court administrator, clerk of the supreme court, district court administrators, clerks of the district court, juvenile court officers, board of law examiners and board of examiners of shorthand reporters and judicial qualifications commission; receipt and disbursement of child support payments; reimbursement of the auditor of state for expenses incurred in completing audits of the offices of the clerks of the district court during the fiscal year beginning July 1, 2014; and maintenance, equipment, and miscellaneous purposes:

..... $ 82,299,684

b. For deposit in the revolving fund created pursuant to section 602.1302, subsection 3, for jury and witness fees, mileage, costs related to summoning jurors, fees for interpreters, and reimbursement of attorney fees paid by the state public defender:

..... $ 1,550,000

2. The judicial branch, except for purposes of internal processing, shall use the current state budget system, the state payroll system, and the Iowa finance and accounting system in administration of programs and payments for services, and shall not duplicate the state payroll, accounting, and budgeting systems.

3. The judicial branch shall submit monthly financial statements to the legislative services agency and the department of management containing all appropriated accounts in the same manner as provided in the monthly financial status reports and personal services usage reports of the department of administrative services. The monthly financial statements shall include a comparison of the dollars and percentage spent of budgeted versus actual revenues and expenditures on a cumulative basis for full-time equivalent positions and dollars.

4. The judicial branch shall focus efforts upon the collection of delinquent fines, penalties, court costs, fees, surcharges, or similar amounts.

5. It is the intent of the general assembly that the offices of the clerks of the district court operate in all 99 counties and be accessible to the public as much as is reasonably possible in order to address the relative needs of the citizens of each county.

6. In addition to the requirements for transfers under section 8.39, the judicial branch shall not change the appropriations from the amounts appropriated to the judicial branch in this division of this Act, unless notice of the revisions is given prior to their effective date to the legislative services agency. The notice shall include information on the branch's rationale for making the changes and details concerning the workload and performance measures upon which the changes are based.

7. The judicial branch shall submit a semiannual update to the legislative services agency specifying the amounts of fines, surcharges, and court costs collected using the Iowa court information system since the last report. The judicial branch shall continue to facilitate the sharing of vital sentencing and other information with other state departments and governmental agencies involved in the criminal justice system through the Iowa court information system.

8. The judicial branch shall provide a report to the general assembly by January 1, 2015, concerning the amounts received and expended from the enhanced court collections fund created in section 602.1304 and the court technology and modernization fund created in section 602.8108, subsection 7, during the fiscal year beginning July 1, 2013, and ending June 30, 2014, and the plans for expenditures from each fund during the fiscal year beginning July 1, 2014, and ending June 30, 2015. A copy of the report shall be provided to the legislative services agency.

Sec. 8. CIVIL TRIALS — LOCATION. Notwithstanding any provision to the contrary, for the fiscal year beginning July 1, 2014, and ending June 30, 2015, if all parties in a case agree, a civil trial including a jury trial may take place in a county contiguous to the county with proper jurisdiction, even if the contiguous county is located in an adjacent judicial district or judicial election district. If the trial is moved pursuant to this section, court personnel shall treat the case as if a change of venue occurred. However, if a trial is moved to an adjacent judicial district or judicial election district, the judicial officers serving in the judicial district or judicial election district receiving the case shall preside over the case.

Sec. 9. TRAVEL REIMBURSEMENT. Notwithstanding section 602.1509, for the fiscal year beginning July 1, 2014, a judicial officer may waive travel reimbursement for any travel outside the judicial officer's county of residence to conduct official judicial business.

Sec. 10. POSTING OF REPORTS IN ELECTRONIC FORMAT — LEGISLATIVE SERVICES AGENCY. All reports or copies of reports required to be provided by the judicial branch for fiscal year 2014-2015 to the legislative services agency shall be provided in an electronic format. The legislative services agency shall post the reports on its internet website and shall notify by electronic means all the members of the joint appropriations subcommittee on the justice system when a report is posted. Upon request, copies of the reports may be mailed to members of the joint appropriations subcommittee on the justice system.

Sec. 11. JUDICIAL OFFICER — UNPAID LEAVE. Notwithstanding the annual salary rates for judicial officers established by 2008 Iowa Acts, chapter 1191, section 11, for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the supreme court may by order place all judicial officers on unpaid leave status on any day employees of the judicial branch are placed on temporary layoff status. The biweekly pay of the judicial officers shall be reduced accordingly for the pay period in which the unpaid leave date occurred in the same manner as for noncontract employees of the judicial branch. Through the course of the fiscal year, the judicial branch may use an amount equal to the aggregate amount of salary reductions due to the judicial officer unpaid leave days for any purpose other than for judicial salaries.

Sec. 12. IOWA COMMUNICATIONS NETWORK. It is the intent of the general assembly that the judicial branch utilize the Iowa communications network or other secure electronic communications in lieu of traveling for the fiscal year beginning July 1, 2014.

Approved June 17, 2013

CHAPTER 134

APPROPRIATIONS — TRANSPORTATION

H.F. 602

AN ACT relating to transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I
FY 2013-2014

Section 1. ROAD USE TAX FUND. There is appropriated from the road use tax fund created in section 312.1 to the department of transportation for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the payment of costs associated with the production of driver's licenses, as defined in section 321.1, subsection 20A:
..... $ 3,876,000

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes specified in this subsection until the close of the succeeding fiscal year.

2. For salaries, support, maintenance, and miscellaneous purposes:

a. Operations:
..... $ 6,384,960

b. Planning:
..... $ 414,000

c. Motor vehicles:
..... $ 33,921,000

d. Performance and technology:
..... $ 460,040

3. For payments to the department of administrative services for utility services:
..... $ 215,000

4. Unemployment compensation:
..... $ 7,000

5. For payments to the department of administrative services for paying workers' compensation claims under chapter 85 on behalf of employees of the department of transportation:
..... $ 114,000

6. For payment to the general fund of the state for indirect cost recoveries:
..... $ 78,000

7. For reimbursement to the auditor of state for audit expenses as provided in section 11.5B:
..... $ 67,319

8. For automation, telecommunications, and related costs associated with the county issuance of driver's licenses and vehicle registrations and titles:
..... $ 1,406,000

9. For transfer to the department of public safety for operating a system providing toll-free telephone road and weather conditions information:
..... $ 100,000

10. For costs associated with the participation in the Mississippi river parkway commission:
..... $ 40,000

11. For motor vehicle division field facility maintenance projects at various locations:
..... $ 200,000

12. For scale replacement projects at various locations:
..... $ 280,000

For purposes of section 8.33, unless specifically provided otherwise, moneys appropriated in subsections 11 and 12 that remain unencumbered or unobligated shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that ends three years after the end of the fiscal year for which the appropriation was made. However, if the projects for which the appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

Sec. 2. PRIMARY ROAD FUND. There is appropriated from the primary road fund created in section 313.3 to the department of transportation for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

a. Operations:

..... $ 39,225,906
..... FTEs 266.00

b. Planning:

..... $ 7,865,454
..... FTEs 102.00

c. Highways:

..... $ 232,031,295
..... FTEs 2,057.00

d. Motor vehicles:

..... $ 1,413,540
..... FTEs 410.00

e. Performance and technology:

..... $ 2,825,960
..... FTEs 35.00

2. For payments to the department of administrative services for utility services:

..... $ 1,321,000

3. Unemployment compensation:

..... $ 138,000

4. For payments to the department of administrative services for paying workers' compensation claims under chapter 85 on behalf of the employees of the department of transportation:

..... $ 2,743,000

5. For disposal of hazardous wastes from field locations and the central complex:

..... $ 800,000

6. For payment to the general fund of the state for indirect cost recoveries:

..... $ 572,000

7. For reimbursement to the auditor of state for audit expenses as provided in section 11.5B:

..... $ 415,181

8. For costs associated with producing transportation maps:

..... $ 160,000

9. For inventory and equipment replacement:

..... $ 5,366,000

10. For utility improvements at various locations:

..... $ 400,000

11. For roofing projects at various locations:

..... $ 500,000

12. For heating, cooling, and exhaust system improvements at various locations:

..... $ 500,000

13. For deferred maintenance projects at field facilities throughout the state:

..... $ 1,500,000

14. For wastewater treatment improvements at various locations:

..... $ 1,000,000

15. For replacement of the Mason City combined facility:
..... $ 6,500,000

For purposes of section 8.33, unless specifically provided otherwise, moneys appropriated in subsections 10 through 15 that remain unencumbered or unobligated shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that ends three years after the end of the fiscal year for which the appropriation was made. However, if the project or projects for which such appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

DIVISION II
FY 2014-2015

Sec. 3. ROAD USE TAX FUND. There is appropriated from the road use tax fund created in section 312.1 to the department of transportation for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the payment of costs associated with the production of driver's licenses, as defined in section 321.1, subsection 20A:
..... $ 1,938,000

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes specified in this subsection until the close of the succeeding fiscal year.

2. For salaries, support, maintenance, and miscellaneous purposes:

a. Operations:
..... $ 3,192,480

b. Planning:
..... $ 207,000

c. Motor vehicles:
..... $ 16,960,500

d. Performance and technology:
..... $ 230,020

3. For payments to the department of administrative services for utility services:
..... $ 107,500

4. Unemployment compensation:
..... $ 3,500

5. For payments to the department of administrative services for paying workers' compensation claims under chapter 85 on behalf of employees of the department of transportation:
..... $ 57,000

6. For payment to the general fund of the state for indirect cost recoveries:
..... $ 39,000

7. For reimbursement to the auditor of state for audit expenses as provided in section 11.5B:
..... $ 33,660

8. For automation, telecommunications, and related costs associated with the county issuance of driver's licenses and vehicle registrations and titles:
..... $ 703,000

9. For transfer to the department of public safety for operating a system providing toll-free telephone road and weather conditions information:
..... $ 50,000

10. For costs associated with the participation in the Mississippi river parkway commission:
..... $ 20,000

11. For motor vehicle division field facility maintenance projects at various locations:
..... $ 100,000

For purposes of section 8.33, unless specifically provided otherwise, moneys appropriated in subsection 11 that remain unencumbered or unobligated shall not revert but shall remain

available for expenditure for the purposes designated until the close of the fiscal year that ends three years after the end of the fiscal year for which the appropriation was made. However, if the projects for which the appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

Sec. 4. PRIMARY ROAD FUND. There is appropriated from the primary road fund created in section 313.3 to the department of transportation for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

a. Operations:

..... $ 19,612,953
..... FTEs 266.00

b. Planning:

..... $ 3,932,727
..... FTEs 102.00

c. Highways:

..... $ 116,015,648
..... FTEs 2,057.00

d. Motor vehicles:

..... $ 706,770
..... FTEs 410.00

e. Performance and technology:

..... $ 1,412,980
..... FTEs 35.00

2. For payments to the department of administrative services for utility services:

..... $ 660,500

3. Unemployment compensation:

..... $ 69,000

4. For payments to the department of administrative services for paying workers' compensation claims under chapter 85 on behalf of the employees of the department of transportation:

..... $ 1,371,500

5. For disposal of hazardous wastes from field locations and the central complex:

..... $ 400,000

6. For payment to the general fund of the state for indirect cost recoveries:

..... $ 286,000

7. For reimbursement to the auditor of state for audit expenses as provided in section 11.5B:

..... $ 207,591

8. For costs associated with producing transportation maps:

..... $ 80,000

9. For inventory and equipment replacement:

..... $ 2,683,000

10. For utility improvements at various locations:

..... $ 200,000

11. For roofing projects at various locations:

..... $ 250,000

12. For heating, cooling, and exhaust system improvements at various locations:

..... $ 250,000

13. For deferred maintenance projects at field facilities throughout the state:

..... $ 750,000

14. For wastewater treatment improvements at various locations:

..... $ 500,000

15. For replacement of the Des Moines north garage:

..... $ 3,176,500

For purposes of section 8.33, unless specifically provided otherwise, moneys appropriated in subsections 10 through 15 that remain unencumbered or unobligated shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that ends three years after the end of the fiscal year for which the appropriation was made. However, if the project or projects for which such appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

Approved June 17, 2013

CHAPTER 135

APPROPRIATIONS — ADMINISTRATION AND REGULATION

H.F. 603

AN ACT relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I
FY 2013-2014

Section 1. DEPARTMENT OF ADMINISTRATIVE SERVICES.

1. There is appropriated from the general fund of the state to the department of administrative services for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amounts, or so much thereof as is necessary, to be used for the purposes designated, and for not more than the following full-time equivalent positions:

a. For salaries, support, maintenance, and miscellaneous purposes:

..... $ 4,067,924
..... FTEs 73.49

b. For the payment of utility costs:

..... $ 2,658,909
..... FTEs 1.00

Notwithstanding section 8.33, any excess moneys appropriated for utility costs in this lettered paragraph shall not revert to the general fund of the state at the end of the fiscal year but shall remain available for expenditure for the purposes of this lettered paragraph during the succeeding fiscal year.

c. For Terrace Hill operations:

..... $ 405,914
..... FTEs 5.00

2. Members of the general assembly serving as members of the deferred compensation advisory board shall be entitled to receive per diem and necessary travel and actual expenses pursuant to section 2.10, subsection 5, while carrying out their official duties as members of the board.

3. Any moneys and premiums collected by the department for workers' compensation shall be segregated into a separate workers' compensation fund in the state treasury to be used for payment of state employees' workers' compensation claims and administrative costs. Notwithstanding section 8.33, unencumbered or unobligated moneys remaining in this workers' compensation fund at the end of the fiscal year shall not revert but shall be available for expenditure for purposes of the fund for subsequent fiscal years.

Sec. 2. REVOLVING FUNDS. There is appropriated to the department of administrative services for the fiscal year beginning July 1, 2013, and ending June 30, 2014, from the revolving funds designated in chapter 8A and from internal service funds created by the department such amounts as the department deems necessary for the operation of the department consistent with the requirements of chapter 8A.

Sec. 3. FUNDING FOR IOWACCESS.

1. Notwithstanding section 321A.3, subsection 1, for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the first $750,000 collected by the department of transportation and transferred to the treasurer of state with respect to the fees for transactions involving the furnishing of a certified abstract of a vehicle operating record under section 321A.3, subsection 1, shall be transferred to the IowAccess revolving fund for the purposes of developing, implementing, maintaining, and expanding electronic access to government records as provided by law.

2. All fees collected with respect to transactions involving IowAccess shall be deposited in the IowAccess revolving fund and shall be used only for the support of IowAccess projects.

Sec. 4. STATE EMPLOYEE HEALTH INSURANCE ADMINISTRATION CHARGE. For the fiscal year beginning July 1, 2013, and ending June 30, 2014, the monthly per contract administrative charge which may be assessed by the department of administrative services shall be $2 per contract on all health insurance plans administered by the department.

Sec. 5. AUDITOR OF STATE.

1. There is appropriated from the general fund of the state to the office of the auditor of state for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purposes designated, and for not more than the following full-time equivalent positions:

For salaries, support, maintenance, and miscellaneous purposes:

..... $ 914,506

..... FTEs 103.00

2. The auditor of state may retain additional full-time equivalent positions as is reasonable and necessary to perform governmental subdivision audits which are reimbursable pursuant to section 11.20 or 11.21, to perform audits which are requested by and reimbursable from the federal government, and to perform work requested by and reimbursable from departments or agencies pursuant to section 11.5A or 11.5B. The auditor of state shall notify the department of management, the legislative fiscal committee, and the legislative services agency of the additional full-time equivalent positions retained.

3. The auditor of state shall allocate moneys from the appropriation in this section solely for audit work related to the comprehensive annual financial report, federally required audits, and investigations of embezzlement, theft, or other significant financial irregularities until the audit of the comprehensive annual financial report is complete.

Sec. 6. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD. There is appropriated from the general fund of the state to the Iowa ethics and campaign disclosure board for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 490,335

..... FTEs 5.00

Sec. 7. DEPARTMENT OF COMMERCE.

1. There is appropriated from the general fund of the state to the department of commerce for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amounts, or so much thereof as is necessary, for the purposes designated:

a. ALCOHOLIC BEVERAGES DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 1,220,391
..... FTEs 18.50

b. PROFESSIONAL LICENSING AND REGULATION BUREAU

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 601,537
..... FTEs 12.50

2. There is appropriated from the department of commerce revolving fund created in section 546.12 to the department of commerce for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amounts, or so much thereof as is necessary, for the purposes designated:

a. BANKING DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 9,167,235
..... FTEs 74.50

b. CREDIT UNION DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 1,794,256
..... FTEs 15.00

c. INSURANCE DIVISION

(1) For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 5,032,989
..... FTEs 100.15

(2) The insurance division may reallocate authorized full-time equivalent positions as necessary to respond to accreditation recommendations or requirements.

(3) The insurance division expenditures for examination purposes may exceed the projected receipts, refunds, and reimbursements, estimated pursuant to section 505.7, subsection 7, including the expenditures for retention of additional personnel, if the expenditures are fully reimbursable and the division first does both of the following:

(a) Notifies the department of management, the legislative services agency, and the legislative fiscal committee of the need for the expenditures.

(b) Files with each of the entities named in subparagraph division (a) the legislative and regulatory justification for the expenditures, along with an estimate of the expenditures.

d. UTILITIES DIVISION

(1) For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 8,179,405
..... FTEs 79.00

(2) The utilities division may expend additional moneys, including moneys for additional personnel, if those additional expenditures are actual expenses which exceed the moneys budgeted for utility regulation and the expenditures are fully reimbursable. Before the division expends or encumbers an amount in excess of the moneys budgeted for regulation, the division shall first do both of the following:

(a) Notify the department of management, the legislative services agency, and the legislative fiscal committee of the need for the expenditures.

(b) File with each of the entities named in subparagraph division (a) the legislative and regulatory justification for the expenditures, along with an estimate of the expenditures.

3. CHARGES. Each division and the office of consumer advocate shall include in its charges assessed or revenues generated an amount sufficient to cover the amount stated in its appropriation and any state-assessed indirect costs determined by the department of administrative services.

Sec. 8. DEPARTMENT OF COMMERCE — PROFESSIONAL LICENSING AND REGULATION BUREAU. There is appropriated from the housing trust fund created pursuant to section 16.181, to the bureau of professional licensing and regulation of the banking division of the department of commerce for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:

..... $ 62,317

Sec. 9. IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION — REGIONAL TELECOMMUNICATIONS COUNCILS. There is appropriated from the general fund of the state to the Iowa telecommunications and technology commission for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For state aid for regional telecommunications councils:

..... $ 992,913

The regional telecommunications councils established in section 8D.5 shall use the moneys appropriated in this section to provide coordination of technical assistance for network classrooms, planning and troubleshooting for local area networks, scheduling of video sites, and other related support activities.

Moneys appropriated in this section shall be distributed by the commission to the regional telecommunications councils based upon usage by region. The regional telecommunications councils shall report to the Iowa telecommunications and technology commission by January 31, 2014, for the immediately preceding six-month period beginning on July 1, 2013, and ending December 31, 2013, and by July 31, 2014, for the immediately preceding six-month period beginning on January 1, 2014, and ending on June 30, 2014. The report shall include information requested by the commission related to the activities supported through this appropriation.

Sec. 10. GOVERNOR AND LIEUTENANT GOVERNOR. There is appropriated from the general fund of the state to the offices of the governor and the lieutenant governor for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. GENERAL OFFICE

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 2,196,455
..... FTEs 20.00

2. TERRACE HILL QUARTERS

For salaries, support, maintenance, and miscellaneous purposes for the governor's quarters at Terrace Hill, and for not more than the following full-time equivalent positions:

..... $ 93,111
..... FTEs 2.00

Sec. 11. GOVERNOR'S OFFICE OF DRUG CONTROL POLICY. There is appropriated from the general fund of the state to the governor's office of drug control policy for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, including statewide coordination of the drug abuse resistance education (D.A.R.E.) programs or similar programs, and for not more than the following full-time equivalent positions:

..... $ 241,134
..... FTEs 4.00

Sec. 12. DEPARTMENT OF HUMAN RIGHTS. There is appropriated from the general fund of the state to the department of human rights for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. CENTRAL ADMINISTRATION DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 224,184
..... FTEs 5.65

2. COMMUNITY ADVOCACY AND SERVICES DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 1,028,077
..... FTEs 9.62

Sec. 13. DEPARTMENT OF INSPECTIONS AND APPEALS. There is appropriated from the general fund of the state to the department of inspections and appeals for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. ADMINISTRATION DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 545,242
..... FTEs 13.65

2. ADMINISTRATIVE HEARINGS DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 678,942
..... FTEs 23.00

3. INVESTIGATIONS DIVISION

a. For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 2,573,089
..... FTEs 61.50

b. The department, in coordination with the investigations division, shall submit a report to the general assembly by December 1, 2013, concerning the division's activities relative to fraud in public assistance programs for the fiscal year beginning July 1, 2012, and ending June 30, 2013. The report shall include but is not limited to a summary of the number of cases investigated, case outcomes, overpayment dollars identified, amount of cost avoidance, and actual dollars recovered.

4. HEALTH FACILITIES DIVISION

a. For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 5,092,033
..... FTEs 113.00

b. The department shall, in coordination with the health facilities division, make the following information available to the public as part of the department's development efforts to revise the department's internet website:

(1) The number of inspections conducted by the division annually by type of service provider and type of inspection.

(2) The total annual operations budget for the division, including general fund appropriations and federal contract dollars received by type of service provider inspected.

(3) The total number of full-time equivalent positions in the division, to include the number of full-time equivalent positions serving in a supervisory capacity, and serving as surveyors, inspectors, or monitors in the field by type of service provider inspected.

(4) Identification of state and federal survey trends, cited regulations, the scope and severity of deficiencies identified, and federal and state fines assessed and collected concerning nursing and assisted living facilities and programs.

c. It is the intent of the general assembly that the department and division continuously solicit input from facilities regulated by the division to assess and improve the division's level of collaboration and to identify new opportunities for cooperation.

5. EMPLOYMENT APPEAL BOARD

a. For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 42,215
..... FTEs 11.00

b. The employment appeal board shall be reimbursed by the labor services division of the department of workforce development for all costs associated with hearings conducted under chapter 91C, related to contractor registration. The board may expend, in addition to the amount appropriated under this subsection, additional amounts as are directly billable to the labor services division under this subsection and to retain the additional full-time equivalent positions as needed to conduct hearings required pursuant to chapter 91C.

6. CHILD ADVOCACY BOARD

a. For foster care review and the court appointed special advocate program, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 2,680,290
..... FTEs 32.25

b. The department of human services, in coordination with the child advocacy board and the department of inspections and appeals, shall submit an application for funding available pursuant to Tit. IV-E of the federal Social Security Act for claims for child advocacy board administrative review costs.

c. The court appointed special advocate program shall investigate and develop opportunities for expanding fund-raising for the program.

d. Administrative costs charged by the department of inspections and appeals for items funded under this subsection shall not exceed 4 percent of the amount appropriated in this subsection.

7. FOOD AND CONSUMER SAFETY

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 1,279,331
..... FTEs 23.25

Sec. 14. DEPARTMENT OF INSPECTIONS AND APPEALS — WELFARE FRAUD ANNUAL MEETING — MEDICAID FRAUD FUND APPROPRIATION. There is appropriated from the Medicaid fraud fund created in section 249A.7 to the investigations division of the department of inspections and appeals for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For costs associated with central staff attending the united council on welfare fraud annual meeting:

..... $ 6,500

Sec. 15. DEPARTMENT OF INSPECTIONS AND APPEALS — MUNICIPAL CORPORATION FOOD INSPECTIONS. For the fiscal year beginning July 1, 2013, and ending June 30, 2014, the department of inspections and appeals shall retain any license fees generated during the fiscal year as a result of actions under section 137F.3A occurring during the period beginning July 1, 2009, and ending June 30, 2014, for the purpose of enforcing the provisions of chapters 137C, 137D, and 137F.

Sec. 16. RACING AND GAMING COMMISSION.

1. RACETRACK REGULATION

There is appropriated from the gaming regulatory revolving fund established in section 99F.20 to the racing and gaming commission of the department of inspections and appeals for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes for the regulation of pari-mutuel racetracks, and for not more than the following full-time equivalent positions:

..... $ 3,068,492
..... FTEs 32.03

2. EXCURSION BOAT AND GAMBLING STRUCTURE REGULATION

There is appropriated from the gaming regulatory revolving fund established in section 99F.20 to the racing and gaming commission of the department of inspections and appeals for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

a. For salaries, support, maintenance, and miscellaneous purposes for administration and enforcement of the excursion boat gambling and gambling structure laws, and for not more than the following full-time equivalent positions:

..... $ 3,045,719
..... FTEs 40.72

b. For costs associated with conducting a socioeconomic study on the impact of gambling on Iowans if the study is required by law:

..... $ 125,000

Sec. 17. ROAD USE TAX FUND APPROPRIATION — DEPARTMENT OF INSPECTIONS AND APPEALS. There is appropriated from the road use tax fund created in section 312.1 to the administrative hearings division of the department of inspections and appeals for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:

..... $ 1,623,897

Sec. 18. DEPARTMENT OF MANAGEMENT.

1. There is appropriated from the general fund of the state to the department of management for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 2,550,220
..... FTEs 21.00

2. Of the moneys appropriated in this section, the department shall use a portion for enterprise resource planning, providing for a salary model administrator, conducting performance audits, and for the department's LEAN process.

Sec. 19. ROAD USE TAX APPROPRIATION — DEPARTMENT OF MANAGEMENT. There is appropriated from the road use tax fund created in section 312.1 to the department of management for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:

..... $ 56,000

Sec. 20. IOWA PUBLIC INFORMATION BOARD. There is appropriated from the general fund of the state to the Iowa public information board for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes and for not more than the following full-time equivalent positions:

..... $ 275,000
..... FTEs 3.00

Sec. 21. DEPARTMENT OF REVENUE.

1. There is appropriated from the general fund of the state to the department of revenue for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the

following full-time equivalent positions:
..... $ 17,880,839
..... FTEs 245.24

2. Of the funds appropriated pursuant to this section, $400,000 shall be used to pay the direct costs of compliance related to the collection and distribution of local sales and services taxes imposed pursuant to chapters 423B and 423E.

3. The director of revenue shall prepare and issue a state appraisal manual and the revisions to the state appraisal manual as provided in section 421.17, subsection 17, without cost to a city or county.

Sec. 22. MOTOR VEHICLE FUEL TAX APPROPRIATION. There is appropriated from the motor fuel tax fund created by section 452A.77 to the department of revenue for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for administration and enforcement of the provisions of chapter 452A and the motor vehicle use tax program:
..... $ 1,305,775

Sec. 23. SECRETARY OF STATE.

1. There is appropriated from the general fund of the state to the office of the secretary of state for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... $ 2,896,699
..... FTEs 29.00

2. The state department or state agency which provides data processing services to support voter registration file maintenance and storage shall provide those services without charge.

Sec. 24. SECRETARY OF STATE FILING FEES REFUND. Notwithstanding the obligation to collect fees pursuant to the provisions of section 489.117, subsection 1, paragraphs “a” and “o”, section 490.122, subsection 1, paragraphs “a” and “s”, and section 504.113, subsection 1, paragraphs “a”, “c”, “d”, “j”, “k”, “l”, and “m”, for the fiscal year beginning July 1, 2013, the secretary of state may refund these fees to the filer pursuant to rules established by the secretary of state. The decision of the secretary of state not to issue a refund under rules established by the secretary of state is final and not subject to review pursuant to chapter 17A.

Sec. 25. TREASURER OF STATE.

1. There is appropriated from the general fund of the state to the office of treasurer of state for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... $ 1,084,392
..... FTEs 28.80

2. The office of treasurer of state shall supply clerical, secretarial, and other administrative support for the executive council.

Sec. 26. ROAD USE TAX APPROPRIATION — OFFICE OF TREASURER OF STATE. There is appropriated from the road use tax fund created in section 312.1 to the office of treasurer of state for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For enterprise resource management costs related to the distribution of road use tax funds:
..... $ 93,148

Sec. 27. IPERS — GENERAL OFFICE. There is appropriated from the Iowa public employees' retirement system fund to the Iowa public employees' retirement system for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and other operational purposes to pay the costs of the Iowa public employees' retirement system, and for not more than the following full-time equivalent positions:

..... $ 17,686,968
..... FTEs 90.13

Sec. 28. INTEGRATED INFORMATION FOR IOWA SYSTEM. There is appropriated from the general fund of the state to the following departments and agencies for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amounts, or so much thereof as is necessary, to be used for the payment of services provided by the department of administrative services related to the integrated information for Iowa system:

1. Department on aging:
..... $ 5,687
2. Department of agriculture and land stewardship:
..... $ 24,164
3. Department for the blind:
..... $ 6,543
4. Iowa state civil rights commission:
..... $ 2,178
5. College student aid commission:
..... $ 17,166
6. Department of corrections:
..... $ 12,228
7. Department of corrections for the Fort Madison correctional facility:
..... $ 28,799
8. Department of corrections for the Anamosa correctional facility:
..... $ 22,967
9. Department of corrections for the Oakdale correctional facility:
..... $ 57,645
10. Department of corrections for the Newton correctional facility:
..... $ 18,818
11. Department of corrections for the Mount Pleasant correctional facility:
..... $ 20,708
12. Department of corrections for the Rockwell City correctional facility:
..... $ 7,205
13. Department of corrections for the Clarinda correctional facility:
..... $ 17,703
14. Department of corrections for the Mitchellville correctional facility:
..... $ 13,431
15. Department of corrections for the Fort Dodge correctional facility:
..... $ 18,416
16. Department of cultural affairs:
..... $ 5,069
17. Economic development authority:
..... $ 47,407
18. Department of education:
..... $ 215,235
19. Department of education for the vocational rehabilitation services division:
..... $ 33,032
20. Department of education for the public broadcasting division:
..... $ 7,537
21. Department of human services for payments associated with administration:
..... $ 24,831

22. Department of human services for payments associated with assistance payments:
..... $ 581,192
23. Department of human services for the civil commitment unit for sexual offenders:
..... $ 8,599
24. Department of human services for payments associated with field operations:
..... $ 189,899
25. Department of human services for the state resource center at Glenwood:
..... $ 74,650
26. Department of human services for the state resource center at Woodward:
..... $ 65,728
27. Department of human services for the Iowa juvenile home at Toledo:
..... $ 7,766
28. Department of human services for the state training school at Eldora:
..... $ 11,233
29. Department of human services for the Cherokee mental health institute:
..... $ 10,273
30. Department of human services for the Clarinda mental health institute:
..... $ 5,821
31. Department of human services for the Independence mental health institute:
..... $ 15,304
32. Department of human services for the Mount Pleasant mental health institute:
..... $ 7,375
33. Office of the state public defender:
..... $ 20,061
34. Iowa law enforcement academy:
..... $ 1,516
35. Department of justice:
..... $ 21,975
36. Department of natural resources:
..... $ 95,607
37. Board of parole:
..... $ 748
38. Department of public defense:
..... $ 27,436
39. Department of public defense for the homeland security and emergency management division or its successor:
..... $ 55,346
40. Public employment relations board:
..... $ 526
41. Department of public health:
..... $ 51,018
42. Department of public safety:
..... $ 87,295
43. State board of regents:
..... $ 29,709
44. Department of veterans affairs:
..... $ 2,443
45. Department of veterans affairs for the Iowa veterans home:
..... $ 69,282
46. Department of workforce development:
..... $ 274,819
47. Judicial branch:
..... $ 137,380
48. Iowa general assembly:
..... $ 26,548

Sec. 29. INTEGRATED INFORMATION FOR IOWA SYSTEM — OFFICE OF CONSUMER ADVOCATE. There is appropriated from the department of commerce revolving fund created in section 546.12 to the office of consumer advocate for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the payment of services provided by the department of administrative services related to the integrated information for Iowa system:

..... $ 1,425

DIVISION II
FY 2014-2015

Sec. 30. DEPARTMENT OF ADMINISTRATIVE SERVICES.

1. There is appropriated from the general fund of the state to the department of administrative services for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amounts, or so much thereof as is necessary, to be used for the purposes designated, and for not more than the following full-time equivalent positions:

a. For salaries, support, maintenance, and miscellaneous purposes:

..... $ 2,033,962
..... FTEs 73.49

b. For the payment of utility costs:

..... $ 1,329,455
..... FTEs 1.00

Notwithstanding section 8.33, any excess moneys appropriated for utility costs in this lettered paragraph shall not revert to the general fund of the state at the end of the fiscal year but shall remain available for expenditure for the purposes of this lettered paragraph during the succeeding fiscal year.

c. For Terrace Hill operations:

..... $ 202,957
..... FTEs 5.00

2. Members of the general assembly serving as members of the deferred compensation advisory board shall be entitled to receive per diem and necessary travel and actual expenses pursuant to section 2.10, subsection 5, while carrying out their official duties as members of the board.

3. Any moneys and premiums collected by the department for workers' compensation shall be segregated into a separate workers' compensation fund in the state treasury to be used for payment of state employees' workers' compensation claims and administrative costs. Notwithstanding section 8.33, unencumbered or unobligated moneys remaining in this workers' compensation fund at the end of the fiscal year shall not revert but shall be available for expenditure for purposes of the fund for subsequent fiscal years.

Sec. 31. REVOLVING FUNDS. There is appropriated to the department of administrative services for the fiscal year beginning July 1, 2014, and ending June 30, 2015, from the revolving funds designated in chapter 8A and from internal service funds created by the department such amounts as the department deems necessary for the operation of the department consistent with the requirements of chapter 8A.

Sec. 32. FUNDING FOR IOWACCESS.

1. Notwithstanding section 321A.3, subsection 1, for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the first $750,000 collected by the department of transportation and transferred to the treasurer of state with respect to the fees for transactions involving the furnishing of a certified abstract of a vehicle operating record under section 321A.3, subsection 1, shall be transferred to the IowAccess revolving fund for the purposes of developing, implementing, maintaining, and expanding electronic access to government records as provided by law.

2. All fees collected with respect to transactions involving IowAccess shall be deposited in the IowAccess revolving fund and shall be used only for the support of IowAccess projects.

Sec. 33. STATE EMPLOYEE HEALTH INSURANCE ADMINISTRATION CHARGE. For the fiscal year beginning July 1, 2014, and ending June 30, 2015, the monthly per contract administrative charge which may be assessed by the department of administrative services shall be $2 per contract on all health insurance plans administered by the department.

Sec. 34. AUDITOR OF STATE.

1. There is appropriated from the general fund of the state to the office of the auditor of state for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount, or so much thereof as is necessary, to be used for the purposes designated, and for not more than the following full-time equivalent positions:

For salaries, support, maintenance, and miscellaneous purposes:

..... $ 457,253
..... FTEs 103.00

2. The auditor of state may retain additional full-time equivalent positions as is reasonable and necessary to perform governmental subdivision audits which are reimbursable pursuant to section 11.20 or 11.21, to perform audits which are requested by and reimbursable from the federal government, and to perform work requested by and reimbursable from departments or agencies pursuant to section 11.5A or 11.5B. The auditor of state shall notify the department of management, the legislative fiscal committee, and the legislative services agency of the additional full-time equivalent positions retained.

3. The auditor of state shall allocate moneys from the appropriation in this section solely for audit work related to the comprehensive annual financial report, federally required audits, and investigations of embezzlement, theft, or other significant financial irregularities until the audit of the comprehensive annual financial report is complete.

Sec. 35. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD. There is appropriated from the general fund of the state to the Iowa ethics and campaign disclosure board for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount, or so much thereof as is necessary, for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 245,168
..... FTEs 5.00

Sec. 36. DEPARTMENT OF COMMERCE.

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

a. ALCOHOLIC BEVERAGES DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 610,196
..... FTEs 18.50

b. PROFESSIONAL LICENSING AND REGULATION BUREAU

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 300,769
..... FTEs 12.50

2. There is appropriated from the department of commerce revolving fund created in section 546.12 to the department of commerce for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amounts, or so much thereof as is necessary, for the purposes designated:

a. BANKING DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 4,583,618
..... FTEs 74.50

b. CREDIT UNION DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 897,128

..... FTEs 15.00

c. INSURANCE DIVISION

(1) For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 2,516,495

..... FTEs 100.15

(2) The insurance division may reallocate authorized full-time equivalent positions as necessary to respond to accreditation recommendations or requirements.

(3) The insurance division expenditures for examination purposes may exceed the projected receipts, refunds, and reimbursements, estimated pursuant to section 505.7, subsection 7, including the expenditures for retention of additional personnel, if the expenditures are fully reimbursable and the division first does both of the following:

(a) Notifies the department of management, the legislative services agency, and the legislative fiscal committee of the need for the expenditures.

(b) Files with each of the entities named in subparagraph division (a) the legislative and regulatory justification for the expenditures, along with an estimate of the expenditures.

d. UTILITIES DIVISION

(1) For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 4,089,703

..... FTEs 79.00

(2) The utilities division may expend additional moneys, including moneys for additional personnel, if those additional expenditures are actual expenses which exceed the moneys budgeted for utility regulation and the expenditures are fully reimbursable. Before the division expends or encumbers an amount in excess of the moneys budgeted for regulation, the division shall first do both of the following:

(a) Notify the department of management, the legislative services agency, and the legislative fiscal committee of the need for the expenditures.

(b) File with each of the entities named in subparagraph division (a) the legislative and regulatory justification for the expenditures, along with an estimate of the expenditures.

3. CHARGES. Each division and the office of consumer advocate shall include in its charges assessed or revenues generated an amount sufficient to cover the amount stated in its appropriation and any state-assessed indirect costs determined by the department of administrative services.

Sec. 37. DEPARTMENT OF COMMERCE — PROFESSIONAL LICENSING AND REGULATION BUREAU. There is appropriated from the housing trust fund created pursuant to section 16.181, to the bureau of professional licensing and regulation of the banking division of the department of commerce for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:

..... $ 31,159

Sec. 38. IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION — REGIONAL TELECOMMUNICATIONS COUNCILS. There is appropriated from the general fund of the state to the Iowa telecommunications and technology commission for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For state aid for regional telecommunications councils:

..... $ 496,457

The regional telecommunications councils established in section 8D.5 shall use the moneys appropriated in this section to provide coordination of technical assistance for network

classrooms, planning and troubleshooting for local area networks, scheduling of video sites, and other related support activities.

Moneys appropriated in this section shall be distributed by the commission to the regional telecommunications councils based upon usage by region. The regional telecommunications councils shall report to the Iowa telecommunications and technology commission by January 31, 2015, for the immediately preceding six-month period beginning on July 1, 2014, and ending December 31, 2014, and by July 31, 2015, for the immediately preceding six-month period beginning on January 1, 2015, and ending on June 30, 2015. The report shall include information requested by the commission related to the activities supported through this appropriation.

Sec. 39. GOVERNOR AND LIEUTENANT GOVERNOR. There is appropriated from the general fund of the state to the offices of the governor and the lieutenant governor for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. GENERAL OFFICE

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 1,098,228
..... FTEs 20.00

2. TERRACE HILL QUARTERS

For salaries, support, maintenance, and miscellaneous purposes for the governor's quarters at Terrace Hill, and for not more than the following full-time equivalent positions:

..... $ 46,556
..... FTEs 2.00

Sec. 40. GOVERNOR'S OFFICE OF DRUG CONTROL POLICY. There is appropriated from the general fund of the state to the governor's office of drug control policy for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, including statewide coordination of the drug abuse resistance education (D.A.R.E.) programs or similar programs, and for not more than the following full-time equivalent positions:

..... $ 120,567
..... FTEs 4.00

Sec. 41. DEPARTMENT OF HUMAN RIGHTS. There is appropriated from the general fund of the state to the department of human rights for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. CENTRAL ADMINISTRATION DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 112,092
..... FTEs 5.65

2. COMMUNITY ADVOCACY AND SERVICES DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 514,039
..... FTEs 9.62

Sec. 42. DEPARTMENT OF INSPECTIONS AND APPEALS. There is appropriated from the general fund of the state to the department of inspections and appeals for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. ADMINISTRATION DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 272,621
..... FTEs 13.65

2. ADMINISTRATIVE HEARINGS DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 339,471
..... FTEs 23.00

3. INVESTIGATIONS DIVISION

a. For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 1,286,545
..... FTEs 61.50

b. The department, in coordination with the investigations division, shall submit a report to the general assembly by December 1, 2014, concerning the division's activities relative to fraud in public assistance programs for the fiscal year beginning July 1, 2013, and ending June 30, 2014. The report shall include but is not limited to a summary of the number of cases investigated, case outcomes, overpayment dollars identified, amount of cost avoidance, and actual dollars recovered.

4. HEALTH FACILITIES DIVISION

a. For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 2,546,017
..... FTEs 113.00

b. The department shall, in coordination with the health facilities division, make the following information available to the public as part of the department's development efforts to revise the department's internet website:

(1) The number of inspections conducted by the division annually by type of service provider and type of inspection.

(2) The total annual operations budget for the division, including general fund appropriations and federal contract dollars received by type of service provider inspected.

(3) The total number of full-time equivalent positions in the division, to include the number of full-time equivalent positions serving in a supervisory capacity, and serving as surveyors, inspectors, or monitors in the field by type of service provider inspected.

(4) Identification of state and federal survey trends, cited regulations, the scope and severity of deficiencies identified, and federal and state fines assessed and collected concerning nursing and assisted living facilities and programs.

c. It is the intent of the general assembly that the department and division continuously solicit input from facilities regulated by the division to assess and improve the division's level of collaboration and to identify new opportunities for cooperation.

5. EMPLOYMENT APPEAL BOARD

a. For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 21,108
..... FTEs 11.00

b. The employment appeal board shall be reimbursed by the labor services division of the department of workforce development for all costs associated with hearings conducted under chapter 91C, related to contractor registration. The board may expend, in addition to the amount appropriated under this subsection, additional amounts as are directly billable to the labor services division under this subsection and to retain the additional full-time equivalent positions as needed to conduct hearings required pursuant to chapter 91C.

6. CHILD ADVOCACY BOARD

a. For foster care review and the court appointed special advocate program, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 1,340,145
..... FTEs 32.25

b. The department of human services, in coordination with the child advocacy board and the department of inspections and appeals, shall submit an application for funding available pursuant to Tit. IV-E of the federal Social Security Act for claims for child advocacy board administrative review costs.

c. The court appointed special advocate program shall investigate and develop opportunities for expanding fund-raising for the program.

d. Administrative costs charged by the department of inspections and appeals for items funded under this subsection shall not exceed 4 percent of the amount appropriated in this subsection.

7. FOOD AND CONSUMER SAFETY

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 639,666
..... FTEs 23.25

Sec. 43. DEPARTMENT OF INSPECTIONS AND APPEALS — MUNICIPAL CORPORATION FOOD INSPECTIONS. For the fiscal year beginning July 1, 2014, and ending June 30, 2015, the department of inspections and appeals shall retain any license fees generated during the fiscal year as a result of actions under section 137F.3A occurring during the period beginning July 1, 2009, and ending June 30, 2015, for the purpose of enforcing the provisions of chapters 137C, 137D, and 137F.

Sec. 44. RACING AND GAMING COMMISSION.

1. RACETRACK REGULATION

There is appropriated from the gaming regulatory revolving fund established in section 99F.20 to the racing and gaming commission of the department of inspections and appeals for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes for the regulation of pari-mutuel racetracks, and for not more than the following full-time equivalent positions:

..... $ 1,534,246
..... FTEs 32.03

2. EXCURSION BOAT AND GAMBLING STRUCTURE REGULATION

There is appropriated from the gaming regulatory revolving fund established in section 99F.20 to the racing and gaming commission of the department of inspections and appeals for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes for administration and enforcement of the excursion boat gambling and gambling structure laws, and for not more than the following full-time equivalent positions:

..... $ 1,522,860
..... FTEs 40.72

Sec. 45. ROAD USE TAX FUND APPROPRIATION — DEPARTMENT OF INSPECTIONS AND APPEALS. There is appropriated from the road use tax fund created in section 312.1 to the administrative hearings division of the department of inspections and appeals for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount, or so much thereof as is necessary, for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:

..... $ 811,949

Sec. 46. DEPARTMENT OF MANAGEMENT.

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

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 1,275,110

..... FTEs 21.00

2. Of the moneys appropriated in this section, the department shall use a portion for enterprise resource planning, providing for a salary model administrator, conducting performance audits, and for the department's LEAN process.

Sec. 47. ROAD USE TAX APPROPRIATION — DEPARTMENT OF MANAGEMENT. There is appropriated from the road use tax fund created in section 312.1 to the department of management for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:

..... $ 28,000

Sec. 48. IOWA PUBLIC INFORMATION BOARD. There is appropriated from the general fund of the state to the Iowa public information board for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes and for not more than the following full-time equivalent positions:

..... $ 137,500

..... FTEs 3.00

Sec. 49. DEPARTMENT OF REVENUE.

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

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 8,940,420

..... FTEs 245.24

2. Of the funds appropriated pursuant to this section, $400,000 shall be used to pay the direct costs of compliance related to the collection and distribution of local sales and services taxes imposed pursuant to chapters 423B and 423E.

3. The director of revenue shall prepare and issue a state appraisal manual and the revisions to the state appraisal manual as provided in section 421.17, subsection 17, without cost to a city or county.

Sec. 50. MOTOR VEHICLE FUEL TAX APPROPRIATION. There is appropriated from the motor fuel tax fund created by section 452A.77 to the department of revenue for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for administration and enforcement of the provisions of chapter 452A and the motor vehicle use tax program:

..... $ 652,888

Sec. 51. SECRETARY OF STATE.

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

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 1,448,350

..... FTEs 29.00

2. The state department or state agency which provides data processing services to support voter registration file maintenance and storage shall provide those services without charge.

Sec. 52. SECRETARY OF STATE FILING FEES REFUND. Notwithstanding the obligation to collect fees pursuant to the provisions of section 489.117, subsection 1, paragraphs "a" and "o", section 490.122, subsection 1, paragraphs "a" and "s", and section 504.113, subsection 1, paragraphs "a", "c", "d", "j", "k", "l", and "m", for the fiscal year beginning July 1, 2014, the secretary of state may refund these fees to the filer pursuant to rules established by the secretary of state. The decision of the secretary of state not to issue a refund under rules established by the secretary of state is final and not subject to review pursuant to chapter 17A.

Sec. 53. TREASURER OF STATE.

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

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 542,196
..... FTEs 28.80

2. The office of treasurer of state shall supply clerical and secretarial support for the executive council.

Sec. 54. ROAD USE TAX APPROPRIATION — OFFICE OF TREASURER OF STATE. There is appropriated from the road use tax fund created in section 312.1 to the office of treasurer of state for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For enterprise resource management costs related to the distribution of road use tax funds:

..... $ 46,574

Sec. 55. IPERS — GENERAL OFFICE. There is appropriated from the Iowa public employees' retirement system fund to the Iowa public employees' retirement system for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and other operational purposes to pay the costs of the Iowa public employees' retirement system, and for not more than the following full-time equivalent positions:

..... $ 8,843,484
..... FTEs 90.13

Sec. 56. INTEGRATED INFORMATION FOR IOWA SYSTEM. There is appropriated from the general fund of the state to the following departments and agencies for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amounts, or so much thereof as is necessary, to be used for the payment of services provided by the department of administrative services related to the integrated information for Iowa system:

1. Department on aging:

..... $ 5,687

2. Department of agriculture and land stewardship:

..... $ 24,164

3. Department for the blind:

..... $ 6,543

4. Iowa state civil rights commission:

..... $ 2,178

5. College student aid commission:

..... $ 17,166

6. Department of corrections:

..... $ 12,228

7. Department of corrections for the Fort Madison correctional facility:

..... $ 28,799

8. Department of corrections for the Anamosa correctional facility:

..... $ 22,967

9. Department of corrections for the Oakdale correctional facility:
..... $ 57,645
10. Department of corrections for the Newton correctional facility:
..... $ 18,818
11. Department of corrections for the Mount Pleasant correctional facility:
..... $ 20,708
12. Department of corrections for the Rockwell City correctional facility:
..... $ 7,205
13. Department of corrections for the Clarinda correctional facility:
..... $ 17,703
14. Department of corrections for the Mitchellville correctional facility:
..... $ 13,431
15. Department of corrections for the Fort Dodge correctional facility:
..... $ 18,416
16. Department of cultural affairs:
..... $ 5,069
17. Economic development authority:
..... $ 47,407
18. Department of education:
..... $ 215,235
19. Department of education for the vocational rehabilitation services division:
..... $ 33,032
20. Department of education for the public broadcasting division:
..... $ 7,537
21. Department of human services for payments associated with administration:
..... $ 24,831
22. Department of human services for payments associated with assistance payments:
..... $ 581,192
23. Department of human services for the civil commitment unit for sexual offenders:
..... $ 8,599
24. Department of human services for payments associated with field operations:
..... $ 189,899
25. Department of human services for the state resource center at Glenwood:
..... $ 74,650
26. Department of human services for the state resource center at Woodward:
..... $ 65,728
27. Department of human services for the Iowa juvenile home at Toledo:
..... $ 7,766
28. Department of human services for the state training school at Eldora:
..... $ 11,233
29. Department of human services for the Cherokee mental health institute:
..... $ 10,273
30. Department of human services for the Clarinda mental health institute:
..... $ 5,821
31. Department of human services for the Independence mental health institute:
..... $ 15,304
32. Department of human services for the Mount Pleasant mental health institute:
..... $ 7,375
33. Office of the state public defender:
..... $ 20,061
34. Iowa law enforcement academy:
..... $ 1,516
35. Department of justice:
..... $ 21,975
36. Department of natural resources:
..... $ 95,607
37. Board of parole:

..... $ 748

38. Department of public defense:

..... $ 27,436

39. Department of public defense for the homeland security and emergency management division or its successor:

..... $ 55,346

40. Public employment relations board:

..... $ 526

41. Department of public health:

..... $ 51,018

42. Department of public safety:

..... $ 87,295

43. State board of regents:

..... $ 29,709

44. Department of veterans affairs:

..... $ 2,443

45. Department of veterans affairs for the Iowa veterans home:

..... $ 69,282

46. Department of workforce development:

..... $ 274,819

47. Judicial branch:

..... $ 137,380

48. Iowa general assembly:

..... $ 26,548

Sec. 57. INTEGRATED INFORMATION FOR IOWA SYSTEM — OFFICE OF CONSUMER ADVOCATE. There is appropriated from the department of commerce revolving fund created in section 546.12 to the office of consumer advocate for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the payment of services provided by the department of administrative services related to the integrated information for Iowa system:

..... $ 1,425

DIVISION III
AUDITS

Sec. 58. Section 331.502, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 41A. Have the authority to audit, at the auditor's discretion, the financial condition and transactions of all county funds and accounts for compliance with state and federal law.

DIVISION IV
IOWA PUBLIC INFORMATION BOARD

Sec. 59. 2012 Iowa Acts, chapter 1115, section 9, subsections 1, 4, and 6, are amended to read as follows:

1. Employ one employee as executive director who is an attorney admitted to practice law in the courts of this state to execute its authority ~~and prosecute~~ including prosecuting respondents in proceedings before the board and ~~to represent~~ representing the board in proceedings before a court, as appropriate.

4. Receive complaints alleging violations of chapter 21 or 22, seek resolution of such complaints through informal assistance ~~or through mediation and settlement~~, formally investigate such complaints, decide after such an investigation whether there is probable cause to believe a violation of chapter 21 or 22 has occurred, and if probable cause has been found prosecute the respondent before the board in a contested case proceeding conducted according to the provisions of chapter 17A.

6. The board may examine a record of a governmental body or a government body that is the subject matter of a complaint, including any record that is confidential by law. Confidential records provided to the board by a governmental body or a government body shall continue to maintain their confidential status. Any member or employee of the board is subject to the same policies and penalties regarding the confidentiality of the document as an employee of the governmental body or a government body.

Sec. 60. 2012 Iowa Acts, chapter 1115, section 12, is amended by striking the section and inserting in lieu thereof the following:

SEC. 12. NEW SECTION. **23.9 Informal assistance.**

After accepting a complaint, the board shall promptly work with the parties, through employees on its own staff, to reach an informal, expeditious resolution of the complaint.

Sec. 61. 2012 Iowa Acts, chapter 1115, section 13, subsection 1, is amended to read as follows:

1. If any party declines ~~mediation or settlement~~ informal assistance or if ~~mediation or settlement~~ informal assistance fails to resolve the matter to the satisfaction of all parties, the board shall initiate a formal investigation concerning the facts and circumstances set forth in the complaint. The board shall, after an appropriate investigation, make a determination as to whether the complaint is within the board's jurisdiction and whether there is probable cause to believe that the facts and circumstances alleged in the complaint constitute a violation of chapter 21 or 22.

Sec. 62. 2012 Iowa Acts, chapter 1115, section 13, subsection 3, paragraph a, is amended to read as follows:

a. If the board finds the complaint is within the board's jurisdiction and there is probable cause to believe there has been a violation of chapter 21 or 22, the board shall issue a written order to that effect and shall commence a contested case proceeding under chapter 17A against the respondent. ~~Notwithstanding section 17A.10A, if~~ If there are no material facts in dispute, the board may order that the contested case procedures relating to the presentation of evidence shall not apply as provided in section 17A.10A. ~~An attorney selected by the~~ The executive director of the board or an attorney selected by the executive director shall prosecute the respondent in the contested case proceeding. At the termination of the contested case proceeding the board shall, by a majority vote of its members, render a final decision as to the merits of the complaint. If the board finds that the complaint has merit, the board may issue any appropriate order to ensure enforcement of chapter 21 or 22 including but not limited to an order requiring specified action or prohibiting specified action and any appropriate order to remedy any failure of the respondent to observe any provision of those chapters.

DIVISION V
TERRACE HILL COMMISSION

Sec. 63. Section 8A.326, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. The governor may appoint an administrator of the Terrace Hill facility who may perform any acts which are necessary or desirable to coordinate the administration of the Terrace Hill facility.

Sec. 64. Section 8A.326, subsection 2, Code 2013, is amended by striking the subsection and inserting in lieu thereof the following:

2. The purpose of the Terrace Hill commission is to provide for the preservation, maintenance, renovation, landscaping, and administration of the Terrace Hill facility. The Terrace Hill facility includes the Terrace Hill mansion, carriage house, grounds, historical collections, and all other related property.

Sec. 65. Section 8A.326, subsection 3, Code 2013, is amended to read as follows:

3. The Terrace Hill commission may enter into contracts, subject to this chapter, to execute its purposes, including, without limitation, contracts authorizing nonprofit organizations acting solely for the benefit and support of the Terrace Hill facility to do any of the following:

a. Solicit funds and accept donations, gifts, and bequests approved by the commission and in accordance with priorities established by the commission.

b. Administer a Terrace Hill membership program.

c. Maintain the Terrace Hill historical collections.

Approved June 17, 2013

CHAPTER 136

FEDERAL BLOCK GRANT APPROPRIATIONS AND OTHER FEDERAL FUNDING

H.F. 614

AN ACT appropriating federal funds made available from federal block grants and other nonstate sources, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated and including effective date and retroactive applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I
FFY 2013-2014 AND FFY 2014-2015

Section 1. SUBSTANCE ABUSE APPROPRIATION.

1. There is appropriated from the fund created by section 8.41 to the department of public health for the following federal fiscal years beginning October 1, and ending September 30, the following amounts:

FFY 2013-2014 ..... $ 13,422,011

FFY 2014-2015 ..... $ 13,422,011

a. The appropriations made in this subsection are in the amounts anticipated to be received from the federal government for the designated federal fiscal years under 42 U.S.C., ch. 6A, subch. XVII, part B, subpart ii, which provides for the prevention and treatment of substance abuse block grant. The department shall expend the funds appropriated in this subsection as provided in the federal law making the funds available and in conformance with chapter 17A.

b. Of the funds appropriated for each federal fiscal year in this subsection, an amount not exceeding 5 percent shall be used by the department for administrative expenses.

c. (1) For the fiscal year beginning July 1, 2013, the department shall expend no less than an amount equal to the amount expended for treatment services in the state fiscal year beginning July 1, 2012, for pregnant women and women with dependent children.

(2) For the fiscal year beginning July 1, 2014, the department shall expend no less than an amount equal to the amount expended for treatment services in the state fiscal year beginning July 1, 2013, for pregnant women and women with dependent children.

d. Of the funds appropriated in this subsection, an amount not exceeding the following amounts shall be used for audits during the following federal fiscal years:

(1) FFY 2013-2014
..... $ 24,585

(2) FFY 2014-2015
..... $ 24,585

2. At least 20 percent of the funds remaining from the appropriation made in subsection 1 for each federal fiscal year shall be allocated for prevention programs.

3. In implementing the federal prevention and treatment of substance abuse block grant under 42 U.S.C., ch. 6A, subch. XVII, and any other applicable provisions of the federal Public Health Service Act under 42 U.S.C., ch. 6A, the department shall apply the provisions of Pub. L. No. 106-310, § 3305, as codified in 42 U.S.C. § 300x-65, relating to services under such federal law being provided by religious and other nongovernmental organizations.

Sec. 2. COMMUNITY MENTAL HEALTH SERVICES APPROPRIATION.

1. a. There is appropriated from the fund created by section 8.41 to the department of human services for the following federal fiscal years beginning October 1, and ending September 30, the following amounts:

FFY 2013-2014 ..... $ 3,588,593
FFY 2014-2015 ..... $ 3,588,593

b. The appropriations made in this subsection are in the amounts anticipated to be received from the federal government for the designated federal fiscal years under 42 U.S.C., ch. 6A, subch. XVII, part B, subpart i, which provides for the community mental health services block grant. The department shall expend the funds appropriated in this subsection as provided in the federal law making the funds available and in conformance with chapter 17A.

c. The department shall allocate not less than 95 percent of the amount of the block grant each federal fiscal year to eligible community mental health services providers for carrying out the plan submitted to and approved by the federal substance abuse and mental health services administration for the fiscal year involved.

d. Of the amount allocated to eligible services providers in paragraph "c", 70 percent of the amount each federal fiscal year shall be distributed to the state's accredited community mental health centers established in accordance with chapter 230A or applicable administrative rule. If a mental health services provider was designated as authorized in section 230A.107, subsection 2, the provider remains eligible to receive funding distributed pursuant to this paragraph as a community mental health center. The funding distributed shall be used by recipients of the funding for the purpose of staff training or services to adults with a serious mental illness and children with a serious emotional disturbance. The distribution amounts shall be announced at the beginning of the federal fiscal year and distributed on a quarterly basis. Recipients shall submit quarterly reports containing data consistent with the performance measures approved by the federal substance abuse and mental health services administration.

2. An amount not exceeding 5 percent of the funds appropriated in subsection 1 for each federal fiscal year shall be used by the department of human services for administrative expenses. From the funds set aside by this subsection for administrative expenses, the department shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state's portion of the funds appropriated in subsection 1. The auditor of state shall bill the department for the costs of the audits.

Sec. 3. MATERNAL AND CHILD HEALTH SERVICES APPROPRIATIONS.

1. There is appropriated from the fund created by section 8.41 to the department of public health for the following federal fiscal years beginning October 1, and ending September 30, the following amounts:

FFY 2013-2014 ..... $ 6,442,068
FFY 2014-2015 ..... $ 6,442,068

a. The appropriations made in this subsection are in the amounts anticipated to be received from the federal government for the designated federal fiscal years under 42 U.S.C., ch. 7, subch. V, which provides for the maternal and child health services block grant. The department shall expend the funds appropriated in this subsection as provided in the federal law making the funds available and in conformance with chapter 17A.

b. Funds appropriated in this subsection shall not be used by the university of Iowa hospitals and clinics for indirect costs.

2. An amount not exceeding 10 percent of the funds appropriated in subsection 1 for each federal fiscal year shall be used by the department of public health for administrative expenses.

3. The departments of public health, human services, and education and the university of Iowa's mobile and regional child health specialty clinics shall continue to pursue to the maximum extent feasible the coordination and integration of services to women and children.

4. a. Sixty-three percent of the amount remaining after the allocation made in subsection 2 for each federal fiscal year shall be allocated to supplement appropriations for maternal and child health programs within the department of public health. Of these funds, the following amounts shall be set aside for the statewide perinatal care program for the following federal fiscal years:

(1) FFY 2013-2014 ..... $ 300,291

(2) FFY 2014-2015 ..... $ 300,291

b. Thirty-seven percent of the amount remaining after the allocation made in subsection 2 for each federal fiscal year shall be allocated to the university of Iowa hospitals and clinics under the control of the state board of regents for mobile and regional child health specialty clinics. The university of Iowa hospitals and clinics shall not receive an allocation for indirect costs from the funds for this program. Priority shall be given to establishment and maintenance of a statewide system of mobile and regional child health specialty clinics.

5. The department of public health shall administer the statewide maternal and child health program and the disabled children's program by conducting mobile and regional child health specialty clinics and conducting other activities to improve the health of low-income women and children and to promote the welfare of children with actual or potential handicapping conditions and chronic illnesses in accordance with the requirements of Tit. V of the federal Social Security Act.

Sec. 4. PREVENTIVE HEALTH AND HEALTH SERVICES APPROPRIATIONS.

1. There is appropriated from the fund created by section 8.41 to the department of public health for the following federal fiscal years beginning October 1, and ending September 30, the following amounts:

FFY 2013-2014 ..... $ 820,982

FFY 2014-2015 ..... $ 820,982

The appropriations made in this subsection are in the amounts anticipated to be received from the federal government for the designated federal fiscal years under 42 U.S.C., ch. 6A, subch. XVII, part A, which provides for the preventive health and health services block grant. The department shall expend the funds appropriated in this subsection as provided in the federal law making the funds available and in conformance with chapter 17A.

2. Of the funds appropriated in subsection 1 for each federal fiscal year, an amount not exceeding 10 percent shall be used by the department for administrative expenses.

3. Of the funds appropriated in subsection 1 for each federal fiscal year, the specific amount of funds stipulated by the notice of the block grant award shall be allocated for services to victims of sex offenses and for rape prevention education.

4. After deducting the funds allocated in subsections 2 and 3, the remaining funds appropriated in subsection 1 for each federal fiscal year may be used by the department for healthy people 2020 and Iowa's health improvement plan 2012-2016 program objectives, preventive health advisory committee, and risk reduction services, including nutrition programs, health incentive programs, chronic disease services, emergency medical services, monitoring of the fluoridation program and start-up fluoridation grants, and acquired immune deficiency syndrome services. The moneys specified in this subsection shall not be used by the university of Iowa hospitals and clinics or by the state hygienic laboratory for the funding of indirect costs.

Sec. 5. STOP VIOLENCE AGAINST WOMEN GRANT PROGRAM APPROPRIATION.

1. There is appropriated from the fund created by section 8.41 to the department of justice for the following federal fiscal years beginning October 1, and ending September 30, the following amounts:

FFY 2013-2014 ..... $ 1,571,978

FFY 2014-2015 ..... $ 1,571,978

The appropriations made in this subsection are in the amounts anticipated to be received from the federal government for the designated fiscal years under 42 U.S.C., ch. 46, subch. XII-H which provides for grants to combat violent crimes against women. The department of justice shall expend the funds appropriated in this subsection as provided in the federal law making the funds available and in conformance with chapter 17A.

2. An amount not exceeding 10 percent of the funds appropriated in subsection 1 shall be used by the department of justice for administrative expenses. From the funds set aside by this subsection for administrative expenses, the department shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state's portion of the funds appropriated in subsection 1.

Sec. 6. RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE PRISONERS FORMULA GRANT PROGRAM. There is appropriated from the fund created by section 8.41 to the governor's office of drug control policy for the following federal fiscal years beginning October 1, and ending September 30, the following amounts:

FFY 2013-2014 ..... $ 250,000
FFY 2014-2015 ..... $ 250,000

The appropriations made in this section are the amounts anticipated to be received from the federal government for the designated federal fiscal years under 42 U.S.C., ch. 46, subch. XII-G, which provides grants for substance abuse treatment programs in state and local correctional facilities. The drug policy coordinator shall expend the funds appropriated in this section as provided in federal law making the funds available and in conformance with chapter 17A.

Sec. 7. EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM APPROPRIATION. There is appropriated from the fund created by section 8.41 to the governor's office of drug control policy for the following federal fiscal years beginning October 1, and ending September 30, the following amounts:

FFY 2013-2014 ..... $ 2,447,976
FFY 2014-2015 ..... $ 2,100,000

The appropriations made in this section are in the amounts anticipated to be received from the federal government for the designated fiscal years under 42 U.S.C., ch. 46, subch. V, which provides for the Edward Byrne memorial justice assistance grant program. The drug policy coordinator shall expend the funds appropriated in this section as provided in the federal law making the funds available and in conformance with chapter 17A.

Sec. 8. COMMUNITY SERVICES APPROPRIATIONS.

1. a. There is appropriated from the fund created by section 8.41 to the division of community action agencies of the department of human rights for the following federal fiscal years beginning October 1, and ending September 30, the following amounts:

FFY 2013-2014 ..... $ 7,296,867
FFY 2014-2015 ..... $ 7,296,867

The appropriations made in this subsection are in the amounts anticipated to be received from the federal government for the designated federal fiscal years under 42 U.S.C., ch. 106, which provides for the community services block grant. The division of community action agencies of the department of human rights shall expend the funds appropriated in this subsection as provided in the federal law making the funds available and in conformance with chapter 17A.

b. Each federal fiscal year, the administrator of the division of community action agencies of the department of human rights shall allocate not less than 96 percent of the amount of the block grants to eligible community action agencies for programs benefiting low-income persons. Each eligible agency shall receive a minimum allocation of not less than $100,000. The minimum allocation shall be achieved by redistributing increased funds from agencies experiencing a greater share of available funds. The funds shall be distributed on the basis of the poverty-level population in the area represented by the community action areas compared to the size of the poverty-level population in the state.

2. An amount not exceeding 4 percent of the funds appropriated in subsection 1 for each federal fiscal year shall be used by the division of community action agencies of the department of human rights for administrative expenses. From the funds set aside by this subsection for administrative expenses, the division of community action agencies of the department of human rights shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state's portion of the funds appropriated in subsection 1. The auditor of state shall bill the division of community action agencies for the costs of the audits.

Sec. 9. COMMUNITY DEVELOPMENT APPROPRIATIONS.

1. There is appropriated from the fund created by section 8.41 to the economic development authority for the following federal fiscal years beginning October 1, and ending September 30, the following amounts:

FFY 2013-2014 ..... $ 23,877,960
FFY 2014-2015 ..... $ 23,877,960

The appropriations made in this subsection are in the amounts anticipated to be received from the federal government for the designated federal fiscal years under 42 U.S.C., ch. 69, which provides for community development block grants. The economic development authority shall expend the funds appropriated in this subsection as provided in the federal law making the funds available and in conformance with chapter 17A.

2. a. An amount not exceeding $1,055,000 for the federal fiscal year beginning October 1, 2013, shall be used by the economic development authority for administrative expenses for the community development block grant. The total amount used for administrative expenses includes $577,500 for the federal fiscal year beginning October 1, 2013, of funds appropriated in subsection 1 and a matching contribution from the state equal to $477,500 from the appropriation of state funds for the community development block grant and state appropriations for related activities of the economic development authority. From the funds set aside for administrative expenses by this subsection, the economic development authority shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state's portion of the funds appropriated in subsection 1. The auditor of state shall bill the authority for the costs of the audit.

b. An amount not exceeding $1,055,000 for the federal fiscal year beginning October 1, 2014, shall be used by the economic development authority for administrative expenses for the community development block grant. The total amount used for administrative expenses includes $577,500 for the federal fiscal year beginning October 1, 2014, of funds appropriated in subsection 1 and a matching contribution from the state equal to $477,500 from the appropriation of state funds for the community development block grant and state appropriations for related activities of the economic development authority. From the funds set aside for administrative expenses by this subsection, the economic development authority shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state's portion of the funds appropriated in subsection 1. The auditor of state shall bill the authority for the costs of the audit.

Sec. 10. LOW-INCOME HOME ENERGY ASSISTANCE APPROPRIATIONS.

1. There is appropriated from the fund created by section 8.41 to the division of community action agencies of the department of human rights for the following federal fiscal years beginning October 1, and ending September 30, the following amounts:

FFY 2013-2014 ..... $ 54,812,000
FFY 2014-2015 ..... $ 54,812,000

The appropriations made in this subsection are in the amounts anticipated to be received from the federal government for the designated federal fiscal years under 42 U.S.C., ch. 94, subch. II, which provides for the low-income home energy assistance block grants. The division of community action agencies of the department of human rights shall expend the funds appropriated in this subsection as provided in the federal law making the funds available and in conformance with chapter 17A.

2. Up to 15 percent, or up to 25 percent if a waiver is approved by the United States department of health and human services, of the amount appropriated in this section that is

actually received for each federal fiscal year shall be used for residential weatherization or other related home repairs for low-income households. Of this allocation amount, not more than 10 percent may be used for administrative expenses.

3. After subtracting the allocation in subsection 2, up to 10 percent of the remaining moneys for each federal fiscal year are allocated for administrative expenses of the low-income home energy assistance program of which $377,000 is allocated each federal fiscal year for administrative expenses of the division. The costs of auditing the use and administration of the portion of the appropriation in this section that is retained by the state shall be paid from the amount allocated in this subsection each federal fiscal year to the division. The auditor of state shall bill the division for the audit costs.

4. The remaining moneys of the appropriation made in this section for each federal fiscal year following the allocations made in subsections 2 and 3, shall be used to help eligible households as defined in 42 U.S.C., ch. 94, subch. II, to meet home energy costs.

5. Not more than 10 percent of the amount appropriated in this section each federal fiscal year that is actually received may be carried forward for use in the succeeding federal fiscal year.

6. Expenditures for assessment and resolution of energy problems shall be limited to not more than 5 percent of the amount appropriated in this section for each federal fiscal year that is actually received.

Sec. 11. SOCIAL SERVICES APPROPRIATIONS.

1. There is appropriated from the fund created by section 8.41 to the department of human services for the following federal fiscal years beginning October 1, and ending September 30, the following amounts:

FFY 2013-2014 ..... $ 16,546,044
FFY 2014-2015 ..... $ 16,546,044

The appropriations made in this subsection are in the amounts anticipated to be received from the federal government for the designated federal fiscal years under 42 U.S.C., ch. 7, subch. XX, which provides for the social services block grant. The department of human services shall expend the funds appropriated in this subsection as provided in the federal law making the funds available and in conformance with chapter 17A.

2. Not more than the following amounts of the funds appropriated in subsection 1 for the following federal fiscal years shall be used by the department of human services for general administration:

a. FFY 2013-2014
..... $ 1,056,493

b. FFY 2014-2015
..... $ 1,056,493

From the funds set aside in this subsection for general administration for each federal fiscal year, the department of human services shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state's portion of the funds appropriated in subsection 1.

3. In addition to the allocation for general administration in subsection 2, the remaining funds appropriated in subsection 1 for each federal fiscal year shall be allocated in the following amounts to supplement appropriations for the following federal fiscal years for the following programs within the department of human services:

a. Field operations:

(1) FFY 2013-2014
..... $ 6,319,006

(2) FFY 2014-2015
..... $ 6,319,006

b. Child and family services:

(1) FFY 2013-2014
..... $ 946,795

(2) FFY 2014-2015
..... $ 946,795

c. Local administrative costs and other local services:

(1) FFY 2013-2014
..... $ 670,148
(2) FFY 2014-2015
..... $ 670,148
d. Volunteers:
(1) FFY 2013-2014
..... $ 73,369
(2) FFY 2014-2015
..... $ 73,369
e. To be credited to the property tax relief fund created in section 426B.1:
(1) FFY 2013-2014
..... $ 7,480,233
Of the amount allocated in this subparagraph, up to $600,000 may be used by the department of human services for distribution to counties for state case services provided in prior fiscal years for persons with mental illness, intellectual disability, or a developmental disability in accordance with section 331.440, Code 2013.
(2) FFY 2014-2015
..... $ 7,480,233

Sec. 12. SOCIAL SERVICES BLOCK GRANT PLAN. The department of human services during each state fiscal year shall develop a plan for the use of federal social services block grant funds for the subsequent state fiscal year.

The proposed plan shall include all programs and services at the state level which the department proposes to fund with federal social services block grant funds, and shall identify state and other funds which the department proposes to use to fund the state programs and services.

The proposed plan shall also include all local programs and services which are eligible to be funded with federal social services block grant funds, the total amount of federal social services block grant funds available for the local programs and services, and the manner of distribution of the federal social services block grant funds to the counties. The proposed plan shall identify state and local funds which will be used to fund the local programs and services.

The proposed plan shall be submitted with the department's budget requests to the governor and the general assembly.

Sec. 13. PROJECTS FOR ASSISTANCE IN TRANSITION FROM HOMELESSNESS.

1. Upon receipt of the minimum formula grant from the federal substance abuse and mental health services administration to provide mental health services for the homeless, for the federal fiscal years beginning October 1, 2013, and October 1, 2014, the department of human services shall assure that a project which receives funds under the formula grant shall do all of the following:

a. Provide outreach and engagement to homeless individuals and individuals at risk of homelessness and assesses those individuals for serious mental illness.

b. Enroll those individuals with serious mental illness who are willing to accept services through the project.

c. Provide case management to homeless persons.

d. Provide appropriate training to persons who provide services to persons targeted by the grant.

e. Assure a local match share of 25 percent.

f. Refer homeless individuals and individuals at risk of homelessness to primary health care, job training, educational services, and relevant housing services.

2. A project may expend funds for community mental health services, diagnostic services, crisis intervention services, habilitation and rehabilitation services, substance-related disorder services, supportive and supervisory services to homeless persons living in residential settings that are not otherwise supported, and housing services including minor renovation, expansion, and repair of housing, security deposits, planning of housing, technical assistance in applying for housing, improving the coordination of housing services,

the costs associated with matching eligible homeless individuals with appropriate housing, and one-time rental payments to prevent eviction.

Sec. 14. CHILD CARE AND DEVELOPMENT APPROPRIATION. There is appropriated from the fund created by section 8.41 to the department of human services for the following federal fiscal years beginning October 1, and ending September 30, the following amounts:

FFY 2013-2014 ..... $ 44,572,411
FFY 2014-2015 ..... $ 44,522,628

The appropriations made in this section are in the amounts anticipated to be received from the federal government for the designated federal fiscal years under 42 U.S.C., ch. 105, subch. II-B, which provides for the child care and development block grant. The department shall expend the funds appropriated in this section as provided in the federal law making the funds available and in conformance with chapter 17A.

Moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall revert to be available for appropriation for purposes of the child care and development block grant in the succeeding fiscal year.

Sec. 15. PROCEDURE FOR REDUCED FEDERAL FUNDS.

1. If the funds received from the federal government for the block grants specified in this Act are less than the amounts appropriated, the funds actually received shall be prorated by the governor for the various programs, other than for the services to victims of sex offenses and for rape prevention education under section 4, subsection 3, of this Act, for which each block grant is available according to the percentages that each program is to receive as specified in this Act. However, if the governor determines that the funds allocated by the percentages will not be sufficient to accomplish the purposes of a particular program, or if the appropriation is not allocated by percentage, the governor may allocate the funds in a manner which will accomplish to the greatest extent possible the purposes of the various programs for which the block grants are available.

2. Before the governor implements the actions provided for in subsection 1, the following procedures shall be taken:

a. The chairpersons and ranking members of the senate and house standing committees on appropriations, the appropriate chairpersons and ranking members of subcommittees of those committees, and the director of the legislative services agency shall be notified of the proposed action.

b. The notice shall include the proposed allocations, and information on the reasons why particular percentages or amounts of funds are allocated to the individual programs, the departments and programs affected, and other information deemed useful. Chairpersons and ranking members notified shall be allowed at least two weeks to review and comment on the proposed action before the action is taken.

Sec. 16. PROCEDURE FOR INCREASED FEDERAL FUNDS.

1. If funds received from the federal government in the form of block grants exceed the amounts appropriated in sections 1, 2, 3, 4, 7, 9, and 11 of this Act, the excess shall be prorated to the appropriate programs according to the percentages specified in those sections, except additional funds shall not be prorated for administrative expenses.

2. If actual funds received from the federal government from block grants exceed the amount appropriated in section 10 of this Act for the low-income home energy assistance program, not more than 10 percent of the excess may be allocated to the low-income residential weatherization program and not more than 15 percent of the excess may be used for administrative costs.

3. If funds received from the federal government from community services block grants exceed the amount appropriated in section 8 of this Act, 100 percent of the excess is allocated to the community services block grant program.

Sec. 17. PROCEDURE FOR EXPENDITURE OF ADDITIONAL FEDERAL FUNDS. If other federal grants, receipts, and funds and other nonstate grants, receipts, and funds become available or are awarded which are not available or awarded during the period in which the general assembly is in session, but which require expenditure by the applicable

department or agency prior to March 15 of the fiscal years beginning July 1, 2013, and July 1, 2014, these grants, receipts, and funds are appropriated to the extent necessary, provided that the fiscal committee of the legislative council is notified within 30 days of receipt of the grants, receipts, or funds and the fiscal committee of the legislative council has an opportunity to comment on the expenditure of the grants, receipts, or funds.

Sec. 18. OTHER GRANTS, RECEIPTS, AND FUNDS. Federal grants, receipts, and funds and other nonstate grants, receipts, and funds, available in whole or in part of the fiscal years beginning July 1, 2013, and July 1, 2014, are appropriated to the following departments and agencies that are designated by and for the purposes set forth in the grants, receipts, or conditions accompanying the receipt of the funds, unless otherwise provided by law:

1. Department of administrative services.
2. Department on aging.
3. Department of agriculture and land stewardship.
4. Office of auditor of state.
5. Department for the blind.
6. Iowa state civil rights commission.
7. College student aid commission.
8. Department of commerce.
9. Department of corrections.
10. Department of cultural affairs.
11. Economic development authority.
12. Department of education.
13. Iowa ethics and campaign disclosure board.
14. Iowa finance authority.
15. Offices of the governor and lieutenant governor.
16. Governor's office of drug control policy.
17. Department of human rights.
18. Department of human services.
19. Department of inspections and appeals.
20. Judicial branch.
21. Department of justice.
22. Iowa law enforcement academy.
23. Department of management.
24. Department of natural resources.
25. Board of parole.
26. Department of public defense.
27. Public employment relations board.
28. Department of public health.
29. Department of public safety.
30. State board of regents.
31. Department of revenue.
32. Office of secretary of state.
33. Iowa state fair authority.
34. Office for state-federal relations.
35. Iowa telecommunications and technology commission.
36. Office of treasurer of state.
37. Department of transportation.
38. Department of veterans affairs.
39. Department of workforce development.

DIVISION II
PREVIOUS FEDERAL FISCAL YEARS

Sec. 19. COMMUNITY DEVELOPMENT BLOCK GRANT — DISASTER RECOVERY ENHANCEMENT FUND.

1. There is appropriated from the fund created by section 8.41 to the economic development authority for the federal fiscal year beginning October 1, 2007, and ending September 30, 2008, the following amount:
..... $ 92,167,641

2. The appropriation made in this section is in the federally designated amount awarded to the state through the federal community development block grant's disaster recovery enhancement fund pursuant to the federal Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, Pub. L. No. 110-329.

3. The economic development authority shall expend the funds appropriated in this section for disaster relief, long-term recovery, and restoration of infrastructure as provided in the federal law making the funds available and in conformance with chapter 17A. An amount not to exceed 3 percent of the funds appropriated in this section shall be used by the authority for administrative expenses. From the funds set aside for administrative expenses, the authority shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state's portion of the funds appropriated in this section.

Sec. 20. COMMUNITY DEVELOPMENT BLOCK GRANT — NEIGHBORHOOD STABILIZATION ASSISTANCE.

1. There is appropriated from the fund created by section 8.41 to the economic development authority for the federal fiscal year beginning October 1, 2010, and ending September 30, 2011, the following amount:
..... $ 5,000,000

2. The appropriation made is the amount received from the federal government for the designated federal fiscal year for community development block grant neighborhood stabilization assistance awarded to the state under the federal Dodd-Frank Wall Street Reform and Consumer Protection Act, Pub. L. No. 111-203, § 1497.

3. The economic development authority shall expend the funds appropriated in this section for assistance for redevelopment of abandoned and foreclosed homes and residential properties, known as the neighborhood stabilization program, as provided in the federal law making the funds available and in conformance with chapter 17A. An amount not to exceed 4 percent of the funds appropriated in this section shall be used by the department for administrative expenses. From the funds set aside for administrative expenses, the department shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state's portion of the funds appropriated in this section.

Sec. 21. APPLICABILITY — DISASTER RECOVERY ENHANCEMENT FUND. The section of this division of this Act appropriating federal funding to the economic development authority that was awarded to the state through the federal community development block grant's disaster recovery enhancement fund for FFY 2007-2008 applies retroactively to October 1, 2007.

Sec. 22. APPLICABILITY — NEIGHBORHOOD STABILIZATION ASSISTANCE. The section of this division of this Act appropriating federal funding to the economic development authority that was awarded to the state for neighborhood stabilization assistance for FFY 2010-2011 applies retroactively to October 1, 2010.

Sec. 23. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Approved June 17, 2013

CHAPTER 137

APPROPRIATIONS — ECONOMIC DEVELOPMENT

S.F. 430

AN ACT relating to appropriations to the department of cultural affairs, the economic development authority, the department of workforce development, the Iowa finance authority, and the public employment relations board, providing for other properly related matters, and including effective date and retroactive applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I
FY 2013-2014

Section 1. DEPARTMENT OF CULTURAL AFFAIRS.

1. There is appropriated from the general fund of the state to the department of cultural affairs for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. ADMINISTRATION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions for the department:

..... $ 171,813
..... FTEs 74.50

The department of cultural affairs shall coordinate activities with the tourism office of the economic development authority to promote attendance at the state historical building and at this state's historic sites.

Full-time equivalent positions authorized under this paragraph shall be funded, in full or in part, using moneys appropriated under this paragraph and paragraphs "c" through "g".

b. COMMUNITY CULTURAL GRANTS

For planning and programming for the community cultural grants program established under section 303.3:

..... $ 172,090

c. HISTORICAL DIVISION

For the support of the historical division:

..... $ 3,167,701

d. HISTORIC SITES

For the administration and support of historic sites:

..... $ 426,398

e. ARTS DIVISION

For the support of the arts division:

..... $ 1,233,764

Of the moneys appropriated in this paragraph, the department shall allocate $300,000 for purposes of the film office.

f. IOWA GREAT PLACES

For the Iowa great places program established under section 303.3C:

..... $ 150,000

g. ARCHIVE IOWA GOVERNORS' RECORDS

For archiving the records of Iowa governors:

..... $ 65,933

h. RECORDS CENTER RENT

For payment of rent for the state records center:

..... $ 227,243

i. BATTLE FLAGS

For continuation of the project recommended by the Iowa battle flag advisory committee to stabilize the condition of the battle flag collection:

..... $ 94,000

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

Sec. 2. GOALS AND ACCOUNTABILITY — ECONOMIC DEVELOPMENT.

1. For the fiscal year beginning July 1, 2013, the goals for the economic development authority shall be to expand and stimulate the state economy, increase the wealth of Iowans, and increase the population of the state.

2. To achieve the goals in subsection 1, the economic development authority shall do all of the following for the fiscal year beginning July 1, 2013:

a. Concentrate its efforts on programs and activities that result in commercially viable products and services.

b. Adopt practices and services consistent with free market, private sector philosophies.

c. Ensure economic growth and development throughout the state.

d. Work with businesses and communities to continually improve the economic development climate along with the economic well-being and quality of life for Iowans.

e. Coordinate with other state agencies to ensure that they are attentive to the needs of an entrepreneurial culture.

f. Establish a strong and aggressive marketing image to showcase Iowa's workforce, existing industry, and potential. A priority shall be placed on recruiting new businesses, business expansion, and retaining existing Iowa businesses. Emphasis shall be placed on entrepreneurial development through helping entrepreneurs secure capital, and developing networks and a business climate conducive to entrepreneurs and small businesses.

g. Encourage the development of communities and quality of life to foster economic growth.

h. Prepare communities for future growth and development through development, expansion, and modernization of infrastructure.

i. Develop public-private partnerships with Iowa businesses in the tourism industry, Iowa tour groups, Iowa tourism organizations, and political subdivisions in this state to assist in the development of advertising efforts.

j. Develop, to the fullest extent possible, cooperative efforts for advertising with contributions from other sources.

Sec. 3. ECONOMIC DEVELOPMENT AUTHORITY.

1. APPROPRIATION

a. There is appropriated from the general fund of the state to the economic development authority for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purposes designated in this subsection, and for not more than the following full-time equivalent positions:

..... $ 15,468,965

..... FTEs 149.00

b. (1) For salaries, support, miscellaneous purposes, programs, marketing, and the maintenance of an administration division, a business development division, a community development division, a small business development division, and other divisions the authority may organize.

(2) The full-time equivalent positions authorized under this section shall be funded, in whole or in part, by the moneys appropriated under this subsection or by other moneys received by the authority, including certain federal moneys.

(3) For business development operations and programs, international trade, export assistance, workforce recruitment, and the partner state program.

(4) For transfer to the strategic investment fund created in section 15.313.

(5) For community economic development programs, tourism operations, community assistance, plans for Iowa green corps and summer youth programs, the mainstreet and

* Item veto; see message at end of the Act

rural mainstreet programs, the school-to-career program, the community development block grant, and housing and shelter-related programs.

(6) For achieving the goals and accountability, and fulfilling the requirements and duties required under this Act.

c. Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated in this subsection until the close of the succeeding fiscal year.

2. FINANCIAL ASSISTANCE RESTRICTIONS

a. A business creating jobs through moneys appropriated in subsection 1 shall be subject to contract provisions requiring new and retained jobs to be filled by individuals who are citizens of the United States who reside within the United States or any person authorized to work in the United States pursuant to federal law, including legal resident aliens in the United States.

b. Any vendor who receives moneys appropriated in subsection 1 shall adhere to such contract provisions and provide periodic assurances as the state shall require that the jobs are filled solely by citizens of the United States who reside within the United States or any person authorized to work in the United States pursuant to federal law, including legal resident aliens in the United States.

c. A business that receives financial assistance from the authority from moneys appropriated in subsection 1 shall only employ individuals legally authorized to work in this state. In addition to all other applicable penalties provided by current law, all or a portion of the assistance received by a business which is found to knowingly employ individuals not legally authorized to work in this state is subject to recapture by the authority.

3. USES OF APPROPRIATIONS

a. From the moneys appropriated in subsection 1, the authority may provide financial assistance in the form of a grant to a community economic development entity for conducting a local workforce recruitment effort designed to recruit former citizens of the state and former students at colleges and universities in the state to meet the needs of local employers.

b. From the moneys appropriated in subsection 1, the authority may provide financial assistance to early stage industry companies being established by women entrepreneurs.

c. From the moneys appropriated in subsection 1, the authority may provide financial assistance in the form of grants, loans, or forgivable loans for advanced research and commercialization projects involving value-added agriculture, advanced technology, or biotechnology.

d. The authority shall not use any moneys appropriated in subsection 1 for purposes of providing financial assistance for the Iowa green streets pilot project or for any other program or project that involves the installation of geothermal systems for melting snow and ice from streets or sidewalks.

4. WORLD FOOD PRIZE

There is appropriated from the general fund of the state to the economic development authority for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount for the world food prize and in lieu of the standing appropriation in section 15.368, subsection 1:

..... $ 800,000

5. IOWA COMMISSION ON VOLUNTEER SERVICE

There is appropriated from the general fund of the state to the economic development authority for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount for allocation to the Iowa commission on volunteer service for purposes of the Iowa state commission grant program, the Iowa's promise and Iowa mentoring partnership programs, and for not more than the following full-time equivalent positions:

..... $ 178,133

..... FTEs 7.00

Of the moneys appropriated in this subsection, the authority shall allocate $75,000 for purposes of the Iowa state commission grant program and $103,133 for purposes of the Iowa's promise and Iowa mentoring partnership programs.

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain

available for expenditure for the purposes designated until the close of the succeeding fiscal year.

6. COUNCILS OF GOVERNMENTS — ASSISTANCE

There is appropriated from the general fund of the state to the economic development authority for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount to be used for the purposes of providing financial assistance to Iowa's councils of governments:

..... $ 175,000

Sec. 4. VISION IOWA PROGRAM — FTE AUTHORIZATION. For purposes of administrative duties associated with the vision Iowa program for the fiscal year beginning July 1, 2013, the economic development authority is authorized an additional 2.25 FTEs above those otherwise authorized in this division of this Act.

Sec. 5. INSURANCE ECONOMIC DEVELOPMENT. From the moneys collected by the division of insurance in excess of the anticipated gross revenues under section 505.7, subsection 3, during the fiscal year beginning July 1, 2013, $100,000 shall be transferred to the economic development authority for insurance economic development and international insurance economic development.

Sec. 6. WORKFORCE DEVELOPMENT FUND. There is appropriated from the workforce development fund account created in section 15.342A to the workforce development fund created in section 15.343 for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, for purposes of the workforce development fund:

..... $ 4,000,000

Sec. 7. IOWA FINANCE AUTHORITY.

1. There is appropriated from the general fund of the state to the Iowa finance authority for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used to provide reimbursement for rent expenses to eligible persons under the rent subsidy program:

..... $ 658,000

2. Participation in the rent subsidy program shall be limited to only those persons who meet the requirements for the nursing facility level of care for home and community-based services waiver services as in effect on July 1, 2013, and to those individuals who are eligible for the federal money follows the person grant program under the medical assistance program. Of the moneys appropriated in this section, not more than $35,000 may be used for administrative costs.

Sec. 8. IOWA FINANCE AUTHORITY AUDIT. The auditor of state is requested to review the audit of the Iowa finance authority performed by the auditor hired by the authority.

Sec. 9. PUBLIC EMPLOYMENT RELATIONS BOARD.

1. There is appropriated from the general fund of the state to the public employment relations board for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 1,341,926

..... FTEs 10.00

2. Of the moneys appropriated in this section, the board shall allocate $15,000 for maintaining a website that allows searchable access to a database of collective bargaining information.

Sec. 10. DEPARTMENT OF WORKFORCE DEVELOPMENT. There is appropriated from the general fund of the state to the department of workforce development for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. DIVISION OF LABOR SERVICES

a. For the division of labor services, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 3,548,720

..... FTEs 65.00

b. From the contractor registration fees, the division of labor services shall reimburse the department of inspections and appeals for all costs associated with hearings under chapter 91C, relating to contractor registration.

c. Of the moneys appropriated under this subsection, the department shall allocate $53,280 for the purpose of employing an additional investigator to investigate wage enforcement.

2. DIVISION OF WORKERS' COMPENSATION

a. For the division of workers' compensation, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 3,259,044

..... FTEs 30.00

b. The division of workers' compensation shall charge a $100 filing fee for workers' compensation cases. The filing fee shall be paid by the petitioner of a claim. However, the fee can be taxed as a cost and paid by the losing party, except in cases where it would impose an undue hardship or be unjust under the circumstances. The moneys generated by the filing fee allowed under this subsection are appropriated to the department of workforce development to be used for purposes of administering the division of workers' compensation.

3. WORKFORCE DEVELOPMENT OPERATIONS

a. For the operation of field offices, the workforce development board, and for not more than the following full-time equivalent positions:

..... $ 9,179,413

..... FTEs 130.00

b. Of the moneys appropriated in paragraph "a" of this subsection, the department shall allocate $150,000 to the state library for the purpose of licensing an online resource which prepares persons to succeed in the workplace through programs which improve job skills and vocational test-taking abilities.

c. Of the moneys appropriated in paragraph "a" of this subsection, the department shall allocate at least $1,130,602 for the operation of the three satellite field offices projected by the department to serve the most people from the offices located in Decorah, Fort Madison, Iowa City, or Webster City.

4. OFFENDER REENTRY PROGRAM

a. For the development and administration of an offender reentry program to provide offenders with employment skills, and for not more than the following full-time equivalent positions:

..... $ 284,464

..... FTEs 4.00

b. The department of workforce development shall partner with the department of corrections to provide staff within the correctional facilities to improve offenders' abilities to find and retain productive employment.

5. NONREVERSION

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

Sec. 11. GENERAL FUND — EMPLOYEE MISCLASSIFICATION PROGRAM. There is appropriated from the general fund of the state to the department of workforce development for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For enhancing efforts to investigate employers that misclassify workers and for not more than the following full-time equivalent positions:

..... $ 451,458

..... FTEs 8.10

Sec. 12. SPECIAL EMPLOYMENT SECURITY CONTINGENCY FUND.

1. There is appropriated from the special employment security contingency fund to the department of workforce development for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for field offices:

..... $ 1,766,084

2. Any remaining additional penalty and interest revenue collected by the department of workforce development is appropriated to the department for the fiscal year beginning July 1, 2013, and ending June 30, 2014, to accomplish the mission of the department.

Sec. 13. UNEMPLOYMENT COMPENSATION RESERVE FUND — FIELD OFFICES. Notwithstanding section 96.9, subsection 8, paragraph "e", there is appropriated from interest earned on the unemployment compensation reserve fund to the department of workforce development for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount or so much thereof as is necessary, for the purposes designated:

For the operation of field offices:

..... $ 494,000

Sec. 14. VIRTUAL ACCESS WORKFORCE DEVELOPMENT OFFICES. The department of workforce development shall require a unique identification login for all users of workforce development centers operated through electronic means.

Sec. 15. UNEMPLOYMENT COMPENSATION PROGRAM. Notwithstanding section 96.9, subsection 4, paragraph "a", moneys credited to the state by the secretary of the treasury of the United States pursuant to section 903 of the Social Security Act are appropriated to the department of workforce development and shall be used by the department for the administration of the unemployment compensation program only. This appropriation shall not apply to any fiscal year beginning after December 31, 2013.

DIVISION II
FY 2014-2015

Sec. 16. DEPARTMENT OF CULTURAL AFFAIRS.

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

a. ADMINISTRATION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions for the department:

..... $ 85,907
..... FTEs 74.50

The department of cultural affairs shall coordinate activities with the tourism office of the economic development authority to promote attendance at the state historical building and at this state's historic sites.

Full-time equivalent positions authorized under this paragraph shall be funded, in full or in part, using moneys appropriated under this paragraph and paragraphs "c" through "g".

b. COMMUNITY CULTURAL GRANTS

For planning and programming for the community cultural grants program established under section 303.3:

..... $ 86,045

c. HISTORICAL DIVISION

For the support of the historical division:

..... $ 1,583,851

d. HISTORIC SITES

For the administration and support of historic sites:

..... $ 213,199

e. ARTS DIVISION

For the support of the arts division:

..... $ 616,882

Of the moneys appropriated in this paragraph, the department shall allocate $300,000 for purposes of the film office.

f. IOWA GREAT PLACES

For the Iowa great places program established under section 303.3C:

..... $ 75,000

g. ARCHIVE IOWA GOVERNORS' RECORDS

For archiving the records of Iowa governors:

..... $ 32,967

h. RECORDS CENTER RENT

For payment of rent for the state records center:

..... $ 113,622

i. BATTLE FLAGS

For continuation of the project recommended by the Iowa battle flag advisory committee to stabilize the condition of the battle flag collection:

..... $ 47,000

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

Sec. 17. GOALS AND ACCOUNTABILITY — ECONOMIC DEVELOPMENT.

1. For the fiscal year beginning July 1, 2014, the goals for the economic development authority shall be to expand and stimulate the state economy, increase the wealth of Iowans, and increase the population of the state.

2. To achieve the goals in subsection 1, the economic development authority shall do all of the following for the fiscal year beginning July 1, 2014:

a. Concentrate its efforts on programs and activities that result in commercially viable products and services.

b. Adopt practices and services consistent with free market, private sector philosophies.

c. Ensure economic growth and development throughout the state.

d. Work with businesses and communities to continually improve the economic development climate along with the economic well-being and quality of life for Iowans.

e. Coordinate with other state agencies to ensure that they are attentive to the needs of an entrepreneurial culture.

f. Establish a strong and aggressive marketing image to showcase Iowa's workforce, existing industry, and potential. A priority shall be placed on recruiting new businesses, business expansion, and retaining existing Iowa businesses. Emphasis shall be placed on entrepreneurial development through helping entrepreneurs secure capital, and developing networks and a business climate conducive to entrepreneurs and small businesses.

g. Encourage the development of communities and quality of life to foster economic growth.

h. Prepare communities for future growth and development through development, expansion, and modernization of infrastructure.

i. Develop public-private partnerships with Iowa businesses in the tourism industry, Iowa tour groups, Iowa tourism organizations, and political subdivisions in this state to assist in the development of advertising efforts.

j. Develop, to the fullest extent possible, cooperative efforts for advertising with contributions from other sources.

Sec. 18. ECONOMIC DEVELOPMENT AUTHORITY.

1. APPROPRIATION

a. There is appropriated from the general fund of the state to the economic development authority for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following

* Item veto; see message at end of the Act

amount, or so much thereof as is necessary, to be used for the purposes designated in this subsection, and for not more than the following full-time equivalent positions:

..... $ 7,734,483

..... FTEs 149.00

b. (1) For salaries, support, miscellaneous purposes, programs, marketing, and the maintenance of an administration division, a business development division, a community development division, a small business development division, and other divisions the authority may organize.

(2) The full-time equivalent positions authorized under this section shall be funded, in whole or in part, by the moneys appropriated under this subsection or by other moneys received by the authority, including certain federal moneys.

(3) For business development operations and programs, international trade, export assistance, workforce recruitment, and the partner state program.

(4) For transfer to the strategic investment fund created in section 15.313.

(5) For community economic development programs, tourism operations, community assistance, plans for Iowa green corps and summer youth programs, the mainstreet and rural mainstreet programs, the school-to-career program, the community development block grant, and housing and shelter-related programs.

(6) For achieving the goals and accountability, and fulfilling the requirements and duties required under this Act.

c. Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated in this subsection until the close of the succeeding fiscal year.

2. FINANCIAL ASSISTANCE RESTRICTIONS

a. A business creating jobs through moneys appropriated in subsection 1 shall be subject to contract provisions requiring new and retained jobs to be filled by individuals who are citizens of the United States who reside within the United States or any person authorized to work in the United States pursuant to federal law, including legal resident aliens in the United States.

b. Any vendor who receives moneys appropriated in subsection 1 shall adhere to such contract provisions and provide periodic assurances as the state shall require that the jobs are filled solely by citizens of the United States who reside within the United States or any person authorized to work in the United States pursuant to federal law, including legal resident aliens in the United States.

c. A business that receives financial assistance from the authority from moneys appropriated in subsection 1 shall only employ individuals legally authorized to work in this state. In addition to all other applicable penalties provided by current law, all or a portion of the assistance received by a business which is found to knowingly employ individuals not legally authorized to work in this state is subject to recapture by the authority.

3. USES OF APPROPRIATIONS

a. From the moneys appropriated in subsection 1, the authority may provide financial assistance in the form of a grant to a community economic development entity for conducting a local workforce recruitment effort designed to recruit former citizens of the state and former students at colleges and universities in the state to meet the needs of local employers.

b. From the moneys appropriated in subsection 1, the authority may provide financial assistance to early stage industry companies being established by women entrepreneurs.

c. From the moneys appropriated in subsection 1, the authority may provide financial assistance in the form of grants, loans, or forgivable loans for advanced research and commercialization projects involving value-added agriculture, advanced technology, or biotechnology.

d. The authority shall not use any moneys appropriated in subsection 1 for purposes of providing financial assistance for the Iowa green streets pilot project or for any other program or project that involves the installation of geothermal systems for melting snow and ice from streets or sidewalks.

4. WORLD FOOD PRIZE

There is appropriated from the general fund of the state to the economic development authority for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following

amount for the world food prize and in lieu of the standing appropriation in section 15.368, subsection 1:

..... $ 400,000

5. IOWA COMMISSION ON VOLUNTEER SERVICE

There is appropriated from the general fund of the state to the economic development authority for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount for allocation to the Iowa commission on volunteer service for purposes of the Iowa state commission grant program, the Iowa's promise and Iowa mentoring partnership programs, and for not more than the following full-time equivalent positions:

..... $ 89,067

..... FTEs 7.00

Of the moneys appropriated in this subsection, the authority shall allocate $37,500 for purposes of the Iowa state commission grant program and $51,567 for purposes of the Iowa's promise and Iowa mentoring partnership programs.

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

6. COUNCILS OF GOVERNMENTS — ASSISTANCE

There is appropriated from the general fund of the state to the economic development authority for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount to be used for the purposes of providing financial assistance to Iowa's councils of governments:

..... $ 87,500

Sec. 19. VISION IOWA PROGRAM — FTE AUTHORIZATION. For purposes of administrative duties associated with the vision Iowa program for the fiscal year beginning July 1, 2014, the economic development authority is authorized an additional 2.25 FTEs above those otherwise authorized in this division of this Act.

Sec. 20. INSURANCE ECONOMIC DEVELOPMENT. From the moneys collected by the division of insurance in excess of the anticipated gross revenues under section 505.7, subsection 3, during the fiscal year beginning July 1, 2014, $100,000 shall be transferred to the economic development authority for insurance economic development and international insurance economic development.

Sec. 21. WORKFORCE DEVELOPMENT FUND. There is appropriated from the workforce development fund account created in section 15.342A to the workforce development fund created in section 15.343 for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount, for purposes of the workforce development fund:

..... $ 2,000,000

Sec. 22. IOWA FINANCE AUTHORITY.

1. There is appropriated from the general fund of the state to the Iowa finance authority for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount, or so much thereof as is necessary, to be used to provide reimbursement for rent expenses to eligible persons under the rent subsidy program:

..... $ 329,000

2. Participation in the rent subsidy program shall be limited to only those persons who meet the requirements for the nursing facility level of care for home and community-based services waiver services as in effect on July 1, 2014, and to those individuals who are eligible for the federal money follows the person grant program under the medical assistance program. Of the moneys appropriated in this section, not more than $35,000 may be used for administrative costs.

Sec. 23. IOWA FINANCE AUTHORITY AUDIT. The auditor of state is requested to review the audit of the Iowa finance authority performed by the auditor hired by the authority.

Sec. 24. PUBLIC EMPLOYMENT RELATIONS BOARD.

1. There is appropriated from the general fund of the state to the public employment relations board for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount, or so much thereof as is necessary, for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 670,963
..... FTEs 10.00

2. Of the moneys appropriated in this section, the board shall allocate $15,000 for maintaining a website that allows searchable access to a database of collective bargaining information.

Sec. 25. DEPARTMENT OF WORKFORCE DEVELOPMENT. There is appropriated from the general fund of the state to the department of workforce development for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. DIVISION OF LABOR SERVICES

a. For the division of labor services, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 1,774,360
..... FTEs 65.00

b. From the contractor registration fees, the division of labor services shall reimburse the department of inspections and appeals for all costs associated with hearings under chapter 91C, relating to contractor registration.

c. Of the moneys appropriated under this subsection, the department shall allocate $53,280 for the purpose of employing an additional investigator to investigate wage enforcement.

2. DIVISION OF WORKERS' COMPENSATION

a. For the division of workers' compensation, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 1,629,522
..... FTEs 30.00

b. The division of workers' compensation shall charge a $100 filing fee for workers' compensation cases. The filing fee shall be paid by the petitioner of a claim. However, the fee can be taxed as a cost and paid by the losing party, except in cases where it would impose an undue hardship or be unjust under the circumstances. The moneys generated by the filing fee allowed under this subsection are appropriated to the department of workforce development to be used for purposes of administering the division of workers' compensation.

3. WORKFORCE DEVELOPMENT OPERATIONS

a. For the operation of field offices, the workforce development board, and for not more than the following full-time equivalent positions:

..... $ 4,589,707
..... FTEs 130.00

b. Of the moneys appropriated in paragraph "a" of this subsection, the department shall allocate $150,000 to the state library for the purpose of licensing an online resource which prepares persons to succeed in the workplace through programs which improve job skills and vocational test-taking abilities.

c. Of the moneys appropriated in paragraph "a" of this subsection, the department shall allocate at least $1,130,602 for the operation of the three satellite field offices projected by the department to serve the most people from the offices located in Decorah, Fort Madison, Iowa City, or Webster City.

4. OFFENDER REENTRY PROGRAM

a. For the development and administration of an offender reentry program to provide offenders with employment skills, and for not more than the following full-time equivalent positions:

..... $ 142,232
..... FTEs 4.00

b. The department of workforce development shall partner with the department of corrections to provide staff within the correctional facilities to improve offenders' abilities to find and retain productive employment.

5. NONREVERSION

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

Sec. 26. GENERAL FUND — EMPLOYEE MISCLASSIFICATION PROGRAM. There is appropriated from the general fund of the state to the department of workforce development for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For enhancing efforts to investigate employers that misclassify workers and for not more than the following full-time equivalent positions:

..... $ 225,729
..... FTEs 8.10

Sec. 27. SPECIAL EMPLOYMENT SECURITY CONTINGENCY FUND.

1. There is appropriated from the special employment security contingency fund to the department of workforce development for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount, or so much thereof as is necessary, to be used for field offices:

..... $ 883,042

2. Any remaining additional penalty and interest revenue collected by the department of workforce development is appropriated to the department for the fiscal year beginning July 1, 2014, and ending June 30, 2015, to accomplish the mission of the department.

Sec. 28. UNEMPLOYMENT COMPENSATION RESERVE FUND — FIELD OFFICES. Notwithstanding section 96.9, subsection 8, paragraph "e", there is appropriated from interest earned on the unemployment compensation reserve fund to the department of workforce development for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount or so much thereof as is necessary, for the purposes designated:

For the operation of field offices:

..... $ 247,000

Sec. 29. VIRTUAL ACCESS WORKFORCE DEVELOPMENT OFFICES. The department of workforce development shall require a unique identification login for all users of workforce development centers operated through electronic means.

Sec. 30. UNEMPLOYMENT COMPENSATION PROGRAM. Notwithstanding section 96.9, subsection 4, paragraph "a", moneys credited to the state by the secretary of the treasury of the United States pursuant to section 903 of the Social Security Act are appropriated to the department of workforce development and shall be used by the department for the administration of the unemployment compensation program only. This appropriation shall not apply to any fiscal year beginning after December 31, 2014.

DIVISION III
MISCELLANEOUS PROVISIONS

Sec. 31. Section 15.251, Code 2013, is amended to read as follows:

15.251 Industrial new job training program certificates — fee.

The authority may charge, within thirty days following the sale of certificates under chapter 260E, the board of directors of the merged area a fee of up to one percent of the gross sale amount of the certificates issued. The amount of this fee shall be deposited and allowed to accumulate in a job training fund created in the authority. ~~At the end of each fiscal year, all funds deposited under this subsection into the job training fund during the fiscal year shall be transferred to the workforce development fund account established in section~~

~~15.342A~~ Moneys in the fund are appropriated to the authority for purposes of workforce development program coordination and activities including salaries, support, maintenance, legal and compliance, and miscellaneous purposes.

Sec. 32. Section 15.342A, Code 2013, is amended to read as follows:

15.342A Workforce development fund account.

A workforce development fund account is established in the office of the treasurer of state under the control of the authority. The account shall receive funds pursuant to section 422.16A up to a maximum of four million dollars per year. ~~The account shall also receive funds pursuant to section 15.251 with no dollar limitation.~~

Sec. 33. Section 90A.7, Code 2013, is amended to read as follows:

90A.7 Rules.

1. The commissioner shall adopt rules, pursuant to chapter 17A, that the commissioner determines are reasonably necessary to administer and enforce this chapter.

2. The commissioner shall adopt rules establishing an event fee to cover the costs of the administration of this chapter.

3. The commissioner may adopt the rules of a recognized national or world boxing organization that sanctions a boxing match in this state to regulate the match if the organization's rules provide protection to the boxers participating in the match which is equal to or greater than the protections provided by this chapter or by rules adopted pursuant to this chapter. As used in this paragraph, *"recognized national or world boxing organization"* includes, but is not limited to, the international boxing federation, the world boxing association, and the world boxing council.

Sec. 34. Section 90A.10, subsection 1, Code 2013, is amended to read as follows:

1. Moneys collected pursuant to ~~sections 90A.3 and~~ section 90A.9 ~~in excess of the amount of moneys needed to administer this chapter~~ from a professional boxing event are appropriated to the department of workforce development and shall be used by the commissioner to award grants to organizations that promote amateur boxing matches in this state. All other moneys collected by the commissioner pursuant to this chapter are appropriated to the department of workforce development and shall be used by the commissioner to administer this chapter. Section 8.33 applies only to moneys in excess of the first twenty thousand dollars appropriated each fiscal year.

Sec. 35. Section 303A.4, subsection 4, Code 2013, is amended to read as follows:

4. *a.* The treasurer of state shall act as custodian of the fund, shall invest moneys in the trust fund, and shall transfer the interest attributable to the investment of trust fund moneys to the grant account created in section 303A.7. The trust fund's principal shall not be used or accessed by the department or the board for any purpose.

b. Notwithstanding paragraph *"a"*, for each of the following fiscal years, the treasurer of state shall transfer the following amounts from the principal of the trust fund to the grant account created in section 303A.7:

(1) For the fiscal year beginning July 1, 2013, and ending June 30, 2014, fifty thousand dollars.

(2) For the fiscal year beginning July 1, 2014, and ending June 30, 2015, fifty thousand dollars.

Sec. 36. 2005 Iowa Acts, chapter 169, section 5, subsection 6, is amended to read as follows:

6. GREAT PLACES

a. For salaries, support, maintenance, and miscellaneous purposes:

..... $ 200,000

b. Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated in this subsection for succeeding fiscal years.

Sec. 37. 2006 Iowa Acts, chapter 1180, section 5, subsection 6, as amended by 2007 Iowa Acts, chapter 215, section 45, is amended to read as follows:

6. GREAT PLACES

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 300,000

..... FTEs 1.70

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated ~~until the close of the~~ for succeeding fiscal ~~year~~ years.

Sec. 38. 2007 Iowa Acts, chapter 212, section 1, subsection 6, as amended by 2007 Iowa Acts, chapter 215, section 46, is amended to read as follows:

6. GREAT PLACES

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 305,794

..... FTEs 3.00

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated ~~until the close of the~~ for succeeding fiscal ~~year~~ years.

Sec. 39. 2008 Iowa Acts, chapter 1190, section 1, subsection 6, is amended to read as follows:

6. GREAT PLACES

a. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 322,231

..... FTEs 3.00

b. Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated in this subsection for succeeding fiscal years.

Sec. 40. 2009 Iowa Acts, chapter 176, section 1, subsection 6, is amended to read as follows:

6. GREAT PLACES

a. For the great places program:

..... $ 248,060

b. Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated in this subsection for succeeding fiscal years.

Sec. 41. 2010 Iowa Acts, chapter 1188, section 1, subsection 6, is amended to read as follows:

6. GREAT PLACES

a. For the great places program:

..... $ 214,869

b. Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated in this subsection for succeeding fiscal years.

Sec. 42. 2011 Iowa Acts, chapter 130, section 1, subsection 6, is amended to read as follows:

6. IOWA GREAT PLACES

a. For the Iowa great places program established under section 303.3C:

..... $ 150,000

b. Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated in this subsection for succeeding fiscal years.

**Sec. 43. 2011 Iowa Acts, chapter 130, section 48, as amended by 2012 Iowa Acts, chapter 1136, section 1, is amended by adding the following new subsection:*

*NEW SUBSECTION. 10. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated in this section for succeeding fiscal years.**

Sec. 44. 2011 Iowa Acts, chapter 130, section 67, subsection 2, is amended to read as follows:

2. Participation in the rent subsidy program shall be limited to only those persons who meet the requirements for the nursing facility level of care for home and community-based services waiver services as in effect on July 1, ~~2011~~ 2012, and to those individuals who are eligible for the federal money follows the person grant program under the medical assistance program. Of the moneys appropriated in this section, not more than $35,000 may be used for administrative costs.

Sec. 45. 2012 Iowa Acts, chapter 1136, section 17, is amended by adding the following new subsection:

NEW SUBSECTION. 5. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 46. EFFECTIVE UPON ENACTMENT. The sections of this division of this Act amending 2011 Iowa Acts, chapter 130, section 48, and 2012 Iowa Acts, chapter 1136, section 17, being deemed of immediate importance, take effect upon enactment.

Sec. 47. RETROACTIVE APPLICABILITY. The section of this Act amending 2005 Iowa Acts, chapter 169, applies retroactively to July 1, 2005.

Sec. 48. RETROACTIVE APPLICABILITY. The section of this Act amending 2006 Iowa Acts, chapter 1180, applies retroactively to May 29, 2007.

Sec. 49. RETROACTIVE APPLICABILITY. The section of this Act amending 2007 Iowa Acts, chapter 212, applies retroactively to July 1, 2007.

Sec. 50. RETROACTIVE APPLICABILITY. The section of this Act amending 2008 Iowa Acts, chapter 1190, applies retroactively to July 1, 2008.

Sec. 51. RETROACTIVE APPLICABILITY. The section of this Act amending 2009 Iowa Acts, chapter 176, applies retroactively to July 1, 2009.

Sec. 52. RETROACTIVE APPLICABILITY. The section of this Act amending 2010 Iowa Acts, chapter 1188, applies retroactively to July 1, 2010.

Sec. 53. RETROACTIVE APPLICABILITY. The sections of this Act amending 2011 Iowa Acts, chapter 130, sections 1 and 67, apply retroactively to July 1, 2011.

* Item veto; see message at end of the Act

Sec. 54. RETROACTIVE APPLICABILITY. The sections of this Act amending 2012 Iowa Acts, chapter 1136, section 17, **and 2011 Iowa Acts, chapter 130, section 48**, apply retroactively to July 1, 2012.

Approved June 20, 2013, with exceptions noted.

TERRY E. BRANSTAD, *Governor*

Dear Mr. Secretary:

I hereby transmit Senate File 430, an Act relating to appropriations to the department of cultural affairs, the economic development authority, the department of workforce development, the Iowa finance authority, and the public employment relations board, providing for other properly related matters, and including effective date and retroactive applicability provisions.

Senate File 430 is approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated as Section 1, subsection 2. This item creates carry-forward language which is unnecessary for the Department of Cultural Affairs for fiscal year 2014. The carry-forward language does not advance my goals of returning predictability and sustainability to government budgeting.

I am unable to approve the item designated as Section 16, subsection 2. This item creates carry-forward language which is unnecessary for the Department of Cultural Affairs for fiscal year 2015. The carry-forward language does not advance my goals of returning predictability and sustainability to government budgeting.

I am unable to approve the item designated as Section 43 in its entirety and the designated portion of Section 54. These items create carry-forward language which is unnecessary for the Department of Cultural Affairs for fiscal year 2013. The carry-forward language does not advance my goals of returning predictability and sustainability to government budgeting.

For the above reasons, I respectfully disapprove the designated items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 430 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, *Governor*

CHAPTER 138

APPROPRIATIONS — HEALTH AND HUMAN SERVICES

S.F. 446

AN ACT relating to appropriations for health and human services and including other related provisions and appropriations, providing penalties, and including effective, retroactive, and applicability date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

* Item veto; see message at end of the Act

DIVISION I
DEPARTMENT ON AGING — FY 2013-2014

Section 1. DEPARTMENT ON AGING. There is appropriated from the general fund of the state to the department on aging for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For aging programs for the department on aging and area agencies on aging to provide citizens of Iowa who are 60 years of age and older with case management for frail elders, Iowa's aging and disabilities resource center, and other services which may include but are not limited to adult day services, respite care, chore services, information and assistance, and material aid, for information and options counseling for persons with disabilities who are 18 years of age or older, and for salaries, support, administration, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 10,600,379
..... FTEs 28.00

1. Funds appropriated in this section may be used to supplement federal funds under federal regulations. To receive funds appropriated in this section, a local area agency on aging shall match the funds with moneys from other sources according to rules adopted by the department. Funds appropriated in this section may be used for elderly services not specifically enumerated in this section only if approved by an area agency on aging for provision of the service within the area.

2. Of the funds appropriated in this section, $279,946 is transferred to the economic development authority for the Iowa commission on volunteer services to be used for the retired and senior volunteer program.

3. a. The department on aging shall establish and enforce procedures relating to expenditure of state and federal funds by area agencies on aging that require compliance with both state and federal laws, rules, and regulations, including but not limited to all of the following:

(1) Requiring that expenditures are incurred only for goods or services received or performed prior to the end of the fiscal period designated for use of the funds.

(2) Prohibiting prepayment for goods or services not received or performed prior to the end of the fiscal period designated for use of the funds.

(3) Prohibiting the prepayment for goods or services not defined specifically by good or service, time period, or recipient.

(4) Prohibiting the establishment of accounts from which future goods or services which are not defined specifically by good or service, time period, or recipient, may be purchased.

b. The procedures shall provide that if any funds are expended in a manner that is not in compliance with the procedures and applicable federal and state laws, rules, and regulations, and are subsequently subject to repayment, the area agency on aging expending such funds in contravention of such procedures, laws, rules and regulations, not the state, shall be liable for such repayment.

4. Of the funds appropriated in this section, $250,000 shall be used to fund services to meet the unmet needs of older individuals as identified in the annual compilation of unmet service units by the area agencies on aging.

5. Of the funds appropriated in this section, $600,000 shall be used to fund home and community-based services through the area agencies on aging that enable older individuals to avoid more costly utilization of residential or institutional services and remain in their own homes.

6. Of the funds appropriated in this subsection, $20,000 shall be used for implementation of a guardianship and conservatorship monitoring and assistance pilot project as specified in this Act.

DIVISION II
OFFICE OF LONG-TERM CARE RESIDENT'S ADVOCATE — FY 2013-2014

Sec. 2. OFFICE OF LONG-TERM CARE RESIDENT'S ADVOCATE. There is appropriated from the general fund of the state to the office of long-term care resident's advocate for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, administration, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 1,021,707
..... FTEs 13.00

1. Of the funds appropriated in this section, $200,000 shall be used to provide two additional local long-term care resident's advocates to continue moving toward the national recommendation of one full-time equivalent paid staff ombudsman per 2,000 long-term care beds in the state.

2. Of the funds appropriated in this section, $210,000 shall be used to provide two local long-term care resident's advocates to administer the certified volunteer long-term care resident's advocate program pursuant to section 231.45, including operational certification and training costs.

DIVISION III
DEPARTMENT OF PUBLIC HEALTH — FY 2013-2014

Sec. 3. DEPARTMENT OF PUBLIC HEALTH. There is appropriated from the general fund of the state to the department of public health for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADDICTIVE DISORDERS

For reducing the prevalence of use of tobacco, alcohol, and other drugs, and treating individuals affected by addictive behaviors, including gambling, and for not more than the following full-time equivalent positions:

..... $ 27,163,690
..... FTEs 13.00

a. (1) Of the funds appropriated in this subsection, $5,148,361 shall be used for the tobacco use prevention and control initiative, including efforts at the state and local levels, as provided in chapter 142A. The commission on tobacco use prevention and control established pursuant to section 142A.3 shall advise the director of public health in prioritizing funding needs and the allocation of moneys appropriated for the programs and activities of the initiative under this subparagraph (1) and shall make recommendations to the director in the development of budget requests relating to the initiative.

(2) Of the funds allocated in this paragraph "a", $75,000 shall be used to develop a social media structure to engage youth and prevent youth initiation of tobacco use. Of the amount allocated in this subparagraph (2), $25,000 shall be used for a youth summit.

(3) Of the funds allocated in this paragraph "a", $200,000 shall be used to increase the efficacy of local tobacco control efforts by community partnerships, including through professional development, regional trainings and round table planning efforts, and a training opportunity involving all community partnerships.

(4) Of the funds allocated in this paragraph "a", $1,200,000 shall be used to promote smoking cessation and to reduce the number of tobacco users in the state by offering nicotine replacement therapy to uninsured and underinsured Iowans.

(5) (a) Of the funds allocated in this paragraph "a", $453,067 is transferred to the alcoholic beverages division of the department of commerce for enforcement of tobacco laws, regulations, and ordinances and to engage in tobacco control activities approved by the division of tobacco use prevention and control as specified in the memorandum of understanding entered into between the divisions.

* Item veto; see message at end of the Act

(b) For the fiscal year beginning July 1, 2013, and ending June 30, 2014, the terms of the memorandum of understanding, entered into between the division of tobacco use prevention and control of the department of public health and the alcoholic beverages division of the department of commerce, governing compliance checks conducted to ensure licensed retail tobacco outlet conformity with tobacco laws, regulations, and ordinances relating to persons under eighteen years of age, shall restrict the number of such checks to one check per retail outlet, and one additional check for any retail outlet found to be in violation during the first check.

b. Of the funds appropriated in this subsection, $22,015,329 shall be used for problem gambling and substance-related disorder prevention, treatment, and recovery services, including a 24-hour helpline, public information resources, professional training, and program evaluation.

(1) Of the funds allocated in this paragraph "b", $18,903,715 shall be used for substance-related disorder prevention and treatment.

(a) Of the funds allocated in this subparagraph (1), $899,300 shall be used for the public purpose of a grant program to provide substance-related disorder prevention programming for children.

(i) Of the funds allocated in this subparagraph division (a), $427,539 shall be used for grant funding for organizations that provide programming for children by utilizing mentors. Programs approved for such grants shall be certified or will be certified within six months of receiving the grant award by the Iowa commission on volunteer services as utilizing the standards for effective practice for mentoring programs.

(ii) Of the funds allocated in this subparagraph division (a), $426,839 shall be used for grant funding for organizations that provide programming that includes youth development and leadership. The programs shall also be recognized as being programs that are scientifically based with evidence of their effectiveness in reducing substance-related disorders in children.

(iii) The department of public health shall utilize a request for proposals process to implement the grant program.

(iv) All grant recipients shall participate in a program evaluation as a requirement for receiving grant funds.

(v) Of the funds allocated in this subparagraph division (a), up to $44,922 may be used to administer substance-related disorder prevention grants and for program evaluations.

(b) Of the funds allocated in this subparagraph (1), $272,603 shall be used for culturally competent substance-related disorder treatment pilot projects.

(i) The department shall utilize the amount allocated in this subparagraph division (b) for at least three pilot projects to provide culturally competent substance-related disorder treatment in various areas of the state. Each pilot project shall target a particular ethnic minority population. The populations targeted shall include but are not limited to African American, Asian, and Latino.

(ii) The pilot project requirements shall provide for documentation or other means to ensure access to the cultural competence approach used by a pilot project so that such approach can be replicated and improved upon in successor programs.

(2) Of the funds allocated in this paragraph "b", up to $3,111,614 may be used for problem gambling prevention, treatment, and recovery services.

(a) Of the funds allocated in this subparagraph (2), $2,573,762 shall be used for problem gambling prevention and treatment.

(b) Of the funds allocated in this subparagraph (2), up to $437,852 may be used for a 24-hour helpline, public information resources, professional training, and program evaluation.

(c) Of the funds allocated in this subparagraph (2), up to $100,000 may be used for the licensing of problem gambling treatment programs.

(3) It is the intent of the general assembly that from the moneys allocated in this paragraph "b", persons with a dual diagnosis of substance-related disorder and gambling addiction shall be given priority in treatment services.

c. Notwithstanding any provision of law to the contrary, to standardize the availability, delivery, cost of delivery, and accountability of problem gambling and substance-related disorder treatment services statewide, the department shall continue implementation of

a process to create a system for delivery of treatment services in accordance with the requirements specified in 2008 Iowa Acts, chapter 1187, section 3, subsection 4. To ensure the system provides a continuum of treatment services that best meets the needs of Iowans, the problem gambling and substance-related disorder treatment services in any area may be provided either by a single agency or by separate agencies submitting a joint proposal.

(1) The system for delivery of substance-related disorder and problem gambling treatment shall include problem gambling prevention.

(2) The system for delivery of substance-related disorder and problem gambling treatment shall include substance-related disorder prevention by July 1, 2014.

(3) Of the funds allocated in paragraph "b", the department may use up to $100,000 for administrative costs to continue developing and implementing the process in accordance with this paragraph "c".

d. The requirement of section 123.53, subsection 5, is met by the appropriations and allocations made in this Act for purposes of substance-related disorder treatment and addictive disorders for the fiscal year beginning July 1, 2013.

e. The department of public health shall work with all other departments that fund substance-related disorder prevention and treatment services and all such departments shall, to the extent necessary, collectively meet the state maintenance of effort requirements for expenditures for substance-related disorder services as required under the federal substance-related disorder prevention and treatment block grant.

2. HEALTHY CHILDREN AND FAMILIES

For promoting the optimum health status for children, adolescents from birth through 21 years of age, and families, and for not more than the following full-time equivalent positions:

..... $ 3,653,559

..... FTEs 14.00

a. Of the funds appropriated in this subsection, not more than $734,841 shall be used for the healthy opportunities for parents to experience success (HOPES)-healthy families Iowa (HFI) program established pursuant to section 135.106. The funding shall be distributed to renew the grants that were provided to the grantees that operated the program during the fiscal year ending June 30, 2013.

b. In order to implement the legislative intent stated in sections 135.106 and 256I.9, that priority for home visitation program funding be given to programs using evidence-based or promising models for home visitation, it is the intent of the general assembly to phase in the funding priority in accordance with 2012 Iowa Acts, chapter 1133, section 2, subsection 2, paragraph "0b".

c. Of the funds appropriated in this subsection, $1,327,887 shall be used for the department's initiative to provide for adequate developmental surveillance and screening during a child's first five years statewide. The funds shall be used first to fully fund the current sites to ensure that the sites are fully operational, with the remaining funds to be used for expansion to additional sites. Full implementation and expansion shall include enhancing the scope of the program through collaboration with the child health specialty clinics to promote healthy child development through early identification and response to both biomedical and social determinants of healthy development; by developing child health metrics to inform practice, document long-term health impacts and savings, and provide for continuous improvement through training, education, and evaluation; and by providing for practitioner consultation particularly for children with behavioral conditions and needs. The department of public health shall also collaborate with the Iowa Medicaid enterprise and the child health specialty clinics to integrate the activities of the first five initiative into the establishment of patient-centered medical homes, community utilities, accountable care organizations, and other integrated care models developed to improve health quality and population health while reducing health care costs. To the maximum extent possible, funding allocated in this paragraph shall be utilized as matching funds for medical assistance program reimbursement.

d. Of the funds appropriated in this subsection, $31,597 shall be distributed to a statewide dental carrier to provide funds to continue the donated dental services program patterned after the projects developed by the lifeline network to provide dental services to indigent elderly and disabled individuals.

e. Of the funds appropriated in this subsection, $111,995 shall be used for childhood obesity prevention.

f. Of the funds appropriated in this subsection, $162,768 shall be used to provide audiological services and hearing aids for children. The department may enter into a contract to administer this paragraph.

g. Of the funds appropriated in this subsection, $25,000 is transferred to the university of Iowa college of dentistry for provision of primary dental services to children. State funds shall be matched on a dollar-for-dollar basis. The university of Iowa college of dentistry shall coordinate efforts with the department of public health, bureau of oral and health delivery systems, to provide dental care to underserved populations throughout the state.

h. Of the funds appropriated in this subsection, $50,000 shall be used to address youth suicide prevention.

3. CHRONIC CONDITIONS

For serving individuals identified as having chronic conditions or special health care needs, and for not more than the following full-time equivalent positions:

..... $ 5,080,692

..... FTEs 6.00

a. Of the funds appropriated in this subsection, $159,932 shall be used for grants to individual patients who have phenylketonuria (PKU) to assist with the costs of necessary special foods.

b. Of the funds appropriated in this subsection, $891,644 shall be used for the brain injury services program pursuant to section 135.22B, including for continuation of the contracts for resource facilitator services in accordance with section 135.22B, subsection 9, and to enhance brain injury training and recruitment of service providers on a statewide basis. Of the amount allocated in this paragraph, $95,000 shall be used to fund one full-time equivalent position to serve as the state brain injury service program manager.

c. Of the funds appropriated in this subsection, $547,982 shall be used as additional funding to leverage federal funding through the federal Ryan White Care Act, Tit. II, AIDS drug assistance program supplemental drug treatment grants.

d. Of the funds appropriated in this subsection, $99,823 shall be used for the public purpose of continuing to contract with an existing national-affiliated organization to provide education, client-centered programs, and client and family support for people living with epilepsy and their families.

e. Of the funds appropriated in this subsection, $785,114 shall be used for child health specialty clinics.

f. Of the funds appropriated in this subsection, $400,000 shall be used by the regional autism assistance program established pursuant to section 256.35, and administered by the child health specialty clinic located at the university of Iowa hospitals and clinics. The funds shall be used to enhance interagency collaboration and coordination of educational, medical, and other human services for persons with autism, their families, and providers of services, including delivering regionalized services of care coordination, family navigation, and integration of services through the statewide system of regional child health specialty clinics and fulfilling other requirements as specified in chapter 225D, creating the autism support program, as enacted in this Act. The university of Iowa shall not receive funds allocated under this paragraph for indirect costs associated with the regional autism assistance program.

g. Of the funds appropriated in this subsection, $570,993 shall be used for the comprehensive cancer control program to reduce the burden of cancer in Iowa through prevention, early detection, effective treatment, and ensuring quality of life. Of the funds allocated in this lettered paragraph, $150,000 shall be used to support a melanoma research symposium, a melanoma biorepository and registry, basic and translational melanoma research, and clinical trials.

h. Of the funds appropriated in this subsection, $126,450 shall be used for cervical and colon cancer screening, and $500,000 shall be used to enhance the capacity of the cervical cancer screening program to include provision of recommended prevention and early detection measures to a broader range of low-income women.

i. Of the funds appropriated in this subsection, $526,695 shall be used for the center for congenital and inherited disorders.

j. Of the funds appropriated in this subsection, $129,411 shall be used for the prescription drug donation repository program created in chapter 135M.

k. Of the funds appropriated in this subsection, $215,263 shall be used for the costs of the medical home system advisory council established pursuant to section 135.159 including incorporation of the development and implementation of the prevention and chronic care management state initiative.

4. COMMUNITY CAPACITY

For strengthening the health care delivery system at the local level, and for not more than the following full-time equivalent positions:

..... $ 8,562,617

..... FTEs 18.25

a. Of the funds appropriated in this subsection, $99,414 is allocated for continuation of the child vision screening program implemented through the university of Iowa hospitals and clinics in collaboration with early childhood Iowa areas. The program shall submit a report to the individuals identified in this Act for submission of reports regarding the use of funds allocated under this paragraph "a". The report shall include the objectives and results for the program year including the target population and how the funds allocated assisted the program in meeting the objectives; the number, age, and location within the state of individuals served; the type of services provided to the individuals served; the distribution of funds based on service provided; and the continuing needs of the program.

b. Of the funds appropriated in this subsection, $110,656 is allocated for continuation of an initiative implemented at the university of Iowa and $99,904 is allocated for continuation of an initiative at the state mental health institute at Cherokee to expand and improve the workforce engaged in mental health treatment and services. The initiatives shall receive input from the university of Iowa, the department of human services, the department of public health, and the mental health and disability services commission to address the focus of the initiatives.

c. Of the funds appropriated in this subsection, $1,164,628 shall be used for essential public health services that promote healthy aging throughout the lifespan, contracted through a formula for local boards of health, to enhance health promotion and disease prevention services.

d. Of the funds appropriated in this section, $99,286 shall be deposited in the governmental public health system fund created in section 135A.8 to be used for the purposes of the fund.

e. Of the funds appropriated in this subsection, $105,448 shall be used to address the shortage of mental health professionals in the state.

f. Of the funds appropriated in this subsection, $50,000 shall be used for a grant to a statewide association of psychologists that is affiliated with the American psychological association to be used for continuation of a program to rotate intern psychologists in placements in urban and rural mental health professional shortage areas, as defined in section 135.180.

g. Of the funds appropriated in this subsection, the following amounts shall be allocated to the Iowa collaborative safety net provider network established pursuant to section 135.153 to be used for the purposes designated. The following amounts allocated under this lettered paragraph shall be distributed to the specified provider and shall not be reduced for administrative or other costs prior to distribution:

(1) For distribution to the Iowa primary care association for statewide coordination of the Iowa collaborative safety net provider network:

..... $ 145,785

(2) For distribution to the Iowa primary care association to be used to continue a training program for sexual assault response team (SART) members, including representatives of law enforcement, victim advocates, prosecutors, and certified medical personnel:

..... $ 50,000

(3) For distribution to federally qualified health centers for necessary infrastructure, statewide coordination, provider recruitment, service delivery, and provision of assistance to patients in securing a medical home inclusive of oral health care:

..... $ 75,000

(4) For distribution to the local boards of health that provide direct services for pilot programs in three counties to assist patients in securing a medical home inclusive of oral health care:
..... $ 77,153

(5) For distribution to maternal and child health centers for pilot programs in three service areas to assist patients in securing a medical home inclusive of oral health care:
..... $ 95,126

(6) For distribution to free clinics for necessary infrastructure, statewide coordination, provider recruitment, service delivery, and provision of assistance to patients in securing a medical home inclusive of oral health care:
..... $ 348,322

(7) For distribution to rural health clinics for necessary infrastructure, statewide coordination, provider recruitment, service delivery, and provision of assistance to patients in securing a medical home inclusive of oral health care:
..... $ 141,544

(8) For continuation of the safety net provider patient access to a specialty health care initiative as described in 2007 Iowa Acts, chapter 218, section 109:
..... $ 378,474

(9) For continuation of the pharmaceutical infrastructure for safety net providers as described in 2007 Iowa Acts, chapter 218, section 108:
..... $ 413,415

The Iowa collaborative safety net provider network may continue to distribute funds allocated pursuant to this lettered paragraph through existing contracts or renewal of existing contracts.

h. Of the funds appropriated in this subsection, $175,900 shall be used for continuation of the work of the direct care worker advisory council established pursuant to 2008 Iowa Acts, chapter 1188, section 69, in implementing the recommendations in the final report submitted by the advisory council to the governor and the general assembly in March 2012. During the fiscal year beginning July 1, 2013, the advisory council shall focus on doing all of the following:

(1) Finalizing core and advanced competencies and curricula and making them available statewide.

(2) Conducting education and outreach about the competencies and curricula to direct care professionals, community colleges health occupations, training centers, employers, the public, and other stakeholders.

(3) Establishing a means of tracking and evaluating the impact of the training, including retention and direct care professional job satisfaction.

(4) Working with statewide associations of stakeholders, including providers, to promote adoption and utilization of the competencies, curricula, training programs, and impact tracking.

(5) Conducting an initial study of differential reimbursement rates in cooperation with the department of human services and the Iowa Medicaid enterprise. The study shall include research on provider reimbursements and worker compensation based on demonstrated knowledge and skill of the worker.

i. (1) Of the funds appropriated in this subsection, $178,875 shall be used for allocation to an independent statewide direct care worker organization under continuation of the contract in effect during the fiscal year ending June 30, 2013, with terms determined by the director of public health relating to education, outreach, leadership development, mentoring, and other initiatives intended to enhance the recruitment and retention of direct care workers in health care and long-term care settings.

(2) Of the funds appropriated in this subsection, $75,000 shall be used to provide scholarships or other forms of subsidization for direct care worker educational conferences, training, or outreach activities.

j. Of the funds appropriated in this subsection, the department may use up to $58,175 for up to one full-time equivalent position to administer the volunteer health care provider program pursuant to section 135.24.

k. Of the funds appropriated in this subsection, $49,707 shall be used for a matching dental education loan repayment program to be allocated to a dental nonprofit health service corporation to develop the criteria and implement the loan repayment program.

l. Of the funds appropriated in this subsection, $105,823 is transferred to the college student aid commission for deposit in the rural Iowa primary care trust fund created in section 261.113 to be used for the purposes of the fund.

m. Of the funds appropriated in this subsection, $150,000 shall be used for the purposes of the Iowa donor registry as specified in section 142C.18.

n. Of the funds appropriated in this subsection, $100,000 shall be used for continuation of a grant to a nationally affiliated volunteer eye organization that has an established program for children and adults and that is solely dedicated to preserving sight and preventing blindness through education, nationally certified vision screening and training, and community and patient service programs. The organization shall submit a report to the individuals identified in this Act for submission of reports regarding the use of funds allocated under this paragraph "n". The report shall include the objectives and results for the program year including the target population and how the funds allocated assisted the program in meeting the objectives; the number, age, and location within the state of individuals served; the type of services provided to the individuals served; the distribution of funds based on services provided; and the continuing needs of the program.

o. Of the funds appropriated in this subsection, $25,000 shall be used for the establishment of a wellness council under the direction of the director of public health to increase support for wellness activities in the state.

p. Of the funds appropriated in this section, $1,158,150 is allocated to the Iowa collaborative safety net provider network established pursuant to section 135.153 to be used for the development and implementation of a statewide regionally based network to provide an integrated approach to health care delivery through care coordination that supports primary care providers and links patients with community resources necessary to empower patients in addressing biomedical and social determinants of health to improve health outcomes. The Iowa collaborative safety net provider network shall work in conjunction with the department of human services to align the integrated network with the health care delivery system model developed under the state innovation models initiative grant. The Iowa collaborative safety net provider network shall submit a progress report to the individuals designated in this Act for submission of reports by December 31, 2013, including progress in developing and implementing the network, how the funds were distributed and used in developing and implementing the network, and the remaining needs in developing and implementing the network.

q. Of the funds appropriated in this section, $50,000 shall be distributed to a statewide nonprofit organization to be used for the public purpose of supporting a partnership between medical providers and parents through community health centers to promote reading and encourage literacy skills so children enter school prepared for success in reading.

r. Of the funds appropriated in this subsection, $2,000,000 shall be deposited in the medical residency training account created in section 135.175, subsection 5, paragraph "a", and is appropriated from the account to the department of public health to be used for the purposes of the medical residency training state matching grants program as specified in section 135.176.

5. HEALTHY AGING

To provide public health services that reduce risks and invest in promoting and protecting good health over the course of a lifetime with a priority given to older Iowans and vulnerable populations:

..... $ 7,297,142

6. ENVIRONMENTAL HAZARDS

For reducing the public's exposure to hazards in the environment, primarily chemical hazards, and for not more than the following full-time equivalent positions:

..... $ 803,870

..... FTEs 4.00

Of the funds appropriated in this subsection, $537,750 shall be used for childhood lead poisoning provisions.

7. INFECTIOUS DISEASES

For reducing the incidence and prevalence of communicable diseases, and for not more than the following full-time equivalent positions:

..... $ 1,335,155

..... FTEs 4.00

8. PUBLIC PROTECTION

For protecting the health and safety of the public through establishing standards and enforcing regulations, and for not more than the following full-time equivalent positions:

..... $ 3,278,771

..... FTEs 131.00

a. Of the funds appropriated in this subsection, not more than $454,700 shall be credited to the emergency medical services fund created in section 135.25. Moneys in the emergency medical services fund are appropriated to the department to be used for the purposes of the fund.

b. Of the funds appropriated in this subsection, $203,032 shall be used for sexual violence prevention programming through a statewide organization representing programs serving victims of sexual violence through the department's sexual violence prevention program. The amount allocated in this lettered paragraph shall not be used to supplant funding administered for other sexual violence prevention or victims assistance programs.

c. Of the funds appropriated in this subsection, $598,751 shall be used for the state poison control center.

d. Of the funds appropriated in this section, $28,000 shall be used as one-time funding to transition the licensing of orthotists, prosthetists, and pedorthists to a fee-supported licensing model. The fee-supported model shall provide for repayment of the funds allocated under this paragraph to the general fund of the state by June 30, 2015.

e. Of the funds appropriated in this section, $28,644 shall be used for the costs of the emergency medical services task force as enacted in this Act.

9. RESOURCE MANAGEMENT

For establishing and sustaining the overall ability of the department to deliver services to the public, and for not more than the following full-time equivalent positions:

..... $ 804,054

..... FTEs 5.00

The university of Iowa hospitals and clinics under the control of the state board of regents shall not receive indirect costs from the funds appropriated in this section. The university of Iowa hospitals and clinics billings to the department shall be on at least a quarterly basis.

The department of public health shall submit a report to the individuals specified in this Act for submission of reports by December 15, 2013, providing recommendations for improvements in the intraoperability and interoperability of communications technology under the purview of the department to improve efficiency and reduce costs.

DIVISION IV
DEPARTMENT OF VETERANS AFFAIRS — FY 2013-2014

Sec. 4. DEPARTMENT OF VETERANS AFFAIRS. There is appropriated from the general fund of the state to the department of veterans affairs for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 1,093,508

..... FTEs 13.00

2. IOWA VETERANS HOME

For salaries, support, maintenance, and miscellaneous purposes:

..... $ 7,525,714

* Item veto; see message at end of the Act

a. The Iowa veterans home billings involving the department of human services shall be submitted to the department on at least a monthly basis.

b. If there is a change in the employer of employees providing services at the Iowa veterans home under a collective bargaining agreement, such employees and the agreement shall be continued by the successor employer as though there had not been a change in employer.

c. Within available resources and in conformance with associated state and federal program eligibility requirements, the Iowa veterans home may implement measures to provide financial assistance to or on behalf of veterans or their spouses who are participating in the community reentry program.

d. The Iowa veterans home expenditure report shall be submitted monthly to the legislative services agency.

3. HOME OWNERSHIP ASSISTANCE PROGRAM

For transfer to the Iowa finance authority for the continuation of the home ownership assistance program for persons who are or were eligible members of the armed forces of the United States, pursuant to section 16.54:

..... $ 1,600,000

Sec. 5. LIMITATION OF COUNTY COMMISSIONS OF VETERAN AFFAIRS FUND STANDING APPROPRIATIONS. Notwithstanding the standing appropriation in the following designated section for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the amounts appropriated from the general fund of the state pursuant to that section for the following designated purposes shall not exceed the following amount:

For the county commissions of veteran affairs fund under section 35A.16:

..... $ 990,000

DIVISION V
DEPARTMENT OF HUMAN SERVICES — FY 2013-2014

Sec. 6. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT. There is appropriated from the fund created in section 8.41 to the department of human services for the fiscal year beginning July 1, 2013, and ending June 30, 2014, from moneys received under the federal temporary assistance for needy families (TANF) block grant pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and successor legislation, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. To be credited to the family investment program account and used for assistance under the family investment program under chapter 239B:

..... $ 18,116,948

2. To be credited to the family investment program account and used for the job opportunities and basic skills (JOBS) program and implementing family investment agreements in accordance with chapter 239B:

..... $ 11,866,439

3. To be used for the family development and self-sufficiency grant program in accordance with section 216A.107:

..... $ 2,898,980

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year. However, unless such moneys are encumbered or obligated on or before September 30, 2014, the moneys shall revert.

4. For field operations:

..... $ 31,296,232

5. For general administration:

..... $ 3,744,000

6. For state child care assistance:

* Item veto; see message at end of the Act

..... $ 25,732,687

The funds appropriated in this subsection are transferred to the child care and development block grant appropriation made by the Eighty-fifth General Assembly, 2013 Session, for the federal fiscal year beginning October 1, 2013, and ending September 30, 2014. Of this amount, $200,000 shall be used for provision of educational opportunities to registered child care home providers in order to improve services and programs offered by this category of providers and to increase the number of providers. The department may contract with institutions of higher education or child care resource and referral centers to provide the educational opportunities. Allowable administrative costs under the contracts shall not exceed 5 percent. The application for a grant shall not exceed two pages in length.

7. For distribution to counties and regions through the property tax relief fund for mental health and disability services as provided in an appropriation made for this purpose:

..... $ 4,894,052

8. For child and family services:

..... $ 32,084,430

9. For child abuse prevention grants:

..... $ 125,000

10. For pregnancy prevention grants on the condition that family planning services are funded:

..... $ 1,930,067

Pregnancy prevention grants shall be awarded to programs in existence on or before July 1, 2013, if the programs have demonstrated positive outcomes. Grants shall be awarded to pregnancy prevention programs which are developed after July 1, 2013, if the programs are based on existing models that have demonstrated positive outcomes. Grants shall comply with the requirements provided in 1997 Iowa Acts, chapter 208, section 14, subsections 1 and 2, including the requirement that grant programs must emphasize sexual abstinence. Priority in the awarding of grants shall be given to programs that serve areas of the state which demonstrate the highest percentage of unplanned pregnancies of females of childbearing age within the geographic area to be served by the grant.

11. For technology needs and other resources necessary to meet federal welfare reform reporting, tracking, and case management requirements:

..... $ 1,037,186

12. For the family investment program share of the costs to develop and maintain a new, integrated eligibility determination system:

..... $ 5,050,451

13. a. Notwithstanding any provision to the contrary, including but not limited to requirements in section 8.41 or provisions in 2012 or 2013 Iowa Acts regarding the receipt and appropriation of federal block grants, federal funds from the temporary assistance for needy families block grant received by the state not otherwise appropriated in this section and remaining available for the fiscal year beginning July 1, 2013, are appropriated to the department of human services to the extent as may be necessary to be used in the following priority order: the family investment program, for state child care assistance program payments for individuals enrolled in the family investment program who are employed, and for the family investment program share of costs to develop and maintain a new, integrated eligibility determination system. The federal funds appropriated in this paragraph "a" shall be expended only after all other funds appropriated in subsection 1 for the assistance under the family investment program, in subsection 6 for child care assistance, or in subsection 12 for the family investment program share of the costs to develop and maintain a new, integrated eligibility determination system, as applicable, have been expended.

b. The department shall, on a quarterly basis, advise the legislative services agency and department of management of the amount of funds appropriated in this subsection that was expended in the prior quarter.

14. Of the amounts appropriated in this section, $12,962,008 for the fiscal year beginning July 1, 2013, is transferred to the appropriation of the federal social services block grant made to the department of human services for that fiscal year.

15. For continuation of the program providing categorical eligibility for the food assistance program as specified for the program in the section of this division relating to the family investment program account:
..... $ 25,000

16. The department may transfer funds allocated in this section to the appropriations made in this division of this Act for the same fiscal year for general administration and field operations for resources necessary to implement and operate the services referred to in this section and those funded in the appropriation made in this division of this Act for the same fiscal year for the family investment program from the general fund of the state.

Sec. 7. FAMILY INVESTMENT PROGRAM ACCOUNT.

1. Moneys credited to the family investment program (FIP) account for the fiscal year beginning July 1, 2013, and ending June 30, 2014, shall be used to provide assistance in accordance with chapter 239B.

2. The department may use a portion of the moneys credited to the FIP account under this section as necessary for salaries, support, maintenance, and miscellaneous purposes.

3. The department may transfer funds allocated in this section to the appropriations made in this division of this Act for the same fiscal year for general administration and field operations for resources necessary to implement and operate the services referred to in this section and those funded in the appropriation made in this division of this Act for the same fiscal year for the family investment program from the general fund of the state.

4. Moneys appropriated in this division of this Act and credited to the FIP account for the fiscal year beginning July 1, 2013, and ending June 30, 2014, are allocated as follows:

a. To be retained by the department of human services to be used for coordinating with the department of human rights to more effectively serve participants in FIP and other shared clients and to meet federal reporting requirements under the federal temporary assistance for needy families block grant:
..... $ 20,000

b. To the department of human rights for staffing, administration, and implementation of the family development and self-sufficiency grant program in accordance with section 216A.107:
..... $ 6,042,834

(1) Of the funds allocated for the family development and self-sufficiency grant program in this lettered paragraph, not more than 5 percent of the funds shall be used for the administration of the grant program.

(2) The department of human rights may continue to implement the family development and self-sufficiency grant program statewide during fiscal year 2013-2014.

c. For the diversion subaccount of the FIP account:
..... $ 1,698,400

A portion of the moneys allocated for the subaccount may be used for field operations, salaries, data management system development, and implementation costs and support deemed necessary by the director of human services in order to administer the FIP diversion program. To the extent moneys allocated in this lettered paragraph are not deemed by the department to be necessary to support diversion activities, such moneys may be used for other efforts intended to increase engagement by family investment program participants in work, education, or training activities.

d. For the food assistance employment and training program:
..... $ 66,588

(1) The department shall apply the federal supplemental nutrition assistance program (SNAP) employment and training state plan in order to maximize to the fullest extent permitted by federal law the use of the 50 percent federal reimbursement provisions for the claiming of allowable federal reimbursement funds from the United States department of agriculture pursuant to the federal SNAP employment and training program for providing education, employment, and training services for eligible food assistance program participants, including but not limited to related dependent care and transportation expenses.

(2) The department shall continue the categorical federal food assistance program eligibility at 160 percent of the federal poverty level and continue to eliminate the asset test

from eligibility requirements, consistent with federal food assistance program requirements. The department shall include as many food assistance households as is allowed by federal law. The eligibility provisions shall conform to all federal requirements including requirements addressing individuals who are incarcerated or otherwise ineligible.

e. For the JOBS program:

..... $ 19,690,816

5. Of the child support collections assigned under FIP, an amount equal to the federal share of support collections shall be credited to the child support recovery appropriation made in this division of this Act. Of the remainder of the assigned child support collections received by the child support recovery unit, a portion shall be credited to the FIP account, a portion may be used to increase recoveries, and a portion may be used to sustain cash flow in the child support payments account. If as a consequence of the appropriations and allocations made in this section the resulting amounts are insufficient to sustain cash assistance payments and meet federal maintenance of effort requirements, the department shall seek supplemental funding. If child support collections assigned under FIP are greater than estimated or are otherwise determined not to be required for maintenance of effort, the state share of either amount may be transferred to or retained in the child support payment account.

6. The department may adopt emergency rules for the family investment, JOBS, food assistance, and medical assistance programs if necessary to comply with federal requirements.

Sec. 8. FAMILY INVESTMENT PROGRAM GENERAL FUND. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

To be credited to the family investment program (FIP) account and used for family investment program assistance under chapter 239B:

..... $ 48,437,214

1. Of the funds appropriated in this section, $7,824,377 is allocated for the JOBS program.

2. Of the funds appropriated in this section, $3,163,854 is allocated for the family development and self-sufficiency grant program.

3. Notwithstanding section 8.39, for the fiscal year beginning July 1, 2013, if necessary to meet federal maintenance of effort requirements or to transfer federal temporary assistance for needy families block grant funding to be used for purposes of the federal social services block grant or to meet cash flow needs resulting from delays in receiving federal funding or to implement, in accordance with this division of this Act, activities currently funded with juvenile court services, county, or community moneys and state moneys used in combination with such moneys, the department of human services may transfer funds within or between any of the appropriations made in this division of this Act and appropriations in law for the federal social services block grant to the department for the following purposes, provided that the combined amount of state and federal temporary assistance for needy families block grant funding for each appropriation remains the same before and after the transfer:

a. For the family investment program.

b. For child care assistance.

c. For child and family services.

d. For field operations.

e. For general administration.

f. For distribution to counties or regions for services to persons with mental illness or an intellectual disability.

This subsection shall not be construed to prohibit the use of existing state transfer authority for other purposes. The department shall report any transfers made pursuant to this subsection to the legislative services agency.

4. Of the funds appropriated in this section, $195,678 shall be used for continuation of a grant to an Iowa-based nonprofit organization with a history of providing tax preparation assistance to low-income Iowans in order to expand the usage of the earned income tax credit. The purpose of the grant is to supply this assistance to underserved areas of the state.

5. Of the funds appropriated in this section, $40,000 shall be used to fund the expansion of an unfunded pilot project, as defined in 441 IAC 100.1, that has been in existence for at least six months, relating to parental obligations, in which the child support recovery unit participates, to support the efforts of a nonprofit organization committed to strengthening the community through youth development, healthy living, and social responsibility in a county with a population over 350,000. The funds allocated in this subsection shall be used by the recipient organization to develop a larger community effort, through public and private partnerships, to support a broad-based fatherhood initiative that promotes payment of child support obligations, improved family relationships, and full-time employment. The department shall collaborate with other state agencies to compile a comprehensive inventory of the parenthood support programs in the state. The inventory shall provide a description of each program, the population served, outcomes to date, and funding sources and funding expended for each program. The inventory shall be submitted to the individuals identified in this Act for submission of reports by December 15, 2013.

6. The department may transfer funds appropriated in this section to the appropriations made in this division of this Act for general administration and field operations as necessary to administer this section and the overall family investment program.

Sec. 9. CHILD SUPPORT RECOVERY. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For child support recovery, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 14,173,770
..... FTEs 464.00

1. The department shall expend up to $24,329, including federal financial participation, for the fiscal year beginning July 1, 2013, for a child support public awareness campaign. The department and the office of the attorney general shall cooperate in continuation of the campaign. The public awareness campaign shall emphasize, through a variety of media activities, the importance of maximum involvement of both parents in the lives of their children as well as the importance of payment of child support obligations.

2. Federal access and visitation grant moneys shall be issued directly to private not-for-profit agencies that provide services designed to increase compliance with the child access provisions of court orders, including but not limited to neutral visitation sites and mediation services.

3. The appropriation made to the department for child support recovery may be used throughout the fiscal year in the manner necessary for purposes of cash flow management, and for cash flow management purposes the department may temporarily draw more than the amount appropriated, provided the amount appropriated is not exceeded at the close of the fiscal year.

4. With the exception of the funding amount specified, the requirements established under 2001 Iowa Acts, chapter 191, section 3, subsection 5, paragraph "c", subparagraph (3), shall be applicable to parental obligation pilot projects for the fiscal year beginning July 1, 2013, and ending June 30, 2014. Notwithstanding 441 IAC 100.8, providing for termination of rules relating to the pilot projects, the rules shall remain in effect until June 30, 2014.

Sec. 10. HEALTH CARE TRUST FUND — MEDICAL ASSISTANCE — FY 2013-2014. Any funds remaining in the health care trust fund created in section 453A.35A for the fiscal year beginning July 1, 2013, and ending June 30, 2014, are appropriated to the department of human services to supplement the medical assistance program appropriations made in this division of this Act, for medical assistance reimbursement and associated costs, including program administration and costs associated with program implementation.

Sec. 11. MEDICAID FRAUD FUND — MEDICAL ASSISTANCE — FY 2013-2014. Any funds remaining in the Medicaid fraud fund created in section 249A.7 for the fiscal year beginning July 1, 2013, and ending June 30, 2014, are appropriated to the department of

human services to supplement the medical assistance appropriations made in this division of this Act, for medical assistance reimbursement and associated costs, including program administration and costs associated with program implementation.

Sec. 12. MEDICAL ASSISTANCE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For medical assistance program reimbursement and associated costs as specifically provided in the reimbursement methodologies in effect on June 30, 2013, except as otherwise expressly authorized by law, consistent with options under federal law and regulations, and contingent upon receipt of approval from the office of the governor of reimbursement for each abortion performed under the program:

..... $ 1,143,810,311

1. a. Iowans support reducing the number of abortions performed in our state. For an abortion covered under the program, except in the case of a medical emergency, as defined in section 135L.1, for any woman, the physician shall certify both of the following:

(1) That the woman has been given the opportunity to view an ultrasound image of the fetus as part of the standard of care before an abortion is performed.

(2) That the woman has been provided information regarding the options relative to a pregnancy, including continuing the pregnancy to term and retaining parental rights following the child's birth, continuing the pregnancy to term and placing the child for adoption, and terminating the pregnancy.

b. Funds appropriated under this section shall not be used for abortions, unless otherwise authorized under this section.

c. The provisions of this section relating to abortions shall also apply to the Iowa health and wellness plan created pursuant to chapter 249N, as enacted in this Act.

2. The department shall utilize not more than $60,000 of the funds appropriated in this section to continue the AIDS/HIV health insurance premium payment program as established in 1992 Iowa Acts, Second Extraordinary Session, chapter 1001, section 409, subsection 6. Of the funds allocated in this subsection, not more than $5,000 may be expended for administrative purposes.

3. Of the funds appropriated in this Act to the department of public health for addictive disorders, $950,000 for the fiscal year beginning July 1, 2013, is transferred to the department of human services for an integrated substance-related disorder managed care system. The department shall not assume management of the substance-related disorder system in place of the managed care contractor unless such a change in approach is specifically authorized in law. The departments of human services and public health shall work together to maintain the level of mental health and substance-related disorder treatment services provided by the managed care contractor through the Iowa plan for behavioral health. Each department shall take the steps necessary to continue the federal waivers as necessary to maintain the level of services.

4. a. The department shall aggressively pursue options for providing medical assistance or other assistance to individuals with special needs who become ineligible to continue receiving services under the early and periodic screening, diagnostic, and treatment program under the medical assistance program due to becoming 21 years of age who have been approved for additional assistance through the department's exception to policy provisions, but who have health care needs in excess of the funding available through the exception to policy provisions.

b. Of the funds appropriated in this section, $100,000 shall be used for participation in one or more pilot projects operated by a private provider to allow the individual or individuals to receive service in the community in accordance with principles established in Olmstead v. L.C., 527 U.S. 581 (1999), for the purpose of providing medical assistance or other assistance to individuals with special needs who become ineligible to continue receiving services under the early and periodic screening, diagnostic, and treatment program under the medical assistance program due to becoming 21 years of age who have been approved for additional

assistance through the department's exception to policy provisions, but who have health care needs in excess of the funding available through the exception to the policy provisions.

5. Of the funds appropriated in this section, up to $3,050,082 may be transferred to the field operations or general administration appropriations in this division of this Act for operational costs associated with Part D of the federal Medicare Prescription Drug Improvement and Modernization Act of 2003, Pub. L. No. 108-173.

6. Of the funds appropriated in this section, up to $442,100 may be transferred to the appropriation in this division of this Act for medical contracts to be used for clinical assessment services and prior authorization of services.

7. A portion of the funds appropriated in this section may be transferred to the appropriations in this division of this Act for general administration, medical contracts, the children's health insurance program, or field operations to be used for the state match cost to comply with the payment error rate measurement (PERM) program for both the medical assistance and children's health insurance programs as developed by the centers for Medicare and Medicaid services of the United States department of health and human services to comply with the federal Improper Payments Information Act of 2002, Pub. L. No. 107-300.

8. It is the intent of the general assembly that the department continue to implement the recommendations of the assuring better child health and development initiative II (ABCDII) clinical panel to the Iowa early and periodic screening, diagnostic, and treatment services healthy mental development collaborative board regarding changes to billing procedures, codes, and eligible service providers.

9. Of the funds appropriated in this section, a sufficient amount is allocated to supplement the incomes of residents of nursing facilities, intermediate care facilities for persons with mental illness, and intermediate care facilities for persons with an intellectual disability, with incomes of less than $50 in the amount necessary for the residents to receive a personal needs allowance of $50 per month pursuant to section 249A.30A.

10. Of the funds appropriated in this section, the following amounts are transferred to the appropriations made in this division of this Act for the state mental health institutes:

a. Cherokee mental health institute ..... $ 9,098,425
b. Clarinda mental health institute ..... $ 1,977,305
c. Independence mental health institute ..... $ 9,045,894
d. Mount Pleasant mental health institute ..... $ 5,752,587

11. a. Of the funds appropriated in this section, $7,969,074 is allocated for the state match for a disproportionate share hospital payment of $19,133,430 to hospitals that meet both of the conditions specified in subparagraphs (1) and (2). In addition, the hospitals that meet the conditions specified shall either certify public expenditures or transfer to the medical assistance program an amount equal to provide the nonfederal share for a disproportionate share hospital payment of $7,500,000. The hospitals that meet the conditions specified shall receive and retain 100 percent of the total disproportionate share hospital payment of $26,633,430.

(1) The hospital qualifies for disproportionate share and graduate medical education payments.

(2) The hospital is an Iowa state-owned hospital with more than 500 beds and eight or more distinct residency specialty or subspecialty programs recognized by the American college of graduate medical education.

b. Distribution of the disproportionate share payments shall be made on a monthly basis. The total amount of disproportionate share payments including graduate medical education, enhanced disproportionate share, and Iowa state-owned teaching hospital payments shall not exceed the amount of the state's allotment under Pub. L. No. 102-234. In addition, the total amount of all disproportionate share payments shall not exceed the hospital-specific disproportionate share limits under Pub. L. No. 103-66.

12. The university of Iowa hospitals and clinics shall either certify public expenditures or transfer to the appropriations made in this division of this Act for medical assistance an amount equal to provide the nonfederal share for increased medical assistance payments for inpatient and outpatient hospital services of $9,900,000. The university of Iowa hospitals

and clinics shall receive and retain 100 percent of the total increase in medical assistance payments.

13. Of the funds appropriated in this section, up to $11,921,225 may be transferred to the IowaCare account created in section 249J.24.

14. One hundred percent of the nonfederal share of payments to area education agencies that are medical assistance providers for medical assistance-covered services provided to medical assistance-covered children, shall be made from the appropriation made in this section.

15. Any new or renewed contract entered into by the department with a third party to administer behavioral health services under the medical assistance program shall provide that any interest earned on payments from the state during the state fiscal year shall be remitted to the department and treated as recoveries to offset the costs of the medical assistance program.

16. The department shall continue to implement the provisions in 2007 Iowa Acts, chapter 218, section 124 and section 126, as amended by 2008 Iowa Acts, chapter 1188, section 55, relating to eligibility for certain persons with disabilities under the medical assistance program in accordance with the federal Family Opportunity Act.

17. A portion of the funds appropriated in this section may be transferred to the appropriation in this division of this Act for medical contracts to be used for administrative activities associated with the money follows the person demonstration project.

18. Of the funds appropriated in this section, $349,011 shall be used for the administration of the health insurance premium payment program, including salaries, support, maintenance, and miscellaneous purposes.

19. a. The department shall implement the following cost containment strategies for the medical assistance program and shall adopt emergency rules for such implementation:

(1) Notwithstanding any provision of law to the contrary, the department shall integrate medical assistance program habilitation services into the Iowa plan contract for the fiscal year beginning July 1, 2013.

(2) The department shall only provide coverage for medically necessary, elective cesarean sections.

(3) The department shall require prior authorization based on specified criteria before providing reimbursement for hospital swing bed placements and continued stays.

(4) The department shall align payment methodologies and rates between medical and nonmedical transportation services through the transportation brokerage provider.

(5) The department shall require that all fees for employee records checks shall be paid by the medical assistance home and community-based waiver services consumer-directed attendant care or consumer choices option provider, with the exception of one initial state records check per employee which shall be paid by the Iowa Medicaid enterprise.

(6) The department shall require transition of the provision by individual providers of personal care under the consumer-directed attendant care option to agency-provided personal care services and shall retain the consumer choice option for those individuals able and desiring to self-direct services.

(7) The department shall require that persons with an intellectual disability receiving services under the medical assistance program receive a functional assessment utilizing the supports intensity scale tool. The department shall contract with an independent entity to perform the functional assessments. The department shall implement a tiered resource allocation methodology for service plans under the medical assistance home and community-based services waiver for persons with an intellectual disability.

(8) The department shall develop a new reimbursement methodology for medical assistance targeted case management that applies appropriate cost limits.

(9) The department shall implement an integrated health home approach under the medical assistance program for persons with chronic mental illness. The approach shall integrate the functions of medical assistance targeted case management.

(10) The department shall expand the categories of diabetic supplies for which a rebate may be received.

(11) The department shall limit initial authorizations for institutional-based care to 30 days for members following discharge from a hospital if the member previously lived in a community-based setting.

b. The department shall not implement the cost containment strategies to require a primary care referral for the provision of chiropractic services or to require prior authorization of the provision of any home health services for adults in excess of 100 visits per year.

c. The department may increase the amounts allocated for salaries, support, maintenance, and miscellaneous purposes associated with the medical assistance program, as necessary, to implement the cost containment strategies. The department shall report any such increase to the legislative services agency and the department of management.

d. If the savings to the medical assistance program exceed the cost for the fiscal year, the department may transfer any savings generated for the fiscal year due to medical assistance program cost containment efforts to the appropriation made in this division of this Act for medical contracts or general administration to defray the increased contract costs associated with implementing such efforts.

e. The department shall report the implementation of any cost containment strategies under this subsection to the individuals specified in this division of this Act for submission of reports on a quarterly basis.

20. Of the funds appropriated in this section, $8,715,473 shall be used to implement reductions in the waiting lists of all medical assistance home and community-based services waivers.

21. a. Of the funds appropriated in this section, $900,000 shall be used to implement the children's mental health home project proposed by the department of human services and reported to the general assembly's mental health and disability services study committee in December 2011. Of this amount, up to $50,000 may be transferred by the department to the appropriation made in this division of this Act to the department for the same fiscal year for general administration to be used for associated administrative expenses and for not more than one full-time equivalent position, in addition to those authorized for the same fiscal year, to be assigned to implementing the project.

b. Of the funds appropriated in this section, up to $400,000 may be transferred by the department to the appropriation made to the department in this division of this Act for the same fiscal year for general administration to support the redesign of mental health and disability services and the state balancing incentive payments program planning and implementation activities. The funds may be used for contracts or for personnel in addition to the amounts appropriated for and the positions authorized for general administration for the same fiscal year.

c. Of the funds appropriated in this section, up to $3,000,000 may be transferred by the department to the appropriations made to the department in this division of this Act for the same fiscal year for general administration or medical contracts to be used to support the development and implementation of standardized assessment tools for persons with mental illness, an intellectual disability, a developmental disability, or a brain injury.

d. For the fiscal year beginning July 1, 2013, and ending June 30, 2014, the replacement generation tax revenues required to be deposited in the property tax relief fund pursuant to section 437A.8, subsection 4, paragraph "d", and section 437A.15, subsection 3, paragraph "f", shall instead be credited to and supplement the appropriation made in this section and used for the allocations made in this subsection.

e. The moneys reimbursed and credited to the risk pool in the property tax relief fund pursuant to 2012 Iowa Acts, chapter 1128, section 6, subsection 5, as amended by 2012 Iowa Acts, chapter 1133, section 67, are appropriated to the department of human services for the fiscal year beginning July 1, 2013, and ending June 30, 2014, to be used to supplement the appropriation made in this section for the medical assistance program.

22. Of the funds appropriated in this section, $250,000 shall be used for lodging expenses associated with care provided at the university of Iowa hospitals and clinics under chapter 249J for patients with cancer whose travel distance is 30 miles or more from the university of Iowa hospitals and clinics. The department of human services shall establish the maximum

* Item veto; see message at end of the Act

number of overnight stays and the maximum rate reimbursed for overnight lodging, which may be based on the state employee rate established by the department of administrative services. The funds allocated in this subsection shall not be used as nonfederal share matching funds. Any funds allocated in this subsection that remain unencumbered or unobligated on December 31, 2013, shall continue to be used in accordance with departmental specifications established in this subsection for lodging expenses associated with care provided at the university of Iowa hospitals and clinics for patients with cancer whose travel distance is 30 miles or more and whose income is at or below 200 percent of the federal poverty level as defined by the most recently revised poverty income guidelines published by the United States department of health and human services.

23. The department shall continue to administer the state balancing incentive payments program as specified in 2012 Iowa Acts, chapter 1133, section 14.

24. Of the funds appropriated in this section, $300,000 shall be used for reimbursement of staff training as direct costs for home and community-based services providers beginning January 1, 2014, as provided under 2013 Iowa Acts, House File 198[1] or 2013 successor legislation, if enacted.

Sec. 13. MEDICAL CONTRACTS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For medical contracts:

..... $ 12,291,569

1. The department of inspections and appeals shall provide all state matching funds for survey and certification activities performed by the department of inspections and appeals. The department of human services is solely responsible for distributing the federal matching funds for such activities.

2. Of the funds appropriated in this section, $50,000 shall be used for continuation of home and community-based services waiver quality assurance programs, including the review and streamlining of processes and policies related to oversight and quality management to meet state and federal requirements.

3. Of the amount appropriated in this section, up to $200,000 may be transferred to the appropriation for general administration in this division of this Act to be used for additional full-time equivalent positions in the development of key health initiatives such as cost containment, development and oversight of managed care programs, and development of health strategies targeted toward improved quality and reduced costs in the Medicaid program.

4. Of the funds appropriated in this section, $64,398 shall be used for provision of the IowaCare program nurse helpline for the expansion population as provided in section 249J.6.

5. Of the funds appropriated in this section, $80,000 shall be used for costs related to audits, performance evaluations, and studies required pursuant to chapter 249J.

6. Of the funds appropriated in this section, $194,654 shall be used for administrative costs associated with chapter 249J.

7. Of the funds appropriated in this section, $1,000,000 shall be used for planning and development, in cooperation with the department of public health, of a phased-in program to provide a dental home for children.

8. Of the funds appropriated in this section, $270,000 shall be used for payment to the publicly owned acute care teaching hospital located in a county with a population of over 350,000 that is a participating provider pursuant to chapter 249J. Disbursements under this subsection shall be made monthly. The hospital shall submit a report following the close of the fiscal year regarding use of the funds allocated in this subsection to the persons specified in this Act to receive reports.

9. Of the funds appropriated in this section, $75,000 shall be used for continued implementation of a uniform cost report.

[1] Not enacted

10. Of the funds appropriated in this section, $2,000,000 shall be used for the autism support program created in chapter 225D, as enacted in this Act, beginning January 1, 2014.

11. Of the funds appropriated in this section, $99,790 shall be used for continued implementation of an electronic medical records system.

Sec. 14. STATE SUPPLEMENTARY ASSISTANCE.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the state supplementary assistance program:

..... $ 16,512,174

2. The department shall increase the personal needs allowance for residents of residential care facilities by the same percentage and at the same time as federal supplemental security income and federal social security benefits are increased due to a recognized increase in the cost of living. The department may adopt emergency rules to implement this subsection.

3. If during the fiscal year beginning July 1, 2013, the department projects that state supplementary assistance expenditures for a calendar year will not meet the federal pass-through requirement specified in Tit. XVI of the federal Social Security Act, section 1618, as codified in 42 U.S.C. § 1382g, the department may take actions including but not limited to increasing the personal needs allowance for residential care facility residents and making programmatic adjustments or upward adjustments of the residential care facility or in-home health-related care reimbursement rates prescribed in this division of this Act to ensure that federal requirements are met. In addition, the department may make other programmatic and rate adjustments necessary to remain within the amount appropriated in this section while ensuring compliance with federal requirements. The department may adopt emergency rules to implement the provisions of this subsection.

Sec. 15. CHILDREN'S HEALTH INSURANCE PROGRAM.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For maintenance of the healthy and well kids in Iowa (hawk-i) program pursuant to chapter 514I, including supplemental dental services, for receipt of federal financial participation under Tit. XXI of the federal Social Security Act, which creates the children's health insurance program:

..... $ 36,806,102

2. Of the funds appropriated in this section, $141,450 is allocated for continuation of the contract for outreach with the department of public health.

Sec. 16. CHILD CARE ASSISTANCE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For child care programs:

..... $ 62,709,794

1. Of the funds appropriated in this section, $54,755,189 shall be used for state child care assistance in accordance with section 237A.13.

2. Nothing in this section shall be construed or is intended as or shall imply a grant of entitlement for services to persons who are eligible for assistance due to an income level consistent with the waiting list requirements of section 237A.13. Any state obligation to provide services pursuant to this section is limited to the extent of the funds appropriated in this section.

3. Of the funds appropriated in this section, $432,453 is allocated for the statewide program for child care resource and referral services under section 237A.26. A list of the registered and licensed child care facilities operating in the area served by a child care resource and referral service shall be made available to the families receiving state child care assistance in that area.

4. Of the funds appropriated in this section, $936,974 is allocated for child care quality improvement initiatives including but not limited to the voluntary quality rating system in accordance with section 237A.30.

5. Of the funds appropriated in this section, $135,178 shall be used to conduct fingerprint-based national criminal history record checks of home-based child care providers pursuant to section 237A.5, subsection 2, through the United States department of justice, federal bureau of investigation.

6. Of the amount appropriated in this section, up to $25,000 shall be used to implement a searchable internet-based application as part of the consumer information made available under section 237A.25. The application shall provide a listing of the child care providers in this state that have received a rating under the voluntary quality rating system implemented pursuant to section 237A.30 and information on whether a provider specializes in child care for infants, school-age children, children with special needs, or other populations or provides any other specialized services to support family needs.

7. Of the amount appropriated in this section, up to $75,000 shall be used by the department to conduct an independent evaluation of Iowa's child care quality rating system. The evaluation shall address the system's strengths and weaknesses, and shall provide recommendations for change. The department shall submit a final report on or before December 16, 2013, to the governor and general assembly concerning the evaluation. The evaluation shall also include but is not limited to all of the following:

a. An assessment of the validity of the system's key underlying concepts.

b. An assessment of the techniques utilized and psychometric properties of the measures used in the system to assess quality.

c. An analysis of the outputs quantified by the rating process.

d. An analysis of the relationship between the ratings utilized and child outcomes realized.

8. Of the funds appropriated in this section, $6,350,000 shall be credited to the early childhood programs grants account in the early childhood Iowa fund created in section 256I.11. The moneys shall be distributed for funding of community-based early childhood programs targeted to children from birth through five years of age developed by early childhood Iowa areas in accordance with approved community plans as provided in section 256I.8.

9. The department may use any of the funds appropriated in this section as a match to obtain federal funds for use in expanding child care assistance and related programs. For the purpose of expenditures of state and federal child care funding, funds shall be considered obligated at the time expenditures are projected or are allocated to the department's service areas. Projections shall be based on current and projected caseload growth, current and projected provider rates, staffing requirements for eligibility determination and management of program requirements including data systems management, staffing requirements for administration of the program, contractual and grant obligations and any transfers to other state agencies, and obligations for decategorization or innovation projects.

10. A portion of the state match for the federal child care and development block grant shall be provided as necessary to meet federal matching funds requirements through the state general fund appropriation made for child development grants and other programs for at-risk children in section 279.51.

11. If a uniform reduction ordered by the governor under section 8.31 or other operation of law, transfer, or federal funding reduction reduces the appropriation made in this section for the fiscal year, the percentage reduction in the amount paid out to or on behalf of the families participating in the state child care assistance program shall be equal to or less than the percentage reduction made for any other purpose payable from the appropriation made in this section and the federal funding relating to it. The percentage reduction to the other allocations made in this section shall be the same as the uniform reduction ordered by the governor or the percentage change of the federal funding reduction, as applicable. If there is an unanticipated increase in federal funding provided for state child care assistance, the entire amount of the increase shall be used for state child care assistance payments. If the appropriations made for purposes of the state child care assistance program for the fiscal year are determined to be insufficient, it is the intent of the general assembly to

appropriate sufficient funding for the fiscal year in order to avoid establishment of waiting list requirements.

12. Notwithstanding section 8.33, moneys advanced for purposes of the programs developed by early childhood Iowa areas, advanced for purposes of wraparound child care, or received from the federal appropriations made for the purposes of this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert to any fund but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 17. JUVENILE INSTITUTIONS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For operation of the Iowa juvenile home at Toledo and for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 8,859,355
..... FTEs 114.00

2. For operation of the state training school at Eldora and for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 11,256,969
..... FTEs 164.30

Of the funds appropriated in this subsection, $91,150 shall be used for distribution to licensed classroom teachers at this and other institutions under the control of the department of human services based upon the average student yearly enrollment at each institution as determined by the department.

3. A portion of the moneys appropriated in this section shall be used by the state training school and by the Iowa juvenile home for grants for adolescent pregnancy prevention activities at the institutions in the fiscal year beginning July 1, 2013.

Sec. 18. CHILD AND FAMILY SERVICES.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For child and family services:

..... $ 91,283,920

2. Up to $5,200,000 of the amount of federal temporary assistance for needy families block grant funding appropriated in this division of this Act for child and family services shall be made available for purposes of juvenile delinquent graduated sanction services.

3. The department may transfer funds appropriated in this section as necessary to pay the nonfederal costs of services reimbursed under the medical assistance program, state child care assistance program, or the family investment program which are provided to children who would otherwise receive services paid under the appropriation in this section. The department may transfer funds appropriated in this section to the appropriations made in this division of this Act for general administration and for field operations for resources necessary to implement and operate the services funded in this section.

4. a. Of the funds appropriated in this section, up to $32,242,236 is allocated as the statewide expenditure target under section 232.143 for group foster care maintenance and services. If the department projects that such expenditures for the fiscal year will be less than the target amount allocated in this lettered paragraph, the department may reallocate the excess to provide additional funding for shelter care or the child welfare emergency services addressed with the allocation for shelter care.

b. If at any time after September 30, 2013, annualization of a service area's current expenditures indicates a service area is at risk of exceeding its group foster care expenditure target under section 232.143 by more than 5 percent, the department and juvenile court services shall examine all group foster care placements in that service area in order to

identify those which might be appropriate for termination. In addition, any aftercare services believed to be needed for the children whose placements may be terminated shall be identified. The department and juvenile court services shall initiate action to set dispositional review hearings for the placements identified. In such a dispositional review hearing, the juvenile court shall determine whether needed aftercare services are available and whether termination of the placement is in the best interest of the child and the community.

5. In accordance with the provisions of section 232.188, the department shall continue the child welfare and juvenile justice funding initiative during fiscal year 2013-2014. Of the funds appropriated in this section, $1,717,753 is allocated specifically for expenditure for fiscal year 2013-2014 through the decategorization service funding pools and governance boards established pursuant to section 232.188.

6. A portion of the funds appropriated in this section may be used for emergency family assistance to provide other resources required for a family participating in a family preservation or reunification project or successor project to stay together or to be reunified.

7. Notwithstanding section 234.35 or any other provision of law to the contrary, state funding for shelter care and the child welfare emergency services contracting implemented to provide for or prevent the need for shelter care shall be limited to $7,616,048.

8. Federal funds received by the state during the fiscal year beginning July 1, 2013, as the result of the expenditure of state funds appropriated during a previous state fiscal year for a service or activity funded under this section are appropriated to the department to be used as additional funding for services and purposes provided for under this section. Notwithstanding section 8.33, moneys received in accordance with this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert to any fund but shall remain available for the purposes designated until the close of the succeeding fiscal year.

9. a. Of the funds appropriated in this section, up to $3,290,000 is allocated for the payment of the expenses of court-ordered services provided to juveniles who are under the supervision of juvenile court services, which expenses are a charge upon the state pursuant to section 232.141, subsection 4. Of the amount allocated in this lettered paragraph, up to $1,556,287 shall be made available to provide school-based supervision of children adjudicated under chapter 232, of which not more than $15,000 may be used for the purpose of training. A portion of the cost of each school-based liaison officer shall be paid by the school district or other funding source as approved by the chief juvenile court officer.

b. Of the funds appropriated in this section, up to $748,985 is allocated for the payment of the expenses of court-ordered services provided to children who are under the supervision of the department, which expenses are a charge upon the state pursuant to section 232.141, subsection 4.

c. Notwithstanding section 232.141 or any other provision of law to the contrary, the amounts allocated in this subsection shall be distributed to the judicial districts as determined by the state court administrator and to the department's service areas as determined by the administrator of the department's division of child and family services. The state court administrator and the division administrator shall make the determination of the distribution amounts on or before June 15, 2013.

d. Notwithstanding chapter 232 or any other provision of law to the contrary, a district or juvenile court shall not order any service which is a charge upon the state pursuant to section 232.141 if there are insufficient court-ordered services funds available in the district court or departmental service area distribution amounts to pay for the service. The chief juvenile court officer and the departmental service area manager shall encourage use of the funds allocated in this subsection such that there are sufficient funds to pay for all court-related services during the entire year. The chief juvenile court officers and departmental service area managers shall attempt to anticipate potential surpluses and shortfalls in the distribution amounts and shall cooperatively request the state court administrator or division administrator to transfer funds between the judicial districts' or departmental service areas' distribution amounts as prudent.

e. Notwithstanding any provision of law to the contrary, a district or juvenile court shall not order a county to pay for any service provided to a juvenile pursuant to an order entered under chapter 232 which is a charge upon the state under section 232.141, subsection 4.

f. Of the funds allocated in this subsection, not more than $83,000 may be used by the judicial branch for administration of the requirements under this subsection.

g. Of the funds allocated in this subsection, $17,000 shall be used by the department of human services to support the interstate commission for juveniles in accordance with the interstate compact for juveniles as provided in section 232.173.

10. Of the funds appropriated in this section, $8,053,226 is allocated for juvenile delinquent graduated sanctions services. Any state funds saved as a result of efforts by juvenile court services to earn federal Tit. IV-E match for juvenile court services administration may be used for the juvenile delinquent graduated sanctions services.

11. Of the funds appropriated in this section, $1,608,285 is transferred to the department of public health to be used for equalization and renewal of the grants under the child protection center grant program in accordance with section 135.118. The grant amounts shall be equalized so that each center receives a uniform amount of at least $245,000.

12. If the department receives federal approval to implement a waiver under Tit. IV-E of the federal Social Security Act to enable providers to serve children who remain in the children's families and communities, for purposes of eligibility under the medical assistance program through 25 years of age, children who participate in the waiver shall be considered to be placed in foster care.

13. Of the funds appropriated in this section, $3,256,980 is allocated for the preparation for adult living program pursuant to section 234.46.

14. Of the funds appropriated in this section, $520,150 shall be used for juvenile drug courts. The amount allocated in this subsection shall be distributed as follows:

To the judicial branch for salaries to assist with the operation of juvenile drug court programs operated in the following jurisdictions:

a. Marshall county:
..... $ 62,708

b. Woodbury county:
..... $ 125,682

c. Polk county:
..... $ 195,892

d. The third judicial district:
..... $ 67,934

e. The eighth judicial district:
..... $ 67,934

15. Of the funds appropriated in this section, $227,337 shall be used for the public purpose of continuing a grant to a nonprofit human services organization providing services to individuals and families in multiple locations in southwest Iowa and Nebraska for support of a project providing immediate, sensitive support and forensic interviews, medical exams, needs assessments, and referrals for victims of child abuse and their nonoffending family members.

16. Of the funds appropriated in this section, $200,590 is allocated for the foster care youth council approach of providing a support network to children placed in foster care.

17. Of the funds appropriated in this section, $202,000 is allocated for use pursuant to section 235A.1 for continuation of the initiative to address child sexual abuse implemented pursuant to 2007 Iowa Acts, chapter 218, section 18, subsection 21.

18. Of the funds appropriated in this section, $630,240 is allocated for the community partnership for child protection sites.

19. Of the funds appropriated in this section, $371,250 is allocated for the department's minority youth and family projects under the redesign of the child welfare system.

20. Of the funds appropriated in this section, up to $1,436,595 is allocated for funding of the community circle of care collaboration for children and youth in northeast Iowa. The department may determine the appropriate allocation of funding to ensure there is not duplication of services and that the needs of children and youth are met as they transition to an integrated health home.

21. Of the funds appropriated in this section, at least $147,158 shall be used for the child welfare training academy.

22. Of the funds appropriated in this section, $25,000 shall be used for the public purpose of continuation of a grant to a child welfare services provider headquartered in a county with a population between 205,000 and 215,000 in the latest certified federal census that provides multiple services including but not limited to a psychiatric medical institution for children, shelter, residential treatment, after school programs, school-based programming, and an Asperger's syndrome program, to be used for support services for children with autism spectrum disorder and their families.

23. Of the funds appropriated in this section, $25,000 shall be used for the public purpose of continuing a grant to a hospital-based provider headquartered in a county with a population between 90,000 and 95,000 in the latest certified federal census that provides multiple services including but not limited to diagnostic, therapeutic, and behavioral services to individuals with autism spectrum disorder across the lifespan. The grant recipient shall utilize the funds to continue the pilot project to determine the necessary support services for children with autism spectrum disorder and their families to be included in the children's disabilities services system. The grant recipient shall submit findings and recommendations based upon the results of the pilot project to the individuals specified in this division of this Act for submission of reports by December 31, 2013.

24. Of the funds appropriated in this section, $327,947 shall be used for continuation of the central Iowa system of care program grant through June 30, 2014. The department may determine the appropriate allocation of funding to ensure there is not duplication of services and that the needs of children and youth are met as they transition to an integrated health home.

25. Of the funds appropriated in this section, $160,000 shall be used for the public purpose of the continuation of a system of care grant implemented in Cerro Gordo and Linn counties. The department may determine the appropriate allocation of funding to ensure there is not duplication of services and that the needs of children and youth are met as they transition to an integrated health home.

26. Of the funds appropriated in this section, at least $25,000 shall be used to continue and to expand the foster care respite pilot program in which postsecondary students in social work and other human services-related programs receive experience by assisting family foster care providers with respite and other support.

Sec. 19. ADOPTION SUBSIDY.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For adoption subsidy payments and services:

..... $ 40,729,282

2. The department may transfer funds appropriated in this section to the appropriation made in this division of this Act for general administration for costs paid from the appropriation relating to adoption subsidy.

3. Federal funds received by the state during the fiscal year beginning July 1, 2013, as the result of the expenditure of state funds during a previous state fiscal year for a service or activity funded under this section are appropriated to the department to be used as additional funding for the services and activities funded under this section. Notwithstanding section 8.33, moneys received in accordance with this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert to any fund but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 20. JUVENILE DETENTION HOME FUND. Moneys deposited in the juvenile detention home fund created in section 232.142 during the fiscal year beginning July 1, 2013, and ending June 30, 2014, are appropriated to the department of human services for the fiscal year beginning July 1, 2013, and ending June 30, 2014, for distribution of an amount equal to a percentage of the costs of the establishment, improvement, operation, and maintenance of county or multicounty juvenile detention homes in the fiscal year beginning July 1, 2012. Moneys appropriated for distribution in accordance with this section shall be

allocated among eligible detention homes, prorated on the basis of an eligible detention home's proportion of the costs of all eligible detention homes in the fiscal year beginning July 1, 2012. The percentage figure shall be determined by the department based on the amount available for distribution for the fund. Notwithstanding section 232.142, subsection 3, the financial aid payable by the state under that provision for the fiscal year beginning July 1, 2013, shall be limited to the amount appropriated for the purposes of this section.

Sec. 21. FAMILY SUPPORT SUBSIDY PROGRAM.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the family support subsidy program subject to the enrollment restrictions in section 225C.37, subsection 3:

..... $ 1,092,955

2. The department shall use at least $483,500 of the moneys appropriated in this section for the family support center component of the comprehensive family support program under section 225C.47. Not more than $25,000 of the amount allocated in this subsection shall be used for administrative costs.

3. If at any time during the fiscal year, the amount of funding available for the family support subsidy program is reduced from the amount initially used to establish the figure for the number of family members for whom a subsidy is to be provided at any one time during the fiscal year, notwithstanding section 225C.38, subsection 2, the department shall revise the figure as necessary to conform to the amount of funding available.

Sec. 22. CONNER DECREE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For building community capacity through the coordination and provision of training opportunities in accordance with the consent decree of Conner v. Branstad, No. 4-86-CV-30871(S.D. Iowa, July 14, 1994):

..... $ 33,622

Sec. 23. MENTAL HEALTH INSTITUTES. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the state mental health institute at Cherokee for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 5,954,464
..... FTEs 169.20

If recommended by the superintendent, the department may sell or transfer ownership of unused facilities at the state mental health institute to the city in which the institute is located.

2. For the state mental health institute at Clarinda for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 6,751,868
..... FTEs 86.10

3. For the state mental health institute at Independence for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 10,318,778
..... FTEs 233.00

4. For the state mental health institute at Mount Pleasant for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 1,366,686
..... FTEs 97.92

Sec. 24. STATE RESOURCE CENTERS.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For the state resource center at Glenwood for salaries, support, maintenance, and miscellaneous purposes:

..... $ 20,274,472

b. For the state resource center at Woodward for salaries, support, maintenance, and miscellaneous purposes:

..... $ 14,220,463

2. The department may continue to bill for state resource center services utilizing a scope of services approach used for private providers of ICFID services, in a manner which does not shift costs between the medical assistance program, counties, or other sources of funding for the state resource centers.

3. The state resource centers may expand the time-limited assessment and respite services during the fiscal year.

4. If the department's administration and the department of management concur with a finding by a state resource center's superintendent that projected revenues can reasonably be expected to pay the salary and support costs for a new employee position, or that such costs for adding a particular number of new positions for the fiscal year would be less than the overtime costs if new positions would not be added, the superintendent may add the new position or positions. If the vacant positions available to a resource center do not include the position classification desired to be filled, the state resource center's superintendent may reclassify any vacant position as necessary to fill the desired position. The superintendents of the state resource centers may, by mutual agreement, pool vacant positions and position classifications during the course of the fiscal year in order to assist one another in filling necessary positions.

5. If existing capacity limitations are reached in operating units, a waiting list is in effect for a service or a special need for which a payment source or other funding is available for the service or to address the special need, and facilities for the service or to address the special need can be provided within the available payment source or other funding, the superintendent of a state resource center may authorize opening not more than two units or other facilities and begin implementing the service or addressing the special need during fiscal year 2013-2014.

Sec. 25. SEXUALLY VIOLENT PREDATORS.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For costs associated with the commitment and treatment of sexually violent predators in the unit located at the state mental health institute at Cherokee, including costs of legal services and other associated costs, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 9,416,969

..... FTEs 124.50

2. Unless specifically prohibited by law, if the amount charged provides for recoupment of at least the entire amount of direct and indirect costs, the department of human services may contract with other states to provide care and treatment of persons placed by the other states at the unit for sexually violent predators at Cherokee. The moneys received under such a contract shall be considered to be repayment receipts and used for the purposes of the appropriation made in this section.

Sec. 26. FIELD OPERATIONS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For field operations, including salaries, support, maintenance, and miscellaneous purposes,

and for not more than the following full-time equivalent positions:
..... $ 66,522,388
..... FTEs 1,837.00

1. As a condition of this appropriation, the department shall make every possible effort to fill the entire number of positions authorized by this section and, unless specifically provided otherwise by an applicable collective bargaining agreement, the department is not subject to any approval requirement external to the department to fill a field operations vacancy within the number of full-time equivalent positions authorized by this section. The department shall report on the first of each month to the chairpersons and ranking members of the appropriations committees of the senate and house of representatives, and the persons designated by this Act for submission of reports concerning the status of filling the positions.

2. Priority in filling full-time equivalent positions shall be given to those positions related to child protection services and eligibility determination for low-income families.

Sec. 27. GENERAL ADMINISTRATION. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For general administration, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... $ 16,304,771
..... FTEs 309.00

1. Of the funds appropriated in this section, $63,543 is allocated for the prevention of disabilities policy council established in section 225B.3. Of the amount allocated in this subsection, $25,000 shall be passed through to the council for the costs involved with holding a summit meeting of the multiple entities providing services to persons with disabilities. The focus of the summit meeting shall be to review existing disability prevention activities in order to identify cost effective public policy options for reaching the greatest number of children and adults in order to eliminate the risk of disabilities. The review shall also address options for health care services available to youth transitioning to the adult system of health care. The council shall report to the individuals identified in this Act for submission of reports within 60 calendar days of completing the summit meeting concerning the review, policy options identified, and recommendations made.

2. The department shall report at least monthly to the legislative services agency concerning the department's operational and program expenditures.

3. Of the funds appropriated in this section, $132,300 shall be used to continue the contract for the provision of a program to provide technical assistance, support, and consultation to providers of habilitation services and home and community-based services waiver services for adults with disabilities under the medical assistance program.

4. Of the funds appropriated in this section, $50,000 is transferred to the Iowa finance authority to be used for administrative support of the council on homelessness established in section 16.100A and for the council to fulfill its duties in addressing and reducing homelessness in the state.

5. Of the funds appropriated in this section, $250,000 is transferred to the department of inspections and appeals to be used to implement a new mental health advocate division in the department in accordance with 2013 Iowa Acts, Senate File 406, if enacted.

Sec. 28. VOLUNTEERS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For development and coordination of volunteer services:
..... $ 84,660

* Item veto; see message at end of the Act

Sec. 29. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE DEPARTMENT OF HUMAN SERVICES.

1. a. (1) For the fiscal year beginning July 1, 2013, the total state funding amount for the nursing facility budget shall not exceed $268,712,511.

(2) For the fiscal year beginning July 1, 2013, the department shall rebase case-mix nursing facility rates effective July 1, 2013. However, total nursing facility budget expenditures, including both case-mix and noncase-mix, shall not exceed the amount specified in subparagraph (1). When calculating case-mix per diem cost and the patient-day-weighted medians used in rate-setting for nursing facilities effective July 1, 2013, the inflation factor applied from the midpoint of the cost report period to the first day of the state fiscal year rate period shall be adjusted to maintain state funding within the amount specified in subparagraph (1).

(3) The department, in cooperation with nursing facility representatives, shall review projections for state funding expenditures for reimbursement of nursing facilities on a quarterly basis and the department shall determine if an adjustment to the medical assistance reimbursement rate is necessary in order to provide reimbursement within the state funding amount for the fiscal year. Notwithstanding 2001 Iowa Acts, chapter 192, section 4, subsection 2, paragraph "c", and subsection 3, paragraph "a", subparagraph (2), if the state funding expenditures for the nursing facility budget for the fiscal year are projected to exceed the amount specified in subparagraph (1), the department shall adjust the reimbursement for nursing facilities reimbursed under the case-mix reimbursement system to maintain expenditures of the nursing facility budget within the specified amount for the fiscal year.

(4) For the fiscal year beginning July 1, 2013, special population nursing facilities shall be reimbursed in accordance with the methodology in effect on June 30, 2013.

b. (1) For the fiscal year beginning July 1, 2013, the department shall establish the pharmacy dispensing fee reimbursement at $10.12 per prescription. Any subsequent actual dispensing fee shall be established within the range determined by a cost of dispensing survey performed by the department and required to be completed by all medical assistance program participating pharmacies every two years beginning in FY 2014-2015.

(2) The department shall utilize an average acquisition cost reimbursement methodology for pharmacy ingredient cost reimbursement of all drugs covered under the medical assistance program in accordance with 2012 Iowa Acts, chapter 1133, section 33.

c. (1) For the fiscal year beginning July 1, 2013, reimbursement rates for outpatient hospital services shall be increased 1 percent over the rates in effect on June 30, 2013, subject to Medicaid program upper payment limit rules.

(2) For the fiscal year beginning July 1, 2013, reimbursement rates for inpatient hospital services shall be increased by 1 percent over the rates in effect on June 30, 2013, subject to Medicaid program upper payment limit rules.

(3) For the fiscal year beginning July 1, 2013, the graduate medical education and disproportionate share hospital fund shall be increased by 1 percent over the amount in effect on June 30, 2013, except that the portion of the fund attributable to graduate medical education shall be reduced in an amount that reflects the elimination of graduate medical education payments made to out-of-state hospitals.

(4) In order to ensure the efficient use of limited state funds in procuring health care services for low-income Iowans, funds appropriated in this Act for hospital services shall not be used for activities which would be excluded from a determination of reasonable costs under the federal Medicare program pursuant to 42 U.S.C. § 1395X(v)(1)(N).

d. For the fiscal year beginning July 1, 2013, reimbursement rates for rural health clinics, hospices, and acute mental hospitals shall be increased in accordance with increases under the federal Medicare program or as supported by their Medicare audited costs.

e. For the fiscal year beginning July 1, 2013, independent laboratories shall be reimbursed using the same methodology in effect on June 30, 2013, and reimbursement for rehabilitation agencies shall be increased by 1 percent over the rates in effect on June 30, 2013.

f. (1) For the fiscal year beginning July 1, 2013, rates for home health services shall be reimbursed based on the Medicare low utilization payment amount (LUPA) methodology with state geographic wage adjustments. The Medicare LUPA per-visit rates in effect on July

1, 2013, shall be utilized as the basis for establishing the initial reimbursement schedule. The department shall update the rates every two years to reflect the most recent Medicare LUPA rates. For the fiscal year beginning July 1, 2013, the department shall adjust the reimbursement rates as calculated under this paragraph to reflect the most recent Medicare LUPA rates for home health services, not to exceed an additional $2,765,655.

(2) For the fiscal year beginning July 1, 2013, rates for private duty nursing and personal care services under the early and periodic screening, diagnostic, and treatment program benefit shall be established based on an hourly interim rate subject to cost settlement up to a limit calculated by the department, and subject to approval by the centers for Medicare and Medicaid services of the United States department of health and human services.

g. For the fiscal year beginning July 1, 2013, federally qualified health centers shall receive cost-based reimbursement for 100 percent of the reasonable costs for the provision of services to recipients of medical assistance.

h. For the fiscal year beginning July 1, 2013, the reimbursement rates for dental services shall be increased by 1 percent over the rates in effect on June 30, 2013.

i. (1) For the fiscal year beginning July 1, 2013, state-owned psychiatric medical institutions for children shall receive cost-based reimbursement for 100 percent of the actual and allowable costs for the provision of services to recipients of medical assistance.

(2) For the nonstate-owned psychiatric medical institutions for children, reimbursement rates shall be based on the reimbursement methodology developed by the department as required for federal compliance.

(3) As a condition of participation in the medical assistance program, enrolled providers shall accept the medical assistance reimbursement rate for any covered goods or services provided to recipients of medical assistance who are children under the custody of a psychiatric medical institution for children.

j. For the fiscal year beginning July 1, 2013, unless otherwise specified in this Act, all noninstitutional medical assistance provider reimbursement rates shall be increased by 1 percent over the rates in effect on June 30, 2013, except for area education agencies, local education agencies, infant and toddler services providers, home and community-based services providers including consumer-directed attendant care providers under a section 1915(c) or 1915(i) waiver, targeted case management providers, and those providers whose rates are required to be determined pursuant to section 249A.20.

k. Notwithstanding any provision to the contrary, for the fiscal year beginning July 1, 2013, the reimbursement rate for anesthesiologists shall be increased by 1 percent over the rate in effect on June 30, 2013.

l. Notwithstanding section 249A.20, for the fiscal year beginning July 1, 2013, the average reimbursement rate for health care providers eligible for use of the federal Medicare resource-based relative value scale reimbursement methodology under that section shall be increased by 1 percent over the rate in effect on June 30, 2013; however, this rate shall not exceed the maximum level authorized by the federal government.

m. For the fiscal year beginning July 1, 2013, the reimbursement rate for residential care facilities shall not be less than the minimum payment level as established by the federal government to meet the federally mandated maintenance of effort requirement. The flat reimbursement rate for facilities electing not to file annual cost reports shall not be less than the minimum payment level as established by the federal government to meet the federally mandated maintenance of effort requirement.

n. For the fiscal year beginning July 1, 2013, the reimbursement rates for inpatient mental health services provided at hospitals shall be increased by 1 percent over the rates in effect on June 30, 2013, subject to Medicaid program upper payment limit rules; community mental health centers and providers of mental health services to county residents pursuant to a waiver approved under section 225C.7, subsection 3, shall be reimbursed at 100 percent of the reasonable costs for the provision of services to recipients of medical assistance; and psychiatrists shall be reimbursed at the medical assistance program fee-for-service rate.

o. For the fiscal year beginning July 1, 2013, the reimbursement rate for providers of family planning services that are eligible to receive a 90 percent federal match shall be increased by 1 percent over the rates in effect on June 30, 2013.

p. For the fiscal year beginning July 1, 2013, the upper limits on reimbursement rates for providers of home and community-based services waiver services shall be the limits in effect on June 30, 2013, pursuant to 441 IAC 79.1(2) based on federal Medicare rates, federal veterans administration rates, or the dollar amount specified in the rule, increased by 3 percent.

q. For the fiscal year beginning July 1, 2013, the reimbursement rate for emergency medical services providers shall be increased by 10 percent over the rates in effect on June 30, 2013.

2. For the fiscal year beginning July 1, 2013, the reimbursement rate for providers reimbursed under the in-home-related care program shall not be less than the minimum payment level as established by the federal government to meet the federally mandated maintenance of effort requirement.

3. Unless otherwise directed in this section, when the department's reimbursement methodology for any provider reimbursed in accordance with this section includes an inflation factor, this factor shall not exceed the amount by which the consumer price index for all urban consumers increased during the calendar year ending December 31, 2002.

4. a. For the fiscal year beginning July 1, 2013, notwithstanding section 234.38, the foster family basic daily maintenance rate and the maximum adoption subsidy rate for children ages 0 through 5 years shall be $16.78, the rate for children ages 6 through 11 years shall be $17.45, the rate for children ages 12 through 15 years shall be $19.10, and the rate for children and young adults ages 16 and older shall be $19.35. For youth ages 18 to 21 who have exited foster care, the maximum preparation for adult living program maintenance rate shall be $602.70 per month. The maximum payment for adoption subsidy nonrecurring expenses shall be limited to $500 and the disallowance of additional amounts for court costs and other related legal expenses implemented pursuant to 2010 Iowa Acts, chapter 1031, section 408 shall be continued.

b. (1) For the fiscal year beginning July 1, 2013, the reimbursement rates for child welfare services providers shall be increased by 5 percent over the rates in effect on June 30, 2013, and the maximum reimbursement rate for group foster care providers, including service and maintenance costs, shall be increased by 5 percent.

(2) For purposes of this lettered paragraph, "child welfare services providers" means the resource family recruitment and retention contractors, the family safety, risk, and permanency services (family-centered) contractors, the child welfare emergency services contractors, and supervised apartment living foster care providers.

c. For the fiscal year beginning July 1, 2013, the maximum reimbursement rates under the supervised apartment living program other than foster care-related, and for social services providers under contract, shall be increased by 5 percent over the rates in effect on June 30, 2013, or the provider's actual and allowable cost plus inflation for each service, whichever is less. However, if a new service or service provider is added after June 30, 2013, the initial reimbursement rate for the service or provider shall be based upon a weighted average of provider rates for similar services.

d. The group foster care reimbursement rates paid for placement of children out of state shall be calculated according to the same rate-setting principles as those used for in-state providers, unless the director of human services or the director's designee determines that appropriate care cannot be provided within the state. The payment of the daily rate shall be based on the number of days in the calendar month in which service is provided.

5. a. For the fiscal year beginning July 1, 2013, the reimbursement rate paid for shelter care and the child welfare emergency services implemented to provide or prevent the need for shelter care shall be established by contract.

b. For the fiscal year beginning July 1, 2013, the combined service and maintenance components of the reimbursement rate paid for shelter care services shall be based on the financial and statistical report submitted to the department. The maximum reimbursement rate shall be $96.98 per day. The department shall reimburse a shelter care provider at the provider's actual and allowable unit cost, plus inflation, not to exceed the maximum reimbursement rate.

c. Notwithstanding section 232.141, subsection 8, for the fiscal year beginning July 1, 2013, the amount of the statewide average of the actual and allowable rates for reimbursement of

juvenile shelter care homes that is utilized for the limitation on recovery of unpaid costs shall be increased by $4.62 over the amount in effect for this purpose in the preceding fiscal year.

6. For the fiscal year beginning July 1, 2013, the department shall calculate reimbursement rates for intermediate care facilities for persons with intellectual disabilities at the 80th percentile. Beginning July 1, 2013, the rate calculation methodology shall utilize the consumer price index inflation factor applicable to the fiscal year beginning July 1, 2013.

7. For the fiscal year beginning July 1, 2013, for child care providers reimbursed under the state child care assistance program, the department shall set provider reimbursement rates based on the rate reimbursement survey completed in December 2004. Effective July 1, 2013, the child care provider reimbursement rates shall be increased by 4 percent over the rates in effect on June 30, 2013. The department shall set rates in a manner so as to provide incentives for a nonregistered provider to become registered by applying the increase only to registered and licensed providers.

*8. *Any increase specified in a provider's reimbursement rate in accordance with this section shall be used to increase compensation and costs of employment, including benefits, for nonadministrative staff.**

9. The department may adopt emergency rules to implement this section.

Sec. 30. EMERGENCY RULES.

1. If specifically authorized by a provision of this division of this Act for the fiscal year beginning July 1, 2013, the department of human services or the mental health and disability services commission may adopt administrative rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph "b", to implement the provisions and the rules shall become effective immediately upon filing or on a later effective date specified in the rules, unless the effective date is delayed by the administrative rules review committee. Any rules adopted in accordance with this section shall not take effect before the rules are reviewed by the administrative rules review committee. The delay authority provided to the administrative rules review committee under section 17A.4, subsection 7, and section 17A.8, subsection 9, shall be applicable to a delay imposed under this section, notwithstanding a provision in those sections making them inapplicable to section 17A.5, subsection 2, paragraph "b". Any rules adopted in accordance with the provisions of this section shall also be published as notice of intended action as provided in section 17A.4.

2. If during the fiscal year beginning July 1, 2013, the department of human services is adopting rules in accordance with this section or as otherwise directed or authorized by state law, and the rules will result in an expenditure increase beyond the amount anticipated in the budget process or if the expenditure was not addressed in the budget process for the fiscal year, the department shall notify the persons designated by this division of this Act for submission of reports, the chairpersons and ranking members of the committees on appropriations, and the department of management concerning the rules and the expenditure increase. The notification shall be provided at least 30 calendar days prior to the date notice of the rules is submitted to the administrative rules coordinator and the administrative code editor.

Sec. 31. REPORTS. Any reports or other information required to be compiled and submitted under this Act during the fiscal year beginning July 1, 2013, shall be submitted to the chairpersons and ranking members of the joint appropriations subcommittee on health and human services, the legislative services agency, and the legislative caucus staffs on or before the dates specified for submission of the reports or information.

* Item veto; see message at end of the Act

DIVISION VI
HEALTH CARE ACCOUNTS AND FUNDS — FY 2013-2014

Sec. 32. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is appropriated from the pharmaceutical settlement account created in section 249A.33 to the department of human services for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

Notwithstanding any provision of law to the contrary, to supplement the appropriations made in this Act for medical contracts under the medical assistance program for the fiscal year beginning July 1, 2013, and ending June 30, 2014:

..... $ 6,650,000

Sec. 33. APPROPRIATIONS FROM IOWACARE ACCOUNT.

1. There is appropriated from the IowaCare account created in section 249J.24 to the state board of regents for distribution to the university of Iowa hospitals and clinics for the fiscal year beginning July 1, 2013, and ending June 30, 2014, for the program period beginning July 1, 2013, and ending December 31, 2013, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, equipment, and miscellaneous purposes, for the provision of medical and surgical treatment of indigent patients, for provision of services to members of the expansion population pursuant to chapter 249J, for medical education and contingent upon receipt of approval from the office of the governor of reimbursement for each abortion performed under chapter 249J:

..... $ 13,642,292

a. (1) Funds appropriated in this subsection used for abortions shall be used in a manner consistent with options under federal Medicaid law and regulation. Funds appropriated in this subsection shall not be used for abortions, unless otherwise authorized under the appropriation in this Act for the medical assistance program.

(2) Iowans support reducing the number of abortions performed in our state. For an abortion covered under this subsection, except in the case of a medical emergency, as defined in section 135L.1, for any woman, the physician shall certify both of the following:

(a) That the woman has been given the opportunity to view an ultrasound image of the fetus as part of the standard of care before an abortion is performed.

(b) That the woman has been provided information regarding the options relative to a pregnancy, including continuing the pregnancy to term and retaining parental rights following the child's birth, continuing the pregnancy to term and placing the child for adoption, and terminating the pregnancy.

b. Notwithstanding any provision of law to the contrary, the amount appropriated in this subsection shall be distributed based on claims submitted, adjudicated, and paid by the Iowa Medicaid enterprise.

c. The university of Iowa hospitals and clinics shall certify public expenditures in an amount equal to provide the nonfederal share on total expenditures not to exceed $10,000,000.

2. There is appropriated from the IowaCare account created in section 249J.24 to the state board of regents for distribution to the university of Iowa hospitals and clinics for the fiscal year beginning July 1, 2013, and ending June 30, 2014, for the program period beginning July 1, 2013, and ending December 31, 2013, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, equipment, and miscellaneous purposes, for the provision of medical and surgical treatment of indigent patients, for provision of services to members of the expansion population pursuant to chapter 249J, and for medical education:

..... $ 26,284,600

Notwithstanding any provision of law to the contrary, the amount appropriated in this subsection shall be distributed based on claims submitted, adjudicated, and paid by the Iowa Medicaid enterprise.

3. There is appropriated from the IowaCare account created in section 249J.24 to the state board of regents for distribution to university of Iowa physicians for the fiscal year beginning

July 1, 2013, and ending June 30, 2014, for the program period beginning July 1, 2013, and ending December 31, 2013, the following amount, or so much thereof as is necessary to be used for the purposes designated:

For salaries, support, maintenance, equipment, and miscellaneous purposes for the provision of medical and surgical treatment of indigent patients, for provision of services to members of the expansion population pursuant to chapter 249J, and for medical education:
..... $ 9,903,183

Notwithstanding any provision of law to the contrary, the amount appropriated in this subsection shall be distributed based on claims submitted, adjudicated, and paid by the Iowa Medicaid enterprise. Once the entire amount appropriated in this subsection has been distributed, claims shall continue to be submitted and adjudicated by the Iowa Medicaid enterprise; however, no payment shall be made based upon such claims.

4. There is appropriated from the IowaCare account created in section 249J.24 to the department of human services for the fiscal year beginning July 1, 2013, and ending June 30, 2014, for the program period beginning July 1, 2013, and ending December 31, 2013, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For distribution to a publicly owned acute care teaching hospital located in a county with a population over 350,000 for the provision of medical and surgical treatment of indigent patients, for provision of services to members of the expansion population pursuant to chapter 249J, and for medical education:
..... $ 35,500,000

a. Notwithstanding any provision of law to the contrary, the amount appropriated in this subsection shall be distributed based on claims submitted, adjudicated, and paid by the Iowa Medicaid enterprise plus a monthly disproportionate share hospital payment. Any amount appropriated in this subsection in excess of $32,500,000 shall be distributed only if the sum of the expansion population claims adjudicated and paid by the Iowa Medicaid enterprise plus the estimated disproportionate share hospital payments exceeds $32,500,000. The amount paid in excess of $32,500,000 shall not adjust the original monthly payment amount but shall be distributed monthly based on actual claims adjudicated and paid by the Iowa Medicaid enterprise plus the estimated disproportionate share hospital amount. Any amount appropriated in this subsection in excess of $32,500,000 shall be allocated only if federal funds are available to match the amount allocated. Pursuant to paragraph "b", of the amount appropriated in this subsection, not more than $2,000,000 shall be distributed for prescription drugs, podiatry services, optometric services, and durable medical equipment.

b. Notwithstanding any provision of law to the contrary, the hospital identified in this subsection shall be reimbursed for outpatient prescription drugs, podiatry services, optometric services, and durable medical equipment provided to members of the expansion population pursuant to all applicable medical assistance program rules, in an amount not to exceed $2,000,000.

c. Notwithstanding the total amount of proceeds distributed pursuant to section 249J.24, subsection 4, paragraph "a", unnumbered paragraph 1, for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the county treasurer of a county with a population of over 350,000 in which a publicly owned acute care teaching hospital is located shall distribute the proceeds collected pursuant to section 347.7 between July 1, 2013, and December 31, 2013, in a total amount of $19,000,000, which would otherwise be distributed to the county hospital, to the treasurer of state for deposit in the IowaCare account.

d. Notwithstanding the amount collected and distributed for deposit in the IowaCare account pursuant to section 249J.24, subsection 4, paragraph "a", subparagraph (1), the first $19,000,000 in proceeds collected pursuant to section 347.7 between July 1, 2013, and December 31, 2013, shall be distributed to the treasurer of state for deposit in the IowaCare account and collections during this time period in excess of $19,000,000 shall be distributed to the acute care teaching hospital identified in this subsection. Of the collections in excess of the $19,000,000 received by the acute care teaching hospital under this paragraph "d", $2,000,000 shall be distributed by the acute care teaching hospital to the treasurer of state for deposit in the IowaCare account in the month of January 2014, following the July 1 through December 31, 2013, period.

5. There is appropriated from the IowaCare account created in section 249J.24 to the department of human services for the fiscal year beginning July 1, 2013, and ending June 30, 2014, for the program period beginning July 1, 2013, and ending December 31, 2013, the following amount, or so much thereof as is necessary to be used for the purpose designated:

For payment to the regional provider network specified by the department pursuant to section 249J.7 for provision of covered services to members of the expansion population pursuant to chapter 249J:

..... $ 2,993,183

Notwithstanding any provision of law to the contrary, the amount appropriated in this subsection shall be distributed based on claims submitted, adjudicated, and paid by the Iowa Medicaid enterprise. Once the entire amount appropriated in this subsection has been distributed, claims shall continue to be submitted and adjudicated by the Iowa Medicaid enterprise; however, no payment shall be made based upon such claims.

6. There is appropriated from the IowaCare account created in section 249J.24 to the department of human services for the fiscal year beginning July 1, 2013, and ending June 30, 2014, for the program period beginning July 1, 2013, and ending December 31, 2013, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For a care coordination pool to pay the expansion population providers consisting of the university of Iowa hospitals and clinics, the publicly owned acute care teaching hospital as specified in section 249J.7, and current medical assistance program providers that are not expansion population network providers pursuant to section 249J.7, for services covered by the full benefit medical assistance program but not under the IowaCare program pursuant to section 249J.6, that are provided to expansion population members:

..... $ 1,500,000

a. Notwithstanding sections 249J.6 and 249J.7, the amount appropriated in this subsection is intended to provide payment for medically necessary services provided to expansion population members for continuation of care provided by the university of Iowa hospitals and clinics or the publicly owned acute care teaching hospital as specified in section 249J.7. Payment may only be made for services that are not otherwise covered under section 249J.6, and which are follow-up services to covered services provided by the hospitals specified in this paragraph "a".

b. The funds appropriated in this subsection are intended to provide limited payment for continuity of care services for an expansion population member, and are intended to cover the costs of services to expansion population members, regardless of the member's county of residence or medical home assignment, if the care is related to specialty or hospital services provided by the hospitals specified in paragraph "a".

c. The funds appropriated in this subsection are not intended to provide for expanded coverage under the IowaCare program, and shall not be used to cover emergency transportation services.

d. The department shall adopt administrative rules pursuant to chapter 17A to establish a prior authorization process and to identify covered services for reimbursement under this subsection.

7. There is appropriated from the IowaCare account created in section 249J.24 to the department of human services for the fiscal year beginning July 1, 2013, and ending June 30, 2014, for the program period beginning July 1, 2013, and ending December 31, 2013, the following amount, or so much thereof as is necessary, for the purposes designated:

For transfer to the medical contracts appropriation in this division of this Act to be used for administrative costs associated with chapter 249J including eligibility determinations:

..... $ 371,552

8. For the fiscal year beginning July 1, 2013, and ending June 30, 2014, for the program period beginning July 1, 2013, and ending December 31, 2013, the state board of regents shall transfer $637,789 to the IowaCare account created in section 249J.24, to provide the nonfederal share for distribution to university of Iowa physicians under the IowaCare program. The university of Iowa hospitals and clinics shall receive and retain 100 percent of the total increase in IowaCare program payments.

Sec. 34. APPROPRIATIONS FROM NONPARTICIPATING PROVIDER REIMBURSEMENT FUND — DEPARTMENT OF HUMAN SERVICES. Notwithstanding any provision to the contrary, and subject to the availability of funds, there is appropriated from the nonparticipating provider reimbursement fund created in section 249J.24A to the department of human services for the fiscal year beginning July 1, 2013, and ending June 30, 2014, for the program period beginning July 1, 2013, and ending December 31, 2013, the following amount, or so much thereof as is necessary, for the purposes designated:

To reimburse nonparticipating providers in accordance with section 249J.24A:
..... $ 1,000,000

Sec. 35. QUALITY ASSURANCE TRUST FUND — DEPARTMENT OF HUMAN SERVICES. Notwithstanding any provision to the contrary and subject to the availability of funds, there is appropriated from the quality assurance trust fund created in section 249L.4 to the department of human services for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amounts, or so much thereof as is necessary, for the purposes designated:

To supplement the appropriation made in this Act from the general fund of the state to the department of human services for medical assistance for the same fiscal year:
..... $ 28,788,917

Sec. 36. HOSPITAL HEALTH CARE ACCESS TRUST FUND — DEPARTMENT OF HUMAN SERVICES. Notwithstanding any provision to the contrary and subject to the availability of funds, there is appropriated from the hospital health care access trust fund created in section 249M.4 to the department of human services for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. To supplement the appropriation made in this Act from the general fund of the state to the department of human services for medical assistance for the same fiscal year:
..... $ 34,288,000

2. For deposit in the nonparticipating provider reimbursement fund created in section 249J.24A to be used for the purposes of the fund:
..... $ 412,000

Sec. 37. MEDICAL ASSISTANCE PROGRAM — NONREVERSION FOR FY 2013-2014. Notwithstanding section 8.33, if moneys appropriated for purposes of the medical assistance program for the fiscal year beginning July 1, 2013, and ending June 30, 2014, from the general fund of the state, the quality assurance trust fund and the hospital health care access trust fund, are in excess of actual expenditures for the medical assistance program and remain unencumbered or unobligated at the close of the fiscal year, the excess moneys shall not revert but shall remain available for expenditure for the purposes of the medical assistance program until the close of the succeeding fiscal year.

DIVISION VII
PRIOR YEAR APPROPRIATIONS

RESPITE

Sec. 38. 2011 Iowa Acts, chapter 129, section 128, as amended by 2012 Iowa Acts, chapter 1133, section 22, subsection 26, is amended to read as follows:

26. Of the funds appropriated in this section, at least $25,000 shall be used to continue and to expand the foster care respite pilot program in which postsecondary students in social work and other human services-related programs receive experience by assisting family foster care providers with respite and other support. Notwithstanding section 8.33, moneys allocated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

MEDICAL ASSISTANCE — GENERAL FUND

Sec. 39. 2011 Iowa Acts, chapter 129, section 122, unnumbered paragraph 2, is amended to read as follows:

For medical assistance program reimbursement and associated costs as specifically provided in the reimbursement methodologies in effect on June 30, 2012, except as otherwise expressly authorized by law, ~~and~~ consistent with options under federal law and regulations, and contingent upon receipt of approval from the office of the governor of reimbursement for each abortion performed under the program:

..... $ ~~914,993,421~~
975,993,421

Sec. 40. 2011 Iowa Acts, chapter 129, section 122, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. Funds appropriated under this section shall not be used for abortions, unless otherwise authorized under this section.

MEDICAL ASSISTANCE — IOWACARE TRANSFER ALLOCATION

Sec. 41. 2011 Iowa Acts, chapter 129, section 122, subsection 13, as amended by 2012 Iowa Acts, chapter 1133, section 10, is amended to read as follows:

13. Of the funds appropriated in this section, up to ~~$8,684,329~~ $16,004,422 may be transferred to the IowaCare account created in section 249J.24.

ADOPTION SUBSIDY — GENERAL FUND

Sec. 42. 2011 Iowa Acts, chapter 129, section 129, as amended by 2012 Iowa Acts, chapter 1133, section 23, subsection 1, is amended to read as follows:

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For adoption subsidy payments and services:

..... $ ~~36,788,576~~
37,743,429

NURSING FACILITY REIMBURSEMENT

Sec. 43. 2011 Iowa Acts, chapter 129, section 141, subsection 1, paragraph a, subparagraph (1), as amended by 2012 Iowa Acts, chapter 1133, section 32, is amended to read as follows:

(1) For the fiscal year beginning July 1, 2012, the total state funding amount for the nursing facility budget shall not exceed ~~$237,226,901~~ $239,226,901.

Sec. 44. 2012 Iowa Acts, chapter 1133, section 55, is amended to read as follows:

SEC. 55. REPLACEMENT GENERATION TAX REVENUES — LEVY RATES FOR FY 2011-2012 AND FY 2012-2013.

1. a. For the fiscal year beginning July 1, 2011, and ending June 30, 2012, and for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the replacement generation tax revenues required to be deposited in the property tax relief fund pursuant to section 437A.8, subsection 4, paragraph "d", and section 437A.15, subsection 3, paragraph "f", shall instead be credited to the mental health and disability services redesign fund created in this division of this Act.

b. If this section of this division of this Act is enacted after the department of management has reduced county certified budgets and revised rates of taxation pursuant to section 426B.2, subsection 3, paragraph "b", to reflect anticipated replacement generation tax revenues, and the enactment date is during the period beginning May 1, 2012, and ending June 30, 2012, the reductions and revisions shall be rescinded and the department of management shall expeditiously report that fact to the county auditors.

2. Except as otherwise provided in subsection 1 for department of management reductions of certified budgets and revisions of tax rates and rescinding of those reductions and revisions, the budgets and tax rates certified for a county services fund under section 331.424A, for the fiscal year beginning July 1, 2012, shall remain in effect, notwithstanding section 426B.3, subsection 1, the property tax relief fund payment and other services fund financing changes made in this division of this Act, or other statutory amendments affecting county services funds for the fiscal year to the contrary.

Sec. 45. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 46. RETROACTIVE APPLICABILITY. The following provision of this Act applies retroactively to July 1, 2011:

1. The section amending 2012 Iowa Acts, chapter 1133, section 55.

DIVISION VIII
CHILD WELFARE AND CHILD CARE

Sec. 47. Section 232.142, subsection 5, Code 2013, is amended to read as follows:

5. The director shall approve annually all such homes established and maintained under the provisions of this chapter. A home shall not be approved unless it complies with minimal rules and standards adopted by the director and has been inspected by the department of inspections and appeals. The statewide number of beds in the homes approved by the director shall not exceed two hundred sixty-two beds.

DIVISION IX
AGING

Sec. 48. Section 231.33, subsection 21, Code 2013, if enacted by 2013 Iowa Acts, Senate File 184,[2] section 22, is amended to read as follows:

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

**Sec. 49. Section 231.42, subsection 7, paragraph a, Code 2013, is amended to read as follows:*

*a. An officer, owner, director, or employee of a long-term care facility, assisted living program, or elder group home who intentionally prevents, interferes with, or attempts to impede the work of the state or a local long-term care resident's advocate is subject to a penalty imposed by the director of not more than one thousand five hundred dollars for each violation. If the director imposes a penalty for a violation under this paragraph, no other state agency shall impose a penalty for the same interference violation. Any moneys collected pursuant to this subsection shall be deposited in the general fund of the state and are appropriated to the office of long-term care resident's advocate to be used for administration and the duties of the office.**

Sec. 50. TASK FORCE ON ELDER ABUSE PREVENTION AND INTERVENTION.

1. The department on aging shall continue a task force on elder abuse prevention and intervention to continue the work of the elder abuse task force established pursuant to 2012 Iowa Acts, chapter 1056. The task force shall include representatives of the department on aging, the office of long-term care resident's advocate, the department of human services, the department of inspections and appeals, the department of public health, the office of the attorney general, the department of veterans affairs, the department of public safety, the insurance division of the department of commerce, a county attorney's office with experience

[2] Chapter 18 herein
* Item veto; see message at end of the Act

in prosecuting elder abuse, the superintendent of banking, the courts, the elder law section of the Iowa state bar association, and other affected stakeholders. The task force shall form workgroups as necessary to address the specific recommendations.

2. The task force shall review the report of the elder abuse task force submitted in December 2012, develop an implementation plan for the recommendations, and make any additional recommendations as necessary. The implementation plan and additional recommendations shall address all of the following:

a. The design of the comprehensive approach to elder abuse prevention and intervention in the state utilizing the prevention of elder abuse program pursuant to section 231.56A and the office of substitute decision maker pursuant to chapter 231E. The design shall also address all of the following:

(1) Harmonization of the approach design with the existing dependent adult abuse system pursuant to chapter 235B, including but not limited to standardized training, collaboration between the elder abuse approach and the department of human services when a report of dependent adult abuse involves an older individual, and the membership of multidisciplinary teams.

(2) Incorporation of the approach design into other existing and developing components of the system including the area agencies on aging, the mental health and disability services regions, local public health departments, the local offices of the department on human services, the courts, and other appropriate entities, to most effectively and efficiently address the needs of older individuals.

b. The definition of elder abuse to be used in the approach to elder abuse. The task force shall address continued use of the definition of "elder abuse" as specified under the federal Older Americans Act and utilized by the prevention of elder abuse program under section 231.56A, or shall provide a specific alternative definition.

c. The designation of a single point of contact to report elder abuse. The task force shall specifically address utilizing the aging and disability resource center network as the single point of contact.

d. The means of addressing financial exploitation of older individuals, including those relating to powers of attorney and conservatorships as described in the 2012 task force report.

e. Promotion of public awareness of elder abuse and the services and support available to older individuals at risk of or experiencing elder abuse.

f. Any specific changes in statute and rules necessary to achieve the recommendations of the task force.

3. The task force shall submit a progress report to the elder abuse prevention and intervention legislative interim committee established pursuant to this Act for review, by October 31, 2013, and shall submit a final report of its recommendations and proposed legislation following approval by the legislative interim committee to the governor and the general assembly no later than December 31, 2013.

Sec. 51. LEGISLATIVE INTERIM COMMITTEE. The legislative council is requested to establish a legislative interim committee on elder abuse prevention and intervention for the 2013 legislative interim to monitor the progress of, and provide direction to, the task force on elder abuse prevention and intervention created in this Act. The legislative committee shall review the progress report and approve the final report of the task force and shall submit the committee's recommendations and a final report to the general assembly following completion of the committee's work.

Sec. 52. PILOT PROJECT — GUARDIANSHIP AND CONSERVATORSHIP MONITORING. The department on aging shall collaborate with the national health law and policy resource center at the university of Iowa college of law to establish a three-year pilot project to train, recruit, and oversee volunteers to assist the courts in monitoring guardianships and conservatorships and to provide assistance to guardians and conservators. The pilot project shall be implemented initially in the sixth judicial district. The pilot project shall be utilized to establish a basis for an ongoing guardianship and conservatorship monitoring and assistance program administered through the department on aging. The department on aging shall submit an annual report to the individuals

identified in this Act for submission of reports. The annual report shall include the objectives and results for the pilot project year, how the funds allocated were utilized in meeting the pilot project's objectives, the number of individuals served, the types of services provided, any other sources of funding utilized or identified as available for the pilot project, and the continuing needs of the pilot project.

Sec. 53. EFFECTIVE UPON ENACTMENT. The section of this division of this Act establishing a task force on elder abuse prevention, being deemed of immediate importance, takes effect upon enactment.

Sec. 54. EFFECTIVE UPON ENACTMENT. The section of this division of this Act amending section 231.33, subsection 21, as enacted by 2013 Iowa Acts, Senate File 184,[3] being deemed of immediate importance, takes effect upon enactment.

Sec. 55. RETROACTIVE APPLICABILITY. The section of this division of this Act amending section 231.33, subsection 21, as enacted by 2013 Iowa Acts, Senate File 184,[4] applies retroactively to July 1, 2012.

**DIVISION X*
EMS TASK FORCE

Sec. 56. EMERGENCY MEDICAL SERVICES TASK FORCE AND REPORT.

1. The department of public health shall establish a task force to ensure the future availability of quality emergency medical services for the state.

2. The members of the task force shall be appointed by the director of the department of public health, or the director's designee, as follows:

a. A manager of a rural volunteer emergency medical transport service.

b. A manager of a rural paid emergency medical transport service.

c. A manager of an urban emergency medical transport service.

d. A manager of a nontransport emergency medical service.

e. A representative of a fire department-based emergency medical service.

f. A representative of a hospital-based emergency medical service.

g. A representative of a private, for-profit emergency medical transport service.

h. A representative of a not-for-profit emergency medical transport service.

i. A representative of the Iowa emergency medical services association board of directors.

j. A representative of an emergency medical services training agency.

k. An urban emergency department physician.

l. A rural emergency department physician.

m. A representative of the Iowa emergency nurses association.

n. A representative of the Iowa alliance in home care.

o. A representative of an emergency medical service air ambulance.

p. A representative of the Iowa hospital association.

q. A representative of the private insurance industry.

r. A representative of the Iowa Medicaid enterprise division of the department of human services.

s. A representative of city government.

t. A representative of county government.

u. A representative of the nursing facility industry.

v. A representative of the Iowa behavioral health association.

w. A consumer of emergency medical services.

x. An advanced registered nurse practitioner.

3. The task force shall discuss the current state of emergency medical services in Iowa and make recommendations for enhancement of Iowa's emergency medical services system. The recommendations shall address issues facing volunteer and paid rural emergency

[3] Chapter 18 herein
[4] Chapter 18 herein
* Item veto; see message at end of the Act

medical services, cost projections including administration costs for all recommendations, the Medicaid reimbursement fee schedule for ambulance services, and the nature and scope of any recommended changes in regulations governing emergency medical services.

*4. The task force shall, by December 15, 2013, submit a final report of its findings and recommendations to the governor, the general assembly, the department of public health, and the emergency medical services advisory council. The emergency medical services advisory council shall review the report and make recommendations related to implementation of the report's recommendations to the director of the department of public health.**

DIVISION XI
HOSPITAL PROVIDER TAX

Sec. 57. Section 249M.5, Code 2013, is amended to read as follows:

249M.5 Future repeal.

This chapter is repealed June 30, ~~2013~~ 2016.

Sec. 58. EFFECTIVE UPON ENACTMENT. The section of this division of this Act relating to the future repeal of the hospital health care access assessment program chapter, being deemed of immediate importance, takes effect upon enactment.

DIVISION XII
ILL AND HANDICAPPED WAIVER NAME CHANGE

Sec. 59. Section 423.3, subsection 18, paragraph f, subparagraph (1), Code 2013, is amended to read as follows:

(1) ~~Ill and handicapped~~ Health and disability waiver service providers, described in 441 IAC 77.30.

DIVISION XIII
FAMILY PLANNING WAIVER

Sec. 60. 2010 Iowa Acts, chapter 1192, section 11, subsection 24, paragraph a, subparagraph (1), subparagraph division (a), is amended to read as follows:

(a) Are uninsured or have health insurance coverage ~~that does not include coverage for benefits provided under the Iowa family planning network~~ subject to the medical assistance program being the payer of last resort.

Sec. 61. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XIV
MISCELLANEOUS HEALTH CARE AMENDMENTS

Sec. 62. Section 249A.2, subsection 1, Code 2013, is amended by striking the subsection.

Sec. 63. Section 249A.2, subsections 4 and 7, Code 2013, are amended to read as follows:

4. *"Discretionary medical assistance"* means mandatory medical assistance or ~~additional~~ optional medical assistance provided to medically needy individuals whose income and resources are in excess of eligibility limitations but are insufficient to meet all of the costs of necessary medical care and services, provided that if the assistance includes services in institutions for mental diseases or intermediate care facilities for persons with an intellectual disability, or both, for any group of such individuals, the assistance also includes for all covered groups of such individuals at least the care and services enumerated in Tit. XIX of the federal Social Security Act, section 1905(a), paragraphs (1) through (5), and (17), as codified in 42 U.S.C. § 1396d(a), pars. (1) through (5), and (17), or any seven of the care and services enumerated in Tit. XIX of the federal Social Security Act, section 1905(a),

* Item veto; see message at end of the Act

paragraphs (1) through ~~(7) and (9) through (18)~~ (24), as codified in 42 U.S.C. § 1396d(a), ~~pars.~~ paragraphs (1) through ~~(7), and (9) through (18)~~ (24).

7. *"Medical assistance"* or *"Medicaid"* means payment of all or part of the costs of the care and services ~~required to be provided by~~ made in accordance with Tit. XIX of the federal Social Security Act~~, section 1905(a), paragraphs (1) through (5), and (17), as codified in 42 U.S.C. § 1396d(a), pars. (1) through (5), and (17)~~ and authorized pursuant to this chapter.

Sec. 64. Section 249A.2, Code 2013, is amended by adding the following new subsections:

NEW SUBSECTION. 6A. *"Mandatory medical assistance"* means payment of all or part of the costs of the care and services required to be provided by Tit. XIX of the federal Social Security Act, section 1905(a), paragraphs (1) through (5), (17), (21), and (28), as codified in 42 U.S.C. § 1396d(a), paragraphs (1) through (5), (17), (21), and (28).

NEW SUBSECTION. 7A. *"Medical assistance program"* or *"Medicaid program"* means the program established under this chapter to provide medical assistance.

NEW SUBSECTION. 8A. *"Optional medical assistance"* means payment of all or part of the costs of any or all of the care and services authorized to be provided by Tit. XIX of the federal Social Security Act, section 1905(a), paragraphs (6) through (16), (18) through (20), (22) through (27), and (29), as codified in 42 U.S.C. § 1396d(a), paragraphs (6) through (16), and (18) through (20), (22) through (27), and (29).

Sec. 65. Section 249A.3, subsection 1, unnumbered paragraph 1, Code 2013, is amended to read as follows:

~~Medical~~ Mandatory medical assistance shall be provided to, or on behalf of, any individual or family residing in the state of Iowa, including those residents who are temporarily absent from the state, who:

Sec. 66. Section 249A.3, subsection 1, paragraph l, subparagraph (2), Code 2013, is amended to read as follows:

(2) ~~Additionally, effective July 1, 2009, medical assistance shall be provided to~~ Is a pregnant woman or infant whose family income is at or below three hundred percent of the federal poverty level, as defined by the most recently revised poverty income guidelines published by the United States department of health and human services, if otherwise eligible.

Sec. 67. Section 249A.3, subsection 2, paragraph a, unnumbered paragraph 1, Code 2013, is amended to read as follows:

~~Medical~~ Mandatory medical assistance may also, within the limits of available funds and in accordance with section 249A.4, subsection 1, be provided to, or on behalf of, other individuals and families who are not excluded under subsection 5 of this section and whose incomes and resources are insufficient to meet the cost of necessary medical care and services in accordance with the following order of priorities:

Sec. 68. Section 249A.3, subsection 2, paragraph a, subparagraph (1), subparagraph division (a), Code 2013, is amended to read as follows:

(a) As allowed under 42 U.S.C. § 1396a(a)(10)(A)(ii)(XIII), individuals with disabilities, who are less than sixty-five years of age, who are members of families whose income is less than two hundred fifty percent of the most recently revised official poverty guidelines published by the United States department of health and human services for the family, who have earned income and who are eligible for mandatory medical assistance or ~~additional~~ optional medical assistance under this section if earnings are disregarded. As allowed by 42 U.S.C. § 1396a(r)(2), unearned income shall also be disregarded in determining whether an individual is eligible for assistance under this subparagraph. For the purposes of determining the amount of an individual's resources under this subparagraph and as allowed by 42 U.S.C. § 1396a(r)(2), a maximum of ten thousand dollars of available resources shall be disregarded, and any additional resources held in a retirement account, in a medical savings account, or in any other account approved under rules adopted by the department shall also be disregarded.

Sec. 69. Section 249A.3, subsection 2, paragraph a, subparagraph (3), Code 2013, is amended to read as follows:

(3) Individuals who are receiving care in a hospital or in a basic nursing home, intermediate nursing home, skilled nursing home or extended care facility, as defined by section 135C.1, and who meet all eligibility requirements for federal supplemental security income except that their income exceeds the allowable maximum ~~therefor~~ for such eligibility, but whose income is not in excess of the maximum established ~~by subsection 4~~ for eligibility for discretionary medical assistance and is insufficient to meet the full cost of their care in the hospital or health care facility on the basis of standards established by the department.

Sec. 70. Section 249A.3, subsection 2, paragraph b, Code 2013, is amended to read as follows:

b. Notwithstanding the provisions of this subsection establishing priorities for individuals and families to receive mandatory medical assistance, the department may determine within the priorities listed in this subsection which persons shall receive mandatory medical assistance based on income levels established by the department, subject to the limitations provided in subsection 4.

Sec. 71. Section 249A.3, subsection 3, Code 2013, is amended to read as follows:

3. ~~Additional~~ Optional medical assistance may, within the limits of available funds and in accordance with section 249A.4, subsection 1, be provided to, or on behalf of, either of the following groups of individuals and families:

a. Only those individuals and families described in subsection 1 ~~of this section; or~~.

b. Those individuals and families described in both subsections 1 and 2.

Sec. 72. Section 249A.4, subsection 9, unnumbered paragraph 1, Code 2013, is amended to read as follows:

Adopt rules pursuant to chapter 17A in determining the method and level of reimbursement for all medical and health services ~~referred to in section 249A.2, subsection 1 or 7~~ to be provided under the medical assistance program, after considering all of the following:

Sec. 73. Section 249B.1, subsection 6, Code 2013, is amended to read as follows:

6. *"Medical assistance"* means *"mandatory medical assistance"*, ~~*"additional*~~ *"optional medical assistance"*, *"discretionary medical assistance"* or *"medicare cost sharing"* as defined in section 249A.2 which is provided to an individual pursuant to chapter 249A and Tit. XIX of the federal Social Security Act.

Sec. 74. Section 249F.1, subsection 1, Code 2013, is amended to read as follows:

1. *"Medical assistance"* means "mandatory medical assistance", ~~"additional~~ "optional medical assistance", "discretionary medical assistance", or "Medicare cost sharing" as each is defined in section 249A.2 which is provided to an individual pursuant to chapter 249A and Tit. XIX of the federal Social Security Act.

Sec. 75. Section 509.1, subsection 7, Code 2013, is amended to read as follows:

7. A policy issued to the department of human services, which shall be deemed the policyholder, to insure eligible persons for medical assistance, or for both mandatory medical assistance and ~~additional~~ optional medical assistance, as defined by chapter 249A as hereafter amended.

Sec. 76. Section 514.1, subsection 2, Code 2013, is amended to read as follows:

2. For the purposes of this chapter, *"subscriber"* means an individual who enters into a contract for health care services with a corporation subject to this chapter and includes a person eligible for mandatory medical assistance or ~~additional~~ optional medical assistance as defined under chapter 249A, with respect to whom the department of human services has entered into a contract with a firm operating under this chapter. For purposes of this chapter, *"provider"* means a person as defined in section 4.1, subsection 20, which is licensed or authorized in this state to furnish health care services. *"Health care"* means that care

necessary for the purpose of preventing, alleviating, curing, or healing human physical or mental illness, injury, or disability.

DIVISION XV
MEDICAID BREAST AND CERVICAL CANCER

Sec. 77. Section 249A.3, subsection 2, paragraph a, subparagraph (2), Code 2013, is amended to read as follows:

(2) (a) As provided under the federal Breast and Cervical Cancer Prevention and Treatment Act of 2000, Pub. L. No. 106-354, ~~women~~ individuals who meet all of the following criteria:

(i) Are not described in 42 U.S.C. § 1396a(a)(10)(A)(i).

(ii) Have not attained age sixty-five.

(iii) Have been screened for breast and cervical cancer under the United States centers for disease control and prevention breast and cervical cancer early detection program established under 42 U.S.C. § 300k et seq., in accordance with the requirements of 42 U.S.C. § 300n, and need treatment for breast or cervical cancer. ~~A woman~~ An individual is considered screened for breast and cervical cancer under this subparagraph subdivision if the ~~woman~~ individual is screened by any provider or entity, and the state grantee of the United States centers for disease control and prevention funds under Tit. XV of the federal Public Health Services Act has elected to include screening activities by that provider or entity as screening activities pursuant to Tit. XV of the federal Public Health Services Act. This screening includes ~~but is not limited to~~ breast or cervical cancer screenings or related diagnostic services provided or funded by family planning ~~or~~ centers, community health centers ~~and breast cancer screenings funded by the Susan G. Komen foundation which~~, or nonprofit organizations, and the screenings or services are provided to ~~women~~ individuals who meet the eligibility requirements established by the state grantee of the United States centers for disease control and prevention funds under Tit. XV of the federal Public Health Services Act.

(iv) Are not otherwise covered under creditable coverage as defined in 42 U.S.C. § 300gg(c).

(b) ~~A woman~~ An individual who meets the criteria of this subparagraph (2) shall be presumptively eligible for medical assistance.

Sec. 78. MEDICAID STATE PLAN AMENDMENT. The department of human services shall submit a medical assistance state plan amendment to the centers for Medicare and Medicaid services of the United States department of health and human services to provide for applicability of the federal Breast and Cervical Cancer Prevention and Treatment Act of 2000, Pub. L. No. 106-354, to both men and women. The department shall implement applicability of the program to both men and women upon receipt of federal approval.

DIVISION XVI
HEALTH AND LONG-TERM CARE

Sec. 79. Section 135.164, subsection 1, paragraph d, Code 2013, is amended by striking the paragraph.

Sec. 80. Section 135.164, subsection 4, Code 2013, is amended by striking the subsection.

Sec. 81. COST PROJECTION REPORT — STRATEGIC PLAN. The department of public health shall develop cost projections for implementing the strategic plan for health care delivery infrastructure and health care workforce resources as specified in section 135.164, and shall submit a report of such cost projections and any recommendations to the individuals identified in this Act for submission of reports by December 15, 2013.

DIVISION XVII
AUTISM SUPPORT PROGRAM

Sec. 82. NEW SECTION. **225D.1 Definitions.**

As used in this chapter unless the context otherwise requires:

1. *"Applied behavioral analysis"* means the design, implementation, and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior or to prevent loss of attained skill or function, including the use of direct observation, measurement, and functional analysis of the relations between environment and behavior.

2. *"Autism"* means autism spectrum disorders as defined in section 514C.28.

3. *"Autism service provider"* means a person providing applied behavioral analysis, who meets all of the following criteria:

a. Is certified as a behavior analyst by the behavior analyst certification board or is a health professional licensed under chapter 147.

b. Is approved as a member of the provider network by the department.

4. *"Autism support fund"* or *"fund"* means the autism support fund created in section 225D.2.

5. *"Clinically relevant"* means medically necessary and resulting in the development, maintenance, or restoration, to the maximum extent practicable, of the functioning of an individual.

6. *"Department"* means the department of human services.

7. *"Diagnostic assessment of autism"* means medically necessary assessment, evaluations, or tests performed by a licensed child psychiatrist, developmental pediatrician, or clinical psychologist.

8. *"Eligible individual"* means a child less than nine years of age who has been diagnosed with autism based on a diagnostic assessment of autism, is not otherwise eligible for coverage for applied behavioral analysis treatment under the medical assistance program, section 514C.28, or private insurance coverage, and whose household income does not exceed four hundred percent of the federal poverty level.

9. *"Federal poverty level"* means the most recently revised poverty income guidelines published by the United States department of health and human services.

10. *"Household income"* means household income as determined using the modified adjusted gross income methodology pursuant to section 2002 of the federal Patient Protection and Affordable Care Act, Pub. L. No. 111-148.

11. *"Medical assistance"* or *"Medicaid"* means assistance provided under the medical assistance program pursuant to chapter 249A.

12. *"Regional autism assistance program"* means the regional autism assistance program created in section 256.35.

13. *"Treatment plan"* means a plan for the treatment of autism developed by a licensed physician or licensed psychologist pursuant to a comprehensive evaluation or reevaluation performed in consultation with the patient and the patient's representative.

Sec. 83. NEW SECTION. **225D.2 Autism support program — fund.**

1. The department shall implement an autism support program beginning January 1, 2014, to provide payment for the provision of applied behavioral analysis treatment for eligible individuals. The department shall adopt rules, including standards and guidelines pursuant to chapter 17A to implement and administer the program. In adopting the rules, standards, and guidelines for the program, the department shall consult with and incorporate the recommendations of an expert panel convened by the regional autism assistance program to provide expert opinion on clinically relevant practices and guidance on program implementation and administration. The expert panel shall consist of families of individuals with autism; educational, medical, and human services specialists, professionals, and providers; and others with interest in or expertise related to autism. The program shall be implemented and administered in a manner so that payment for services is available throughout the state, including in rural and under-resourced areas.

2. At a minimum, the rules, standards, and guidelines for the program shall address all of the following:

a. A maximum annual benefit amount for an eligible individual of thirty-six thousand dollars.

b. A maximum of twenty-four months of applied behavioral analysis treatment.

c. Notwithstanding the age limitation for an eligible individual, a provision that if an eligible individual reaches nine years of age prior to completion of the maximum applied behavioral analysis treatment period specified in paragraph *"b"*, the individual may complete such treatment in accordance with the individual's treatment plan, not to exceed the maximum treatment period.

d. A graduated schedule for cost-sharing by an eligible individual based on a percentage of the total benefit amount expended for the eligible individual, annually. Cost-sharing shall be applicable to eligible individuals with household incomes at or above two hundred percent of the federal poverty level in incrementally increased amounts up to a maximum of ten percent. The rules shall provide a financial hardship exemption from payment of the cost-sharing based on criteria established by rule of the department.

e. Application, approval, compliance, and appeal processes for eligible individuals as necessary to operate and manage the program.

f. Enrollment, renewal, and reimbursement of claims provisions for autism service providers participating in the program.

g. A requirement of family engagement and participation as part of the eligible individual's treatment plan.

h. A requirement that the autism service provider coordinate interventions with the school in which the eligible individual is enrolled.

i. A requirement that the administrator of the program utilize the regional autism assistance program to coordinate interventions between eligible individuals and their families receiving support through the autism support program with appropriate medical, educational, and treatment providers, including integrated health homes. The regional autism assistance program shall provide for family navigation and coordination and integration of services through the statewide system of regional child health specialty clinics, utilizing the community child health team model. As necessitated by the availability of resources in the community where services are delivered, telehealth may be used in delivering and coordinating interventions with appropriate providers. To the extent available and accessible to an eligible individual, the eligible individual shall be enrolled in an integrated health home that is an approved provider enrolled in the medical assistance program. Health home services that are covered services under the medical assistance program shall be reimbursed under the autism support program at rates consistent with those established under the medical assistance program.

j. Requirements related to review of treatment plans, which may require review once every six months, subject to utilization review requirements established by rule. A more or less frequent review may be agreed upon by the eligible individual and the licensed physician or licensed psychologist developing the treatment plan.

k. Recognition of the results of a diagnostic assessment of autism as valid for a period of not less than twelve months, unless a licensed physician or licensed psychologist determines that a more frequent assessment is necessary.

3. Moneys in the autism support fund created under subsection 5 shall be expended only for eligible individuals who are not eligible for coverage for applied behavioral analysis treatment under the medical assistance program, section 514C.28, or private insurance. Payment for applied behavioral analysis treatment through the fund shall be limited to only applied behavioral analysis treatment that is clinically relevant and only to the extent approved under the guidelines established by rule of the department.

4. This section shall not be construed as granting an entitlement for any program, service, or other support for eligible individuals. Any state obligation to provide a program, service, or other support pursuant to this section is limited to the extent of the funds appropriated for the purposes of the program. The department may establish a waiting list or terminate participation of eligible individuals if the department determines that moneys in the autism support fund are insufficient to cover future claims for reimbursement beyond ninety days.

5. *a.* An autism support fund is created in the state treasury under the authority of the department. Moneys appropriated to and all other moneys specified for deposit in the fund shall be deposited in the fund and used for the purposes of the program.

b. The fund shall be separate from the general fund of the state and shall not be considered part of the general fund of the state. The moneys in the fund shall not be considered revenue of the state, but rather shall be funds of the autism support program. The moneys deposited in the fund are not subject to section 8.33 and shall not be transferred, used, obligated, appropriated, or otherwise encumbered, except to provide for the purposes of this section. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the fund.

c. The department shall adopt rules pursuant to chapter 17A to administer the fund and reimbursements made from the fund.

d. Moneys in the fund are appropriated to the department and shall be used by the department for the purposes of the autism support program. The department shall be the administrator of the fund for auditing purposes.

e. The department shall submit an annual report to the governor and the general assembly no later than January 1 of each year that includes but is not limited to all of the following:

(1) The total number of applications received under the program for the immediately preceding fiscal year.

(2) The number of applications approved and the total amount of funding expended for reimbursements under the program in the immediately preceding fiscal year.

(3) The cost of administering the program in the immediately preceding fiscal year.

(4) The number of eligible individuals on a waiting list, if any, and the amount of funding necessary to reduce the existing waiting list.

(5) Recommendations for any changes to the program.

Sec. 84. IMPLEMENTATION.

1. The department of human services shall implement the autism support program beginning January 1, 2014, subject to available funding.

2. Notwithstanding section 8.47 or any other provision of law to the contrary, the department may utilize a sole-source contract and utilize the managed care entity under contract with the department to manage behavioral health services under the medical assistance program to administer the program. Total administrative costs of the program shall not exceed ten percent of the funds expended through the program, annually.

Sec. 85. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XVIII
DEPARTMENT OF HUMAN SERVICES — CHILD, ADULT, AND FAMILY SERVICES

Sec. 86. Section 225C.38, subsection 1, paragraph c, Code 2013, is amended to read as follows:

c. Except as provided in section 225C.41, a family support subsidy for a fiscal year shall be in an amount determined by the department ~~in consultation with the comprehensive family support council created in section 225C.48~~. The parent or legal guardian receiving a family support subsidy may elect to receive a payment amount which is less than the amount determined in accordance with this paragraph.

Sec. 87. Section 225C.42, subsection 1, Code 2013, is amended to read as follows:

1. The department shall conduct an annual evaluation of the family support subsidy program ~~in conjunction with the comprehensive family support council~~ and shall submit the evaluation report with recommendations to the governor and general assembly. The report shall be submitted on or before October 30 and provide an evaluation of the latest completed fiscal year.

* Item veto; see message at end of the Act

Sec. 88. Section 225C.47, subsection 5, unnumbered paragraph 1, Code 2013, is amended to read as follows:

The department shall design the program ~~in consultation with the comprehensive family support council created in section 225C.48~~. The department shall adopt rules to implement the program which provide for all of the following:

Sec. 89. Section 225C.49, subsection 4, Code 2013, is amended to read as follows:

4. The department shall designate one individual whose sole duties are to provide central coordination of the programs under sections 225C.36 and 225C.47 and ~~to work with the comprehensive family support council~~ to oversee development and implementation of the programs.

Sec. 90. Section 239B.5, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 4. *a.* The department shall implement policies and procedures as necessary to comply with provisions of the federal Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, to prevent assistance provided under this chapter from being used in any electronic benefit transfer transaction in any liquor store; any casino, gambling casino, or gaming establishment; or any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment. For purposes of this paragraph, the definitions found in the federal Middle Class Tax Relief and Job Creation Act and related rules and statutes apply.

b. Unless otherwise precluded by federal law or regulation, policies and procedures implemented under this subsection shall at a minimum impose the prohibition described in paragraph "*a*" as a condition for continued eligibility for assistance under this chapter.

c. The department may implement additional measures as may be necessary to comply with federal regulations in implementing paragraph "*a*".

d. The department shall adopt rules as necessary to implement this subsection.

Sec. 91. Section 239B.14, subsection 1, Code 2013, is amended to read as follows:

1. *a.* An individual who obtains, or attempts to obtain, or aids or abets an individual to obtain, by means of a willfully false statement or representation, by knowingly failing to disclose a material fact, or by impersonation, or any fraudulent device, any assistance or other benefits under this chapter to which the individual is not entitled, commits a fraudulent practice.

b. An individual who accesses benefits provided under this chapter in violation of any prohibition imposed by the department pursuant to section 239B.5, subsection 4, commits a fraudulent practice.

Sec. 92. Section 249A.3, subsection 1, Code 2013, is amended by adding the following new paragraph:

NEW PARAGRAPH. *v.* Beginning January 1, 2014, is an individual who meets all of the following requirements:

(1) Is under twenty-six years of age.

(2) Was in foster care under the responsibility of the state on the date of attaining eighteen years of age or such higher age to which foster care is provided.

(3) Was enrolled in the medical assistance program under this chapter while in such foster care.

Sec. 93. Section 249A.3, subsection 2, paragraph a, subparagraph (9), Code 2013, is amended by striking the subparagraph.

Sec. 94. Section 249J.26, subsection 2, Code 2013, is amended to read as follows:

2. This chapter is repealed ~~October~~ December 31, 2013.

Sec. 95. Section 514I.4, subsection 5, paragraph a, Code 2013, is amended by striking the paragraph.

Sec. 96. Section 514I.5, subsection 7, paragraph f, Code 2013, is amended to read as follows:

f. Review, in consultation with the department, and take necessary steps to improve interaction between the program and other public and private programs which provide services to the population of eligible children. ~~The board, in consultation with the department, shall also develop and implement a plan to improve the medical assistance program in coordination with the hawk-i program, including but not limited to a provision to coordinate eligibility between the medical assistance program and the hawk-i program, and to provide for common processes and procedures under both programs to reduce duplication and bureaucracy.~~

Sec. 97. Section 514I.5, subsection 8, paragraphs b and f, Code 2013, are amended by striking the paragraphs.

Sec. 98. Section 514I.7, subsection 2, paragraphs a and g, Code 2013, are amended to read as follows:

a. Determine ~~individual~~ eligibility for program enrollment ~~based upon review of completed applications and supporting documentation~~ as prescribed by federal law and regulation, using policies and procedures adopted by rule of the department pursuant to chapter 17A. The administrative contractor shall not enroll a child who has group health coverage, unless expressly authorized by such rules.

g. ~~Create and~~ Utilize the department's eligibility system to maintain eligibility files ~~that are compatible with the data system of the department~~ with pertinent eligibility determination and ongoing enrollment information including~~,~~ but not limited to~~,~~ data regarding beneficiaries, enrollment dates, disenrollments, and annual financial redeterminations.

Sec. 99. Section 514I.7, subsection 2, paragraphs c, d, e, f, and k, Code 2013, are amended by striking the paragraphs.

Sec. 100. Section 514I.8, subsection 1, Code 2013, is amended to read as follows:

1. *a.* Effective July 1, 1998, and notwithstanding any medical assistance program eligibility criteria to the contrary, medical assistance shall be provided to, or on behalf of, an eligible child under the age of nineteen whose family income does not exceed one hundred thirty-three percent of the federal poverty level, as defined by the most recently revised poverty income guidelines published by the United States department of health and human services.

b. ~~Additionally, effective~~ Effective July 1, 2000, and notwithstanding any medical assistance program eligibility criteria to the contrary, medical assistance shall be provided to, or on behalf of, an eligible infant whose family income does not exceed two hundred percent of the federal poverty level, as defined by the most recently revised poverty income guidelines published by the United States department of health and human services.

c. Effective July 1, 2009, and notwithstanding any medical assistance program eligibility criteria to the contrary, medical assistance shall be provided to, or on behalf of, a pregnant woman or an eligible child who is an infant and whose family income is at or below three hundred percent of the federal poverty level, as defined by the most recently revised poverty income guidelines published by the United States department of health and human services.

Sec. 101. Section 514I.8, subsection 2, paragraph c, Code 2013, is amended to read as follows:

c. Is a member of a family whose income does not exceed three hundred percent of the federal poverty level, as defined in 42 U.S.C. § 9902(2), including any revision required by such section, and in accordance with the federal Children's Health Insurance Program Reauthorization Act of 2009, Pub. L. No. 111-3. The modified adjusted gross income methodology prescribed in section 2101 of the federal Patient Protection and Affordable Care Act, Pub. L. No. 111-148, to determine family income under this paragraph.

Sec. 102. Section 514I.8, subsections 3 and 4, Code 2013, are amended to read as follows:

3. In accordance with the rules adopted by the board, a child may be determined to be presumptively eligible for the program pending a final eligibility determination. Following final determination of eligibility ~~by the administrative contractor~~, a child shall be eligible for a twelve-month period. At the end of the twelve-month period, ~~the administrative contractor shall conduct~~ a review of the circumstances of the ~~eligible~~ child's family shall be conducted to establish eligibility and cost sharing for the subsequent twelve-month period.

4. Once an eligible child is enrolled in a plan, the ~~eligible child shall remain enrolled in the plan unless a determination is made, according to criteria established by the board, that the eligible child should be allowed to enroll in another qualified child health plan or should be disenrolled. An~~ enrollee may request to change plans within ninety days of initial enrollment for any reason and at any time for cause, as defined in 42 C.F.R. § 438.56(d)(2). Otherwise, an enrollee may change plan enrollment once a year on the enrollee's anniversary date.

Sec. 103. Section 514I.8, subsections 5 and 6, Code 2013, are amended by striking the subsections.

Sec. 104. Section 514I.9, Code 2013, is amended to read as follows:

514I.9 Program benefits.

1. ~~Until June 30, 1999, the benefits provided under the program shall be those benefits established by rule of the board and in compliance with Tit. XXI of the federal Social Security Act.~~

~~2. On or before June 30, 1999, the hawk-i board shall adopt rules to amend the benefits package based upon review of the results of the initial benefits package used.~~

~~3. Subsequent to June 30, 1999, the~~ The hawk-i board shall review the benefits package annually and shall determine additions to or deletions from the benefits package offered. The hawk-i board shall submit the recommendations to the general assembly for any amendment to the benefits package.

~~4.~~ 2. Benefits, in addition to those required by rule, may be provided to eligible children by a participating insurer if the benefits are provided at no additional cost to the state.

Sec. 105. REPEAL. Section 225C.48, Code 2013, is repealed.

Sec. 106. EFFECTIVE DATE. The following provision or provisions of this division of this Act take effect December 31, 2013:

1. The section of this Act amending section 249A.3, subsection 2, paragraph "a", subparagraph (9).

**DIVISION XIX*
OPTIONS — PERSONS WITH AGGRESSIVE OR PSYCHIATRIC BEHAVIORS

Sec. 107. FACILITY FOR PERSONS WITH AGGRESSIVE OR PSYCHIATRIC BEHAVIORS — COMMITTEE — REPORT.

1. The department of inspections and appeals, in conjunction with the department of human services, shall establish and facilitate a committee of stakeholders to examine options for designating a facility to provide care for persons in this state who are sexually aggressive, combative, or have unmet psychiatric needs.

2. The membership of the committee shall include but is not limited to the following:

a. Representatives of the departments of inspections and appeals, human services, corrections, and public health, the department on aging, the state public defender, the office of the citizens' aide, the office of the state long-term care resident's advocate, and the judicial branch.

b. Consumers of services provided by long-term care facilities and family members of consumers.

c. Representatives from leadingage Iowa, the Iowa health care association, and the Iowa association of community providers.

* Item veto; see message at end of the Act

d. Direct care workers employed by long-term care facilities.

e. Representatives from Iowa legal aid.

f. Representatives from AARP Iowa.

g. Representatives from the Iowa civil liberties union.

h. Other stakeholders as the department of inspections and appeals and the department of human services deem appropriate.

3. The committee shall discuss whether a long-term care facility, as defined in section 142D.2, should have the ability to refuse admission to, or discharge, residents who are sexually aggressive, combative, or have unmet psychiatric needs. The committee shall consider options for establishment of a facility to provide care for persons who are sexually aggressive, combative, or have unmet psychiatric needs. The committee shall identify the characteristics of residents for such a facility, options for creating a new facility to house such residents, options for the expansion of an existing facility to house such residents, options for using any alternative facilities for such residents, the workforce and training necessary for the workforce in such facility, options to qualify a facility for Medicaid reimbursement, cost projections for any recommendations, and other information deemed relevant by the department of inspections and appeals.

*4. The committee shall provide a report detailing its findings and recommendations to the governor and the general assembly by December 15, 2013.**

DIVISION XX
SPORTS INJURY PREVENTION

Sec. 108. MUNICIPAL YOUTH SPORTS INJURY PREVENTION STUDY AND REPORT.

1. A municipal youth sports injury prevention study is established to make recommendations regarding how cities can most effectively prevent concussions and other sports-related injuries in children participating in municipal youth sports programs. The national center for sports safety is requested to administer the study in coordination with the department of public health and interested parties representing cities, municipal youth sports programs, parents, coaches, trainers, and other stakeholders. The study shall include recommendations for safety equipment for participants and training for employees and volunteers to be required by cities as part of municipal youth sports programs.

2. The national center for sports safety is requested to submit a report on its findings and recommendations to the general assembly by December 15, 2013.

DIVISION XXI
SUICIDE PREVENTION

Sec. 109. SUICIDE PREVENTION. The department of education shall work with the departments of human services and public health in developing recommendations for required training of persons who hold a license, certificate, authorization, or statement of recognition issued by the board of educational examiners and who provide services to students. The recommendations shall address training of such persons on suicide prevention and trauma-informed care. In developing the recommendations, the department shall consult with stakeholders, including but not limited to mental health professionals, school administrators, school nurses, and guidance counselors. For purposes of this section, "trauma-informed care" means services that are based on an understanding of the vulnerabilities and triggers of individuals who have experienced trauma, recognize the role trauma has played in the lives of those individuals, recognize the presence of trauma symptoms and their onset, are supportive of trauma recovery, and avoid further traumatization. The department shall submit a report to the governor and general assembly providing findings and recommendations on or before December 15, 2013.

* Item veto; see message at end of the Act

DIVISION XXII
IOWACARE — ACCOUNT FOR HEALTH CARE TRANSFORMATION

Sec. 110. Section 249J.8, subsection 1, paragraph k, Code 2013, is amended to read as follows:

k. Premiums collected under this subsection shall be deposited in the ~~premiums subaccount of the~~ IowaCare account ~~for health care transformation~~ created pursuant to section ~~249J.23~~ 249J.24.

Sec. 111. Section 249J.23, subsection 1, Code 2013, is amended to read as follows:

1. An account for health care transformation is created in the state treasury under the authority of the department. Moneys received from sources including but not limited to appropriations from the general fund of the state, grants, and contributions shall be deposited in the account. ~~The account shall include a separate premiums subaccount. Revenue generated through payment of premiums by expansion population members as required pursuant to section 249J.8 shall be deposited in the separate premiums subaccount within the account.~~

Sec. 112. Section 249J.24, subsection 1, Code 2013, is amended to read as follows:

1. An IowaCare account is created in the state treasury under the authority of the department of human services. Moneys appropriated from the general fund of the state to the account, moneys received as federal financial participation funds under the expansion population provisions of this chapter and credited to the account, moneys received for disproportionate share hospitals and credited to the account, moneys received for graduate medical education and credited to the account, proceeds distributed from the county treasurer as specified in subsection 4, revenue generated through payment of premiums pursuant to section 249J.8, and moneys from any other source credited to the account shall be deposited in the account. Moneys deposited in or credited to the account shall be used only as provided in appropriations or distributions from the account for the purposes specified in the appropriation or distribution. Moneys in the account shall be appropriated to the university of Iowa hospitals and clinics and to a publicly owned acute care teaching hospital located in a county with a population over three hundred fifty thousand for the purposes provided in the federal law making the funds available or as specified in the state appropriation and shall be distributed as determined by the department.

DIVISION XXIII
IOWACARE REPEAL — CONFORMING CHANGES

Sec. 113. Section 8A.504, subsection 1, paragraph c, subparagraph (1), Code 2013, is amended to read as follows:

(1) Any debt, which is assigned to the department of human services, or which is owed to the department of human services for unpaid premiums under section 249A.3, subsection 2, paragraph "*a*", subparagraph (1), ~~or section 249J.8, subsection 1,~~ or which the child support recovery unit is otherwise attempting to collect, or which the foster care recovery unit of the department of human services is attempting to collect on behalf of a child receiving foster care provided by the department of human services.

Sec. 114. Section 21.5, subsection 1, paragraph l, Code 2013, is amended to read as follows:

l. To discuss patient care quality and process improvement initiatives in a meeting of a public hospital or to discuss marketing and pricing strategies or similar proprietary information in a meeting of a public hospital, where public disclosure of such information would harm such a hospital's competitive position when no public purpose would be served by public disclosure. The minutes and the audio recording of a closed session under this paragraph shall be available for public inspection when the public disclosure would no longer harm the hospital's competitive position. For purposes of this paragraph, "*public hospital*" means ~~the same as defined in section 249J.3~~ a hospital licensed pursuant to chapter 135B and governed pursuant to chapter 145A, 226, 347, 347A, or 392. This paragraph does

not apply to the information required to be disclosed pursuant to section 347.13, subsection 11, or to any discussions relating to terms or conditions of employment, including but not limited to compensation of an officer or employee or group of officers or employees.

Sec. 115. Section 97B.52A, subsection 1, paragraph c, subparagraph (2), subparagraph division (b), Code 2013, is amended to read as follows:

(b) For a member whose first month of entitlement is July 2004 or later, but before July 2014, covered employment does not include employment as a licensed health care professional by a public hospital ~~as defined in section 249J.3, with the exception of public hospitals governed pursuant to chapter 226~~. For the purposes of this subparagraph, "*public hospital*" means a hospital licensed pursuant to chapter 135B and governed pursuant to chapter 145A, 347, 347A, or 392.

Sec. 116. Section 135.152, subsection 5, paragraphs a and c, Code 2013, are amended to read as follows:

a. The department, in collaboration with the department of human services and the Iowa state association of counties, shall adopt rules pursuant to chapter 17A to establish minimum standards for eligibility for obstetrical and newborn care, including physician examinations, medical testing, ambulance services, and inpatient transportation services under the program. The minimum standards shall provide that the individual is not otherwise eligible for assistance under the medical assistance program or for assistance under the medically needy program without a spend-down requirement pursuant to chapter 249A~~, or for expansion population benefits pursuant to chapter 249J~~. If the individual is eligible for assistance pursuant to chapter 249A ~~or 249J~~, or if the individual is eligible for maternal and child health care services covered by a maternal and child health program, the obstetrical and newborn indigent patient care program shall not provide the assistance, care, or covered services provided under the other program.

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

Sec. 117. Section 135.153, subsection 1, unnumbered paragraph 1, Code 2013, is amended to read as follows:

The department shall establish an Iowa collaborative safety net provider network that includes community health centers, rural health clinics, free clinics, maternal and child health centers, ~~the expansion population provider network as described in chapter 249J,~~ local boards of health that provide direct services, Iowa family planning network agencies, child health specialty clinics, and other safety net providers. The network shall be a continuation of the network established pursuant to 2005 Iowa Acts, ch. 175, section 2, subsection 12. The network shall include all of the following:

Sec. 118. Section 135.153, subsection 1, paragraphs a and c, Code 2013, are amended to read as follows:

a. An Iowa safety net provider advisory group consisting of representatives of community health centers, rural health clinics, free clinics, maternal and child health centers, ~~the expansion population provider network as described in chapter 249J,~~ local boards of health that provide direct services, Iowa family planning network agencies, child health specialty clinics, other safety net providers, patients, and other interested parties.

c. A database of all community health centers, rural health clinics, free clinics, maternal and child health centers, ~~the expansion population provider network as described in chapter 249J,~~ local boards of health that provide direct services, Iowa family planning network agencies, child health specialty clinics, and other safety net providers. The data collected shall include the demographics and needs of the vulnerable populations served, current provider capacity, and the resources and needs of the participating safety net providers.

Sec. 119. Section 135.153, subsection 2, Code 2013, is amended to read as follows:

2. The network shall form a governing group which includes two individuals each representing community health centers, rural health clinics, free clinics, maternal and child health centers, ~~the expansion population provider network as described in chapter 249J,~~ local boards of health that provide direct services, the state board of health, Iowa family planning network agencies, child health specialty clinics, and other safety net providers.

Sec. 120. Section 135.154, subsection 15, Code 2013, is amended to read as follows:

15. *"Iowa Medicaid enterprise"* means the ~~Iowa Medicaid enterprise as defined in section 249J.3~~ centralized medical assistance program infrastructure, based on a business enterprise model, and designed to foster collaboration among all program stakeholders by focusing on quality, integrity, and consistency.

Sec. 121. Section 135.157, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. *"Dental home"* means a network of individualized care based on risk assessment, which includes oral health education, dental screenings, preventive services, diagnostic services, treatment services, and emergency services.

Sec. 122. Section 217.34, Code 2013, is amended to read as follows:

217.34 Debt setoff.

The investigations division of the department of inspections and appeals and the department of human services shall provide assistance to set off against a person's or provider's income tax refund or rebate any debt which has accrued through written contract, nonpayment of premiums pursuant to section 249A.3, subsection 2, paragraph *"a"*, subparagraph (1), ~~or section 249J.8, subsection 1,~~ subrogation, departmental recoupment procedures, or court judgment and which is in the form of a liquidated sum due and owing the department of human services. The department of inspections and appeals, with approval of the department of human services, shall adopt rules under chapter 17A necessary to assist the department of administrative services in the implementation of the setoff under section 8A.504 in regard to money owed to the state for public assistance overpayments or nonpayment of premiums as specified in this section. The department of human services shall adopt rules under chapter 17A necessary to assist the department of administrative services in the implementation of the setoff under section 8A.504, in regard to collections by the child support recovery unit and the foster care recovery unit.

Sec. 123. Section 249K.2, subsection 3, Code 2013, is amended to read as follows:

3. *"Iowa Medicaid enterprise"* means Iowa Medicaid enterprise as defined in section ~~249J.3~~ 135.154.

Sec. 124. Section 249M.4, subsection 2, Code 2013, is amended to read as follows:

2. Moneys in the trust fund shall be used, subject to their appropriation by the general assembly, by the department to reimburse participating hospitals the medical assistance program upper payment limit for inpatient and outpatient hospital services as calculated in this section. Following payment of such upper payment limit to participating hospitals, any remaining funds in the trust fund on an annual basis may be used for any of the following purposes:

a. To support medical assistance program utilization shortfalls.

b. To maintain the state's capacity to provide access to and delivery of services for vulnerable Iowans.

~~*c.* To support payments to nonparticipating hospitals under the IowaCare program pursuant to chapter 249J.~~

~~*d.*~~ *c.* To fund the health care workforce support initiative created pursuant to section 135.175.

~~*e.*~~ *d.* To support access to health care services for uninsured Iowans.

~~*f.*~~ *e.* To support Iowa hospital programs and services which expand access to health care services for Iowans.

Sec. 125. Section 263.18, subsection 4, Code 2013, is amended to read as follows:

4. The physicians and surgeons on the staff of the university of Iowa hospitals and clinics who care for patients provided for in this section may charge for the medical services provided under such rules, regulations, and plans approved by the state board of regents. ~~However, a physician or surgeon who provides treatment or care for an expansion population member pursuant to chapter 249J shall only receive compensation for the treatment or care provided in accordance with section 249J.7.~~

Sec. 126. Section 476B.1, subsection 4, paragraph d, subparagraph (2), Code 2013, is amended to read as follows:

(2) For applications filed on or after July 1, 2009, by a private college or university, community college, institution under the control of the state board of regents, public or accredited nonpublic elementary and secondary school, or public hospital ~~as defined in section 249J.3~~, for the applicant's own use of qualified electricity, consists of wind turbines with a combined nameplate capacity of three-fourths of a megawatt or greater. For the purposes of this subparagraph, *"public hospital"* means a hospital licensed pursuant to chapter 135B and governed pursuant to chapter 145A, 226, 347, 347A, or 392.

Sec. 127. EFFECTIVE DATE. This division of this Act takes effect January 1, 2014.

DIVISION XXIV
TELEPHARMACY

Sec. 128. 2011 Iowa Acts, chapter 63, section 36, subsections 2 and 4, are amended to read as follows:

2. The board of pharmacy shall adopt rules and procedures pursuant to chapter 17A for application for and approval of such projects. The rules may include exceptions to any existing rules under the purview of the board of pharmacy as necessary for completion of the project, limited to the duration of the project. The initial duration of any project approved by the board of pharmacy shall not exceed eighteen months ~~and~~. However, the board of pharmacy may approve an extension or renewal of a project in accordance with rules adopted by the board of pharmacy. Any project approved shall comply with the rules and procedures adopted for such projects.

**4. The board of pharmacy shall submit ~~a report~~ reports to the chairpersons and ranking members of the joint appropriations subcommittee on health and human services regarding all of the following:*

a. The approval or denial of any projects.

*b. By December 15, 2013, any changes in law or rules necessary to implement telepharmacy throughout the state.**

DIVISION XXV
MEDICAID COST CONTAINMENT

Sec. 129. 2011 Iowa Acts, chapter 129, section 122, subsection 26, as enacted by 2012 Iowa Acts, chapter 1133, section 12, is amended by striking the subsection.

DIVISION XXVI
CIGARETTE AND TOBACCO TAX PROCEEDS — HEALTH CARE TRUST FUND

Sec. 130. Section 453A.35, Code 2013, is amended to read as follows:

453A.35 ~~Tax and fees~~ Proceeds paid to general fund — ~~standing appropriation to~~ health care trust fund.

1. *a.* With the exception of revenues credited to the health care trust fund pursuant to paragraph *"b"*, the proceeds derived from the sale of stamps and the payment of ~~taxes,~~ fees~~,~~ and penalties provided for under this chapter, and the permit fees received from all permits issued by the department, shall be credited to the general fund of the state.

* Item veto; see message at end of the Act

b. ~~Of the~~ The revenues generated from the tax on cigarettes pursuant to section 453A.6, subsection 1, and from the tax on tobacco products as specified in section 453A.43, subsections 1, 2, 3, and 4, ~~the first one hundred six million sixteen thousand four hundred dollars~~ shall be credited to the health care trust fund created in section 453A.35A.

2. All permit fees provided for in this chapter and collected by cities in the issuance of permits granted by the cities shall be paid to the treasurer of the city where the permit is effective, or to another city officer as designated by the council, and credited to the general fund of the city. Permit fees so collected by counties shall be paid to the county treasurer.

DIVISION XXVII
DEPARTMENT ON AGING — FY 2014-2015

Sec. 131. DEPARTMENT ON AGING. There is appropriated from the general fund of the state to the department on aging for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For aging programs for the department on aging and area agencies on aging to provide citizens of Iowa who are 60 years of age and older with case management for frail elders, Iowa's aging and disabilities resource center, and other services which may include but are not limited to adult day services, respite care, chore services, information and assistance, and material aid, for information and options counseling for persons with disabilities who are 18 years of age or older, and for salaries, support, administration, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 5,300,190
..... FTEs 28.00

1. Funds appropriated in this section may be used to supplement federal funds under federal regulations. To receive funds appropriated in this section, a local area agency on aging shall match the funds with moneys from other sources according to rules adopted by the department. Funds appropriated in this section may be used for elderly services not specifically enumerated in this section only if approved by an area agency on aging for provision of the service within the area.

2. Of the funds appropriated in this section, $139,973 is transferred to the economic development authority for the Iowa commission on volunteer services to be used for the retired and senior volunteer program.

3. a. The department on aging shall establish and enforce procedures relating to expenditure of state and federal funds by area agencies on aging that require compliance with both state and federal laws, rules, and regulations, including but not limited to all of the following:

(1) Requiring that expenditures are incurred only for goods or services received or performed prior to the end of the fiscal period designated for use of the funds.

(2) Prohibiting prepayment for goods or services not received or performed prior to the end of the fiscal period designated for use of the funds.

(3) Prohibiting the prepayment for goods or services not defined specifically by good or service, time period, or recipient.

(4) Prohibiting the establishment of accounts from which future goods or services which are not defined specifically by good or service, time period, or recipient, may be purchased.

b. The procedures shall provide that if any funds are expended in a manner that is not in compliance with the procedures and applicable federal and state laws, rules, and regulations, and are subsequently subject to repayment, the area agency on aging expending such funds in contravention of such procedures, laws, rules and regulations, not the state, shall be liable for such repayment.

4. Of the funds appropriated in this section, $125,000 shall be used to fund services to meet the unmet needs of older individuals as identified in the annual compilation of unmet service units by the area agencies on aging.

5. Of the funds appropriated in this section, $300,000 shall be used to fund home and community-based services through the area agencies on aging that enable older individuals

to avoid more costly utilization of residential or institutional services and remain in their own homes.

6. Of the funds appropriated in this subsection, $10,000 shall be used for implementation of a guardianship and conservatorship monitoring and assistance pilot project as specified in this Act.

DIVISION XXVIII
OFFICE OF LONG-TERM CARE RESIDENT'S ADVOCATE — FY 2014-2015

Sec. 132. OFFICE OF LONG-TERM CARE RESIDENT'S ADVOCATE. There is appropriated from the general fund of the state to the office of long-term care resident's advocate for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, administration, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 510,854
..... FTEs 13.00

1. Of the funds appropriated in this section, $100,000 shall be used to continue to provide two additional local long-term care resident's advocates to continue moving toward the national recommendation of one full-time equivalent paid staff ombudsman per 2,000 long-term care beds in the state.

2. Of the funds appropriated in this section, $105,000 shall be used to provide two local long-term care resident's advocates to administer the certified volunteer long-term care resident's advocates program pursuant to section 231.45, including operational certification and training costs.

DIVISION XXIX
DEPARTMENT OF PUBLIC HEALTH — FY 2014-2015

Sec. 133. DEPARTMENT OF PUBLIC HEALTH. There is appropriated from the general fund of the state to the department of public health for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADDICTIVE DISORDERS

For reducing the prevalence of use of tobacco, alcohol, and other drugs, and treating individuals affected by addictive behaviors, including gambling, and for not more than the following full-time equivalent positions:

..... $ 13,581,845
..... FTEs 13.00

a. (1) Of the funds appropriated in this subsection, $2,574,181 shall be used for the tobacco use prevention and control initiative, including efforts at the state and local levels, as provided in chapter 142A. The commission on tobacco use prevention and control established pursuant to section 142A.3 shall advise the director of public health in prioritizing funding needs and the allocation of moneys appropriated for the programs and activities of the initiative under this subparagraph (1) and shall make recommendations to the director in the development of budget requests relating to the initiative.

(2) Of the funds allocated in this paragraph "a", $37,500 shall be used to develop a social media structure to engage youth and prevent youth initiation of tobacco use. Of the amount allocated in this subparagraph (2), $12,500 shall be used for a youth summit.

(3) Of the funds allocated in this paragraph "a", $100,000 shall be used to increase the efficacy of local tobacco control efforts by community partnerships, including through professional development, regional trainings and round table planning efforts, and a training opportunity involving all community partnerships.

* Item veto; see message at end of the Act

(4) Of the funds allocated in this paragraph "a", $600,000 shall be used to promote smoking cessation and to reduce the number of tobacco users in the state by offering nicotine replacement therapy to uninsured and underinsured Iowans.

(5) (a) Of the funds allocated in this paragraph "a", $226,534 is transferred to the alcoholic beverages division of the department of commerce for enforcement of tobacco laws, regulations, and ordinances and to engage in tobacco control activities approved by the division of tobacco use prevention and control as specified in the memorandum of understanding entered into between the divisions.

(b) For the fiscal year beginning July 1, 2014, and ending June 30, 2015, the terms of the memorandum of understanding, entered into between the division of tobacco use prevention and control of the department of public health and the alcoholic beverages division of the department of commerce, governing compliance checks conducted to ensure licensed retail tobacco outlet conformity with tobacco laws, regulations, and ordinances relating to persons under eighteen years of age, shall restrict the number of such checks to one check per retail outlet, and one additional check for any retail outlet found to be in violation during the first check.

b. Of the funds appropriated in this subsection, $11,007,665 shall be used for problem gambling and substance-related disorder prevention, treatment, and recovery services, including a 24-hour helpline, public information resources, professional training, and program evaluation.

(1) Of the funds allocated in this paragraph "b", $9,451,858 shall be used for substance-related disorder prevention and treatment.

(a) Of the funds allocated in this subparagraph (1), $449,650 shall be used for the public purpose of a grant program to provide substance-related disorder prevention programming for children.

(i) Of the funds allocated in this subparagraph division (a), $213,770 shall be used for grant funding for organizations that provide programming for children by utilizing mentors. Programs approved for such grants shall be certified or will be certified within six months of receiving the grant award by the Iowa commission on volunteer services as utilizing the standards for effective practice for mentoring programs.

(ii) Of the funds allocated in this subparagraph division (a), $213,420 shall be used for grant funding for organizations that provide programming that includes youth development and leadership. The programs shall also be recognized as being programs that are scientifically based with evidence of their effectiveness in reducing substance-related disorders in children.

(iii) The department of public health shall utilize a request for proposals process to implement the grant program.

(iv) All grant recipients shall participate in a program evaluation as a requirement for receiving grant funds.

(v) Of the funds allocated in this subparagraph division (a), up to $22,461 may be used to administer substance-related disorder prevention grants and for program evaluations.

(b) Of the funds allocated in this subparagraph (1), $136,302 shall be used for culturally competent substance-related disorder treatment pilot projects.

(i) The department shall utilize the amount allocated in this subparagraph division (b) for at least three pilot projects to provide culturally competent substance-related disorder treatment in various areas of the state. Each pilot project shall target a particular ethnic minority population. The populations targeted shall include but are not limited to African American, Asian, and Latino.

(ii) The pilot project requirements shall provide for documentation or other means to ensure access to the cultural competence approach used by a pilot project so that such approach can be replicated and improved upon in successor programs.

(2) Of the funds allocated in this paragraph "b", up to $1,555,807 may be used for problem gambling prevention, treatment, and recovery services.

(a) Of the funds allocated in this subparagraph (2), $1,286,881 shall be used for problem gambling prevention and treatment.

(b) Of the funds allocated in this subparagraph (2), up to $218,926 may be used for a 24-hour helpline, public information resources, professional training, and program evaluation.

(c) Of the funds allocated in this subparagraph (2), up to $50,000 may be used for the licensing of problem gambling treatment programs.

(3) It is the intent of the general assembly that from the moneys allocated in this paragraph "b", persons with a dual diagnosis of substance-related disorder and gambling addiction shall be given priority in treatment services.

c. Notwithstanding any provision of law to the contrary, to standardize the availability, delivery, cost of delivery, and accountability of problem gambling and substance-related disorder treatment services statewide, the department shall continue implementation of a process to create a system for delivery of treatment services in accordance with the requirements specified in 2008 Iowa Acts, chapter 1187, section 3, subsection 4. To ensure the system provides a continuum of treatment services that best meets the needs of Iowans, the problem gambling and substance-related disorder treatment services in any area may be provided either by a single agency or by separate agencies submitting a joint proposal.

(1) The system for delivery of substance-related disorder and problem gambling treatment shall include problem gambling prevention.

(2) The system for delivery of substance-related disorder and problem gambling treatment shall include substance-related disorder prevention by July 1, 2015.

(3) Of the funds allocated in paragraph "b", the department may use up to $50,000 for administrative costs to continue developing and implementing the process in accordance with this paragraph "c".

d. The requirement of section 123.53, subsection 5, is met by the appropriations and allocations made in this Act for purposes of substance-related disorder treatment and addictive disorders for the fiscal year beginning July 1, 2014.

e. The department of public health shall work with all other departments that fund substance-related disorder prevention and treatment services and all such departments shall, to the extent necessary, collectively meet the state maintenance of effort requirements for expenditures for substance-related disorder services as required under the federal substance-related disorder prevention and treatment block grant.

2. HEALTHY CHILDREN AND FAMILIES

For promoting the optimum health status for children, adolescents from birth through 21 years of age, and families, and for not more than the following full-time equivalent positions:

..... $ 1,826,780

..... FTEs 14.00

a. Of the funds appropriated in this subsection, not more than $367,421 shall be used for the healthy opportunities for parents to experience success (HOPES)-healthy families Iowa (HFI) program established pursuant to section 135.106. The funding shall be distributed to renew the grants that were provided to the grantees that operated the program during the fiscal year ending June 30, 2014.

b. In order to implement the legislative intent stated in sections 135.106 and 256I.9, that priority for home visitation program funding be given to programs using evidence-based or promising models for home visitation, it is the intent of the general assembly to phase in the funding priority in accordance with 2012 Iowa Acts, chapter 1133, section 2, subsection 2, paragraph 0b.

c. Of the funds appropriated in this subsection, $663,944 shall be used to continue the department's initiative to provide for adequate developmental surveillance and screening during a child's first five years statewide. The funds shall be used first to fully fund the current sites to ensure that the sites are fully operational, with the remaining funds to be used for expansion to additional sites. The full implementation and expansion shall include enhancing the scope of the program through collaboration with the child health specialty clinics to promote healthy child development through early identification and response to both biomedical and social determinants of healthy development; by developing child health metrics to inform practice, document long-term health impacts and savings, and provide for continuous improvement through training, education, and evaluation; and by providing for practitioner consultation particularly for children with behavioral conditions and needs. The department of public health shall also collaborate with the Iowa Medicaid enterprise and the child health specialty clinics to integrate the activities of the first five initiative into the establishment of patient-centered medical homes, community utilities, accountable care

organizations, and other integrated care models developed to improve health quality and population health while reducing health care costs. To the maximum extent possible, funding allocated in this paragraph shall be utilized as matching funds for medical assistance program reimbursement.

d. Of the funds appropriated in this subsection, $15,799 shall be distributed to a statewide dental carrier to provide funds to continue the donated dental services program patterned after the projects developed by the lifeline network to provide dental services to indigent elderly and disabled individuals.

e. Of the funds appropriated in this subsection, $55,998 shall be used for childhood obesity prevention.

f. Of the funds appropriated in this subsection, $81,384 shall be used to provide audiological services and hearing aids for children. The department may enter into a contract to administer this paragraph.

g. Of the funds appropriated in this subsection, $12,500 is transferred to the university of Iowa college of dentistry for provision of primary dental services to children. State funds shall be matched on a dollar-for-dollar basis. The university of Iowa college of dentistry shall coordinate efforts with the department of public health, bureau of oral and health delivery systems, to provide dental care to underserved populations throughout the state.

h. Of the funds appropriated in this subsection, $25,000 shall be used to address youth suicide prevention.

3. CHRONIC CONDITIONS

For serving individuals identified as having chronic conditions or special health care needs, and for not more than the following full-time equivalent positions:

..... $ 2,540,346
..... FTEs 6.00

a. Of the funds appropriated in this subsection, $79,966 shall be used for grants to individual patients who have phenylketonuria (PKU) to assist with the costs of necessary special foods.

b. Of the funds appropriated in this subsection, $445,822 shall be used for the brain injury services program pursuant to section 135.22B, including for continuation of the contracts for resource facilitator services in accordance with section 135.22B, subsection 9, and to enhance brain injury training and recruitment of service providers on a statewide basis. Of the amount allocated in this paragraph, $47,500 shall be used to fund one full-time equivalent position to serve as the state brain injury service program manager.

c. Of the funds appropriated in this subsection, $273,991 shall be used as additional funding to leverage federal funding through the federal Ryan White Care Act, Tit. II, AIDS drug assistance program supplemental drug treatment grants.

d. Of the funds appropriated in this subsection, $49,912 shall be used for the public purpose of continuing to contract with an existing national-affiliated organization to provide education, client-centered programs, and client and family support for people living with epilepsy and their families.

e. Of the funds appropriated in this subsection, $392,557 shall be used for child health specialty clinics.

f. Of the funds appropriated in this subsection, $200,000 shall be used by the regional autism assistance program established pursuant to section 256.35, and administered by the child health specialty clinic located at the university of Iowa hospitals and clinics. The funds shall be used to enhance interagency collaboration and coordination of educational, medical, and other human services for persons with autism, their families, and providers of services, including delivering regionalized services of care coordination, family navigation, and integration of services through the statewide system of regional child health specialty clinics and fulfilling other requirements as specified in chapter 225D, creating the autism support program, as enacted in this Act. The university of Iowa shall not receive funds allocated under this paragraph for indirect costs associated with the regional autism assistance program.

g. Of the funds appropriated in this subsection, $285,497 shall be used for the comprehensive cancer control program to reduce the burden of cancer in Iowa through prevention, early detection, effective treatment, and ensuring quality of life. Of the funds allocated in this lettered paragraph, $75,000 shall be used to support a melanoma research

symposium, a melanoma biorepository and registry, basic and translational melanoma research, and clinical trials.

h. Of the funds appropriated in this subsection, $63,225 shall be used for cervical and colon cancer screening, and $250,000 shall be used to enhance the capacity of the cervical cancer screening program to include provision of recommended prevention and early detection measures to a broader range of low-income women.

i. Of the funds appropriated in this subsection, $263,348 shall be used for the center for congenital and inherited disorders.

j. Of the funds appropriated in this subsection, $64,706 shall be used for the prescription drug donation repository program created in chapter 135M.

k. Of the funds appropriated in this subsection, $107,632 shall be used for the costs of the medical home system advisory council established pursuant to section 135.159 including incorporation of the development and implementation of the prevention and chronic care management state initiative.

4. COMMUNITY CAPACITY

For strengthening the health care delivery system at the local level, and for not more than the following full-time equivalent positions:

..... $ 4,281,309

..... FTEs 18.25

a. Of the funds appropriated in this subsection, $49,707 is allocated for continuation of the child vision screening program implemented through the university of Iowa hospitals and clinics in collaboration with early childhood Iowa areas. The program shall submit a report to the individuals identified in this Act for submission of reports regarding the use of funds allocated under this paragraph "a". The report shall include the objectives and results for the program year including the target population and how the funds allocated assisted the program in meeting the objectives; the number, age, and location within the state of individuals served; the type of services provided to the individuals served; the distribution of funds based on service provided; and the continuing needs of the program.

b. Of the funds appropriated in this subsection, $55,328 is allocated for continuation of an initiative implemented at the university of Iowa and $49,952 is allocated for continuation of an initiative at the state mental health institute at Cherokee to expand and improve the workforce engaged in mental health treatment and services. The initiatives shall receive input from the university of Iowa, the department of human services, the department of public health, and the mental health and disability services commission to address the focus of the initiatives.

c. Of the funds appropriated in this subsection, $582,314 shall be used for essential public health services that promote healthy aging throughout the lifespan, contracted through a formula for local boards of health, to enhance health promotion and disease prevention services.

d. Of the funds appropriated in this section, $49,643 shall be deposited in the governmental public health system fund created in section 135A.8 to be used for the purposes of the fund.

e. Of the funds appropriated in this subsection, $52,724 shall be used to continue to address the shortage of mental health professionals in the state.

f. Of the funds appropriated in this subsection, $25,000 shall be used for a grant to a statewide association of psychologists that is affiliated with the American psychological association to be used for continuation of a program to rotate intern psychologists in placements in urban and rural mental health professional shortage areas, as defined in section 135.180.

g. Of the funds appropriated in this subsection, the following amounts shall be allocated to the Iowa collaborative safety net provider network established pursuant to section 135.153 to be used for the purposes designated. The following amounts allocated under this lettered paragraph shall be distributed to the specified provider and shall not be reduced for administrative or other costs prior to distribution:

(1) For distribution to the Iowa primary care association for statewide coordination of the Iowa collaborative safety net provider network:

..... $ 72,893

(2) For distribution to the Iowa primary care association to be used to continue a training program for sexual assault response team (SART) members, including representatives of law enforcement, victim advocates, prosecutors, and certified medical personnel:
..... $ 25,000

(3) For distribution to federally qualified health centers for necessary infrastructure, statewide coordination, provider recruitment, service delivery, and provision of assistance to patients in securing a medical home inclusive of oral health care:
..... $ 37,500

(4) For distribution to the local boards of health that provide direct services for pilot programs in three counties to assist patients in securing a medical home inclusive of oral health care:
..... $ 38,577

(5) For distribution to maternal and child health centers for pilot programs in three service areas to assist patients in securing a medical home inclusive of oral health care:
..... $ 47,563

(6) For distribution to free clinics for necessary infrastructure, statewide coordination, provider recruitment, service delivery, and provision of assistance to patients in securing a medical home inclusive of oral health care:
..... $ 174,161

(7) For distribution to rural health clinics for necessary infrastructure, statewide coordination, provider recruitment, service delivery, and provision of assistance to patients in securing a medical home inclusive of oral health care:
..... $ 70,772

(8) For continuation of the safety net provider patient access to a specialty health care initiative as described in 2007 Iowa Acts, chapter 218, section 109:
..... $ 189,237

(9) For continuation of the pharmaceutical infrastructure for safety net providers as described in 2007 Iowa Acts, chapter 218, section 108:
..... $ 206,708

The Iowa collaborative safety net provider network may continue to distribute funds allocated pursuant to this lettered paragraph through existing contracts or renewal of existing contracts.

The Iowa collaborative safety net provider network may continue to distribute funds allocated pursuant to this lettered paragraph through existing contracts or renewal of existing contracts.

h. Of the funds appropriated in this subsection, $87,950 shall be used for continuation of the work of the direct care worker advisory council established pursuant to 2008 Iowa Acts, chapter 1188, section 69, in implementing the recommendations in the final report submitted by the advisory council to the governor and the general assembly in March 2012.

i. (1) Of the funds appropriated in this subsection, $89,438 shall be used for allocation to an independent statewide direct care worker organization under continuation of the contract in effect during the fiscal year ending June 30, 2013, [5] with terms determined by the director of public health relating to education, outreach, leadership development, mentoring, and other initiatives intended to enhance the recruitment and retention of direct care workers in health care and long-term care settings.

(2) Of the funds appropriated in this subsection, $37,500 shall be used to provide scholarships or other forms of subsidization for direct care worker educational conferences, training, or outreach activities.

j. Of the funds appropriated in this subsection, the department may use up to $29,088 for up to one full-time equivalent position to administer the volunteer health care provider program pursuant to section 135.24.

k. Of the funds appropriated in this subsection, $24,854 shall be used for a matching dental education loan repayment program to be allocated to a dental nonprofit health service corporation to develop the criteria and implement the loan repayment program.

[5] According to enrolled Act; the year "2014" probably intended

l. Of the funds appropriated in this subsection, $52,912 is transferred to the college student aid commission for deposit in the rural Iowa primary care trust fund created in section 261.113 to be used for the purposes of the fund.

m. Of the funds appropriated in this subsection, $75,000 shall be used for the purposes of the Iowa donor registry as specified in section 142C.18.

n. Of the funds appropriated in this subsection, $50,000 shall be used for continuation of a grant to a nationally affiliated volunteer eye organization that has an established program for children and adults and that is solely dedicated to preserving sight and preventing blindness through education, nationally certified vision screening and training, and community and patient service programs. The organization shall submit a report to the individuals identified in this Act for submission of reports regarding the use of funds allocated under this paragraph "n". The report shall include the objectives and results for the program year including the target population and how the funds allocated assisted the program in meeting the objectives; the number, age, and location within the state of individuals served; the type of services provided to the individuals served; the distribution of funds based on services provided; and the continuing needs of the program.

o. Of the funds appropriated in this subsection, $12,500 shall be used for the establishment of a wellness council under the direction of the director of public health to increase support for wellness activities in the state.

p. Of the funds appropriated in this section, $579,075 is allocated to the Iowa collaborative safety net provider network established pursuant to section 135.153 to be used for the development and implementation of a statewide regionally based network to provide an integrated approach to health care delivery through care coordination that supports primary care providers and links patients with community resources necessary to empower patients in addressing biomedical and social determinants of health to improve health outcomes. The Iowa collaborative safety net provider network shall work in conjunction with the department of human services to align the integrated network with the health care delivery system model developed under the state innovation models initiative grant. The Iowa collaborative safety net provider network shall submit a progress report to the individuals designated in this Act for submission of reports by December 31, 2014, including progress in developing and implementing the network, how the funds were distributed and used in developing and implementing the network, and the remaining needs in developing and implementing the network.

q. Of the funds appropriated in this subsection, $1,000,000 shall be deposited in the medical residency training account created in section 135.175, subsection 5, paragraph "a", and is appropriated from the account to the department of public health to be used for the purposes of the medical residency training state matching grants program as specified in section 135.176.

r. Of the funds appropriated in this section, $25,000 shall be distributed to a statewide nonprofit organization to be used for the public purpose of supporting a partnership between medical providers and parents through community health centers to promote reading and encourage literacy skills so children enter school prepared for success in reading.

5. HEALTHY AGING

To provide public health services that reduce risks and invest in promoting and protecting good health over the course of a lifetime with a priority given to older Iowans and vulnerable populations:

..... $ 3,648,571

6. ENVIRONMENTAL HAZARDS

For reducing the public's exposure to hazards in the environment, primarily chemical hazards, and for not more than the following full-time equivalent positions:

..... $ 401,935

..... FTEs 4.00

Of the funds appropriated in this subsection, $268,875 shall be used for childhood lead poisoning provisions.

7. INFECTIOUS DISEASES

For reducing the incidence and prevalence of communicable diseases, and for not more than the following full-time equivalent positions:

..... $ 667,578
..... FTEs 4.00

8. PUBLIC PROTECTION

For protecting the health and safety of the public through establishing standards and enforcing regulations, and for not more than the following full-time equivalent positions:

..... $ 1,639,386
..... FTEs 131.00

a. Of the funds appropriated in this subsection, not more than $227,350 shall be credited to the emergency medical services fund created in section 135.25. Moneys in the emergency medical services fund are appropriated to the department to be used for the purposes of the fund.

b. Of the funds appropriated in this subsection, $101,516 shall be used for sexual violence prevention programming through a statewide organization representing programs serving victims of sexual violence through the department's sexual violence prevention program. The amount allocated in this lettered paragraph shall not be used to supplant funding administered for other sexual violence prevention or victims assistance programs.

c. Of the funds appropriated in this subsection, $299,376 shall be used for the state poison control center.

9. RESOURCE MANAGEMENT

For establishing and sustaining the overall ability of the department to deliver services to the public, and for not more than the following full-time equivalent positions:

..... $ 402,027
..... FTEs 5.00

The university of Iowa hospitals and clinics under the control of the state board of regents shall not receive indirect costs from the funds appropriated in this section. The university of Iowa hospitals and clinics billings to the department shall be on at least a quarterly basis.

DIVISION XXX
DEPARTMENT OF VETERANS AFFAIRS — FY 2014-2015

Sec. 134. DEPARTMENT OF VETERANS AFFAIRS. There is appropriated from the general fund of the state to the department of veterans affairs for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 546,754
..... FTEs 13.00

2. IOWA VETERANS HOME

For salaries, support, maintenance, and miscellaneous purposes:

..... $ 3,762,857

a. The Iowa veterans home billings involving the department of human services shall be submitted to the department on at least a monthly basis.

b. If there is a change in the employer of employees providing services at the Iowa veterans home under a collective bargaining agreement, such employees and the agreement shall be continued by the successor employer as though there had not been a change in employer.

c. Within available resources and in conformance with associated state and federal program eligibility requirements, the Iowa veterans home may implement measures to provide financial assistance to or on behalf of veterans or their spouses who are participating in the community reentry program.

d. The Iowa veterans home expenditure report shall be submitted monthly to the legislative services agency.

3. HOME OWNERSHIP ASSISTANCE PROGRAM

For transfer to the Iowa finance authority for the continuation of the home ownership

* Item veto; see message at end of the Act

assistance program for persons who are or were eligible members of the armed forces of the United States, pursuant to section 16.54:
..... $ 800,000

Sec. 135. LIMITATION OF COUNTY COMMISSIONS OF VETERAN AFFAIRS FUND STANDING APPROPRIATIONS. Notwithstanding the standing appropriation in the following designated section for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the amounts appropriated from the general fund of the state pursuant to that section for the following designated purposes shall not exceed the following amount:

For the county commissions of veteran affairs fund under section 35A.16:
..... $ 495,000

DIVISION XXXI
DEPARTMENT OF HUMAN SERVICES — FY 2014-2015

Sec. 136. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT. There is appropriated from the fund created in section 8.41 to the department of human services for the fiscal year beginning July 1, 2014, and ending June 30, 2015, from moneys received under the federal temporary assistance for needy families (TANF) block grant pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and successor legislation, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. To be credited to the family investment program account and used for assistance under the family investment program under chapter 239B:
..... $ 9,058,474

2. To be credited to the family investment program account and used for the job opportunities and basic skills (JOBS) program and implementing family investment agreements in accordance with chapter 239B:
..... $ 5,933,220

3. To be used for the family development and self-sufficiency grant program in accordance with section 216A.107:
..... $ 1,449,490

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year. However, unless such moneys are encumbered or obligated on or before September 30, 2015, the moneys shall revert.

4. For field operations:
..... $ 15,648,116

5. For general administration:
..... $ 1,872,000

6. For state child care assistance:
..... $ 12,866,344

The funds appropriated in this subsection are transferred to the child care and development block grant appropriation made by the Eighty-fifth General Assembly, 2013 Session, for the federal fiscal year beginning October 1, 2014, and ending September 30, 2015. Of this amount, $100,000 shall be used for provision of educational opportunities to registered child care home providers in order to improve services and programs offered by this category of providers and to increase the number of providers. The department may contract with institutions of higher education or child care resource and referral centers to provide the educational opportunities. Allowable administrative costs under the contracts shall not exceed 5 percent. The application for a grant shall not exceed two pages in length.

7. For distribution to counties and regions through the property tax relief fund for mental health and disability services as provided in an appropriation made for this purpose:
..... $ 2,447,026

8. For child and family services:
..... $ 16,042,215

9. For child abuse prevention grants:
..... $ 62,500

10. For pregnancy prevention grants on the condition that family planning services are funded:
..... $ 965,034

Pregnancy prevention grants shall be awarded to programs in existence on or before July 1, 2014, if the programs have demonstrated positive outcomes. Grants shall be awarded to pregnancy prevention programs which are developed after July 1, 2014, if the programs are based on existing models that have demonstrated positive outcomes. Grants shall comply with the requirements provided in 1997 Iowa Acts, chapter 208, section 14, subsections 1 and 2, including the requirement that grant programs must emphasize sexual abstinence. Priority in the awarding of grants shall be given to programs that serve areas of the state which demonstrate the highest percentage of unplanned pregnancies of females of childbearing age within the geographic area to be served by the grant.

11. For technology needs and other resources necessary to meet federal welfare reform reporting, tracking, and case management requirements:
..... $ 518,593

The department shall transfer TANF block grant funding appropriated and allocated in this subsection to the child care and development block grant appropriation in accordance with federal law as necessary to comply with the provisions of this subsection.

12. For the family investment program share of the costs to continue to develop and maintain a new, integrated eligibility determination system:
..... $ 2,525,226

13. a. Notwithstanding any provision to the contrary, including but not limited to requirements in section 8.41 or provisions in 2013 or 2014 Iowa Acts regarding the receipt and appropriation of federal block grants, federal funds from the temporary assistance for needy families block grant received by the state not otherwise appropriated in this section and remaining available for the fiscal year beginning July 1, 2014, are appropriated to the department of human services to the extent as may be necessary to be used in the following priority order: the family investment program, for state child care assistance program payments for individuals enrolled in the family investment program who are employed, and for the family investment program share of costs to develop and maintain a new, integrated eligibility determination system. The federal funds appropriated in this paragraph "a" shall be expended only after all other funds appropriated in subsection 1 for the assistance under the family investment program, in subsection 6 for child care assistance, or in subsection 12 for the family investment program share of the costs to continue to develop and maintain a new, integrated eligibility determination system, as applicable, have been expended.

b. The department shall, on a quarterly basis, advise the legislative services agency and department of management of the amount of funds appropriated in this subsection that was expended in the prior quarter.

14. Of the amounts appropriated in this section, $6,481,004 for the fiscal year beginning July 1, 2014, is transferred to the appropriation of the federal social services block grant made to the department of human services for that fiscal year.

15. For continuation of the program providing categorical eligibility for the food assistance program as specified for the program in the section of this division relating to the family investment program account:
..... $ 12,500

16. The department may transfer funds allocated in this section to the appropriations made in this division of this Act for the same fiscal year for general administration and field operations for resources necessary to implement and operate the services referred to in this section and those funded in the appropriation made in this division of this Act for the same fiscal year for the family investment program from the general fund of the state.

Sec. 137. FAMILY INVESTMENT PROGRAM ACCOUNT.

1. Moneys credited to the family investment program (FIP) account for the fiscal year beginning July 1, 2014, and ending June 30, 2015, shall be used to provide assistance in accordance with chapter 239B.

2. The department may use a portion of the moneys credited to the FIP account under this section as necessary for salaries, support, maintenance, and miscellaneous purposes.

3. The department may transfer funds allocated in this section to the appropriations made in this division of this Act for the same fiscal year for general administration and field operations for resources necessary to implement and operate the services referred to in this section and those funded in the appropriation made in this division of this Act for the same fiscal year for the family investment program from the general fund of the state.

4. Moneys appropriated in this division of this Act and credited to the FIP account for the fiscal year beginning July 1, 2014, and ending June 30, 2015, are allocated as follows:

a. To be retained by the department of human services to be used for coordinating with the department of human rights to more effectively serve participants in FIP and other shared clients and to meet federal reporting requirements under the federal temporary assistance for needy families block grant:

..... $ 10,000

b. To the department of human rights for staffing, administration, and implementation of the family development and self-sufficiency grant program in accordance with section 216A.107:

..... $ 3,021,417

(1) Of the funds allocated for the family development and self-sufficiency grant program in this lettered paragraph, not more than 5 percent of the funds shall be used for the administration of the grant program.

(2) The department of human rights may continue to implement the family development and self-sufficiency grant program statewide during fiscal year 2014-2015.

c. For the diversion subaccount of the FIP account:

..... $ 849,200

A portion of the moneys allocated for the subaccount may be used for field operations, salaries, data management system development, and implementation costs and support deemed necessary by the director of human services in order to administer the FIP diversion program. To the extent moneys allocated in this lettered paragraph are not deemed by the department to be necessary to support diversion activities, such moneys may be used for other efforts intended to increase engagement by family investment program participants in work, education, or training activities.

d. For the food assistance employment and training program:

..... $ 33,294

(1) The department shall apply the federal supplemental nutrition assistance program (SNAP) employment and training state plan in order to maximize to the fullest extent permitted by federal law the use of the 50 percent federal reimbursement provisions for the claiming of allowable federal reimbursement funds from the United States department of agriculture pursuant to the federal SNAP employment and training program for providing education, employment, and training services for eligible food assistance program participants, including but not limited to related dependent care and transportation expenses.

(2) The department shall continue the categorical federal food assistance program eligibility at 160 percent of the federal poverty level and continue to eliminate the asset test from eligibility requirements, consistent with federal food assistance program requirements. The department shall include as many food assistance households as is allowed by federal law. The eligibility provisions shall conform to all federal requirements including requirements addressing individuals who are incarcerated or otherwise ineligible.

e. For the JOBS program:

..... $ 9,845,408

5. Of the child support collections assigned under FIP, an amount equal to the federal share of support collections shall be credited to the child support recovery appropriation made in this division of this Act. Of the remainder of the assigned child support collections received by the child support recovery unit, a portion shall be credited to the FIP account, a portion may be used to increase recoveries, and a portion may be used to sustain cash flow in the child support payments account. If as a consequence of the appropriations and allocations made in this section the resulting amounts are insufficient to sustain cash assistance payments and meet federal maintenance of effort requirements, the department shall seek supplemental

funding. If child support collections assigned under FIP are greater than estimated or are otherwise determined not to be required for maintenance of effort, the state share of either amount may be transferred to or retained in the child support payment account.

6. The department may adopt emergency rules for the family investment, JOBS, food assistance, and medical assistance programs if necessary to comply with federal requirements.

Sec. 138. FAMILY INVESTMENT PROGRAM GENERAL FUND. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

To be credited to the family investment program (FIP) account and used for family investment program assistance under chapter 239B:

..... $ 24,218,607

1. Of the funds appropriated in this section, $3,912,189 is allocated for the JOBS program.

2. Of the funds appropriated in this section, $1,581,927 is allocated for the family development and self-sufficiency grant program.

3. Notwithstanding section 8.39, for the fiscal year beginning July 1, 2014, if necessary to meet federal maintenance of effort requirements or to transfer federal temporary assistance for needy families block grant funding to be used for purposes of the federal social services block grant or to meet cash flow needs resulting from delays in receiving federal funding or to implement, in accordance with this division of this Act, activities currently funded with juvenile court services, county, or community moneys and state moneys used in combination with such moneys, the department of human services may transfer funds within or between any of the appropriations made in this division of this Act and appropriations in law for the federal social services block grant to the department for the following purposes, provided that the combined amount of state and federal temporary assistance for needy families block grant funding for each appropriation remains the same before and after the transfer:

a. For the family investment program.

b. For child care assistance.

c. For child and family services.

d. For field operations.

e. For general administration.

f. For distribution to counties or regions for services to persons with mental illness or an intellectual disability.

This subsection shall not be construed to prohibit the use of existing state transfer authority for other purposes. The department shall report any transfers made pursuant to this subsection to the legislative services agency.

4. Of the funds appropriated in this section, $97,839 shall be used for continuation of a grant to an Iowa-based nonprofit organization with a history of providing tax preparation assistance to low-income Iowans in order to expand the usage of the earned income tax credit. The purpose of the grant is to supply this assistance to underserved areas of the state.

5. Of the funds appropriated in this section, $20,000 shall be used for the continuation of an unfunded pilot project, as defined in 441 IAC 100.1, relating to parental obligations, in which the child support recovery unit participates, to support the efforts of a nonprofit organization committed to strengthening the community through youth development, healthy living, and social responsibility in a county with a population over 350,000. The funds allocated in this subsection shall be used by the recipient organization to develop a larger community effort, through public and private partnerships, to support a broad-based fatherhood initiative that promotes payment of child support obligations, improved family relationships, and full-time employment.

6. The department may transfer funds appropriated in this section to the appropriations made in this division of this Act for general administration and field operations as necessary to administer this section and the overall family investment program.

Sec. 139. CHILD SUPPORT RECOVERY. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For child support recovery, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 7,086,885
..... FTEs 464.00

1. The department shall expend up to $12,165, including federal financial participation, for the fiscal year beginning July 1, 2014, for a child support public awareness campaign. The department and the office of the attorney general shall cooperate in continuation of the campaign. The public awareness campaign shall emphasize, through a variety of media activities, the importance of maximum involvement of both parents in the lives of their children as well as the importance of payment of child support obligations.

2. Federal access and visitation grant moneys shall be issued directly to private not-for-profit agencies that provide services designed to increase compliance with the child access provisions of court orders, including but not limited to neutral visitation sites and mediation services.

3. The appropriation made to the department for child support recovery may be used throughout the fiscal year in the manner necessary for purposes of cash flow management, and for cash flow management purposes the department may temporarily draw more than the amount appropriated, provided the amount appropriated is not exceeded at the close of the fiscal year.

4. With the exception of the funding amount specified, the requirements established under 2001 Iowa Acts, chapter 191, section 3, subsection 5, paragraph "c", subparagraph (3), shall be applicable to parental obligation pilot projects for the fiscal year beginning July 1, 2014, and ending June 30, 2015. Notwithstanding 441 IAC 100.8, providing for termination of rules relating to the pilot projects, the rules shall remain in effect until June 30, 2015.

Sec. 140. HEALTH CARE TRUST FUND — MEDICAL ASSISTANCE — FY 2013-2014.[6] Any funds remaining in the health care trust fund created in section 453A.35A for the fiscal year beginning July 1, 2014, and ending June 30, 2015, are appropriated to the department of human services to supplement the medical assistance program appropriations made in this division of this Act, for medical assistance reimbursement and associated costs, including program administration and costs associated with program implementation.

Sec. 141. MEDICAID FRAUD FUND — MEDICAL ASSISTANCE — FY 2014-2015. Any funds remaining in the Medicaid fraud fund created in section 249A.7 for the fiscal year beginning July 1, 2014, and ending June 30, 2015, are appropriated to the department of human services to supplement the medical assistance appropriations made in this division of this Act, for medical assistance reimbursement and associated costs, including program administration and costs associated with program implementation.

Sec. 142. MEDICAL ASSISTANCE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For medical assistance program reimbursement and associated costs as specifically provided in the reimbursement methodologies in effect on June 30, 2014, except as otherwise expressly authorized by law, consistent with options under federal law and regulations, and contingent upon receipt of approval from the office of the governor of reimbursement for each abortion performed under the program:

..... $ 1,143,810,311

[6] According to enrolled Act; the phrase "FY 2014-2015" probably intended

1. a. Iowans support reducing the number of abortions performed in our state. For an abortion covered under the program, except in the case of a medical emergency, as defined in section 135L.1, for any woman, the physician shall certify both of the following:

(1) That the woman has been given the opportunity to view an ultrasound image of the fetus as part of the standard of care before an abortion is performed.

(2) That the woman has been provided information regarding the options relative to a pregnancy, including continuing the pregnancy to term and retaining parental rights following the child's birth, continuing the pregnancy to term and placing the child for adoption, and terminating the pregnancy.

b. Funds appropriated under this section shall not be used for abortions, unless otherwise authorized under this section.

c. The provisions of this section relating to abortions shall also apply to the Iowa health and wellness plan created pursuant to chapter 249N, as enacted in this Act.

2. The department shall utilize not more than $60,000 of the funds appropriated in this section to continue the AIDS/HIV health insurance premium payment program as established in 1992 Iowa Acts, Second Extraordinary Session, chapter 1001, section 409, subsection 6. Of the funds allocated in this subsection, not more than $5,000 may be expended for administrative purposes.

3. Of the funds appropriated in this Act to the department of public health for addictive disorders, $950,000 for the fiscal year beginning July 1, 2014, is transferred to the department of human services for an integrated substance-related disorder managed care system. The department shall not assume management of the substance-related disorder system in place of the managed care contractor unless such a change in approach is specifically authorized in law. The departments of human services and public health shall work together to maintain the level of mental health and substance-related disorder treatment services provided by the managed care contractor through the Iowa plan for behavioral health. Each department shall take the steps necessary to continue the federal waivers as necessary to maintain the level of services.

4. a. The department shall aggressively pursue options for providing medical assistance or other assistance to individuals with special needs who become ineligible to continue receiving services under the early and periodic screening, diagnostic, and treatment program under the medical assistance program due to becoming 21 years of age who have been approved for additional assistance through the department's exception to policy provisions, but who have health care needs in excess of the funding available through the exception to policy provisions.

b. Of the funds appropriated in this section, $100,000 shall be used for participation in one or more pilot projects operated by a private provider to allow the individual or individuals to receive service in the community in accordance with principles established in Olmstead v. L.C., 527 U.S. 581 (1999), for the purpose of providing medical assistance or other assistance to individuals with special needs who become ineligible to continue receiving services under the early and periodic screening, diagnostic, and treatment program under the medical assistance program due to becoming 21 years of age who have been approved for additional assistance through the department's exception to policy provisions, but who have health care needs in excess of the funding available through the exception to the policy provisions.

5. Of the funds appropriated in this section, up to $3,050,082 may be transferred to the field operations or general administration appropriations in this division of this Act for operational costs associated with Part D of the federal Medicare Prescription Drug Improvement and Modernization Act of 2003, Pub. L. No. 108-173.

6. Of the funds appropriated in this section, up to $442,100 may be transferred to the appropriation in this division of this Act for medical contracts to be used for clinical assessment services and prior authorization of services.

7. A portion of the funds appropriated in this section may be transferred to the appropriations in this division of this Act for general administration, medical contracts, the children's health insurance program, or field operations to be used for the state match cost to comply with the payment error rate measurement (PERM) program for both the medical assistance and children's health insurance programs as developed by the centers for Medicare and Medicaid services of the United States department of health and human

services to comply with the federal Improper Payments Information Act of 2002, Pub. L. No. 107-300.

8. It is the intent of the general assembly that the department continue to implement the recommendations of the assuring better child health and development initiative II (ABCDII) clinical panel to the Iowa early and periodic screening, diagnostic, and treatment services healthy mental development collaborative board regarding changes to billing procedures, codes, and eligible service providers.

9. Of the funds appropriated in this section, a sufficient amount is allocated to supplement the incomes of residents of nursing facilities, intermediate care facilities for persons with mental illness, and intermediate care facilities for persons with an intellectual disability, with incomes of less than $50 in the amount necessary for the residents to receive a personal needs allowance of $50 per month pursuant to section 249A.30A.

10. Of the funds appropriated in this section, the following amounts are transferred to the appropriations made in this division of this Act for the state mental health institutes:

a. Cherokee mental health institute ..... $ 9,098,425
b. Clarinda mental health institute ..... $ 1,977,305
c. Independence mental health institute ..... $ 9,045,894
d. Mount Pleasant mental health institute ..... $ 5,752,587

11. a. Of the funds appropriated in this section, $7,969,074 is allocated for the state match for a disproportionate share hospital payment of $19,133,430 to hospitals that meet both of the conditions specified in subparagraphs (1) and (2). In addition, the hospitals that meet the conditions specified shall either certify public expenditures or transfer to the medical assistance program an amount equal to provide the nonfederal share for a disproportionate share hospital payment of $7,500,000. The hospitals that meet the conditions specified shall receive and retain 100 percent of the total disproportionate share hospital payment of $26,633,430.

(1) The hospital qualifies for disproportionate share and graduate medical education payments.

(2) The hospital is an Iowa state-owned hospital with more than 500 beds and eight or more distinct residency specialty or subspecialty programs recognized by the American college of graduate medical education.

b. Distribution of the disproportionate share payments shall be made on a monthly basis. The total amount of disproportionate share payments including graduate medical education, enhanced disproportionate share, and Iowa state-owned teaching hospital payments shall not exceed the amount of the state's allotment under Pub. L. No. 102-234. In addition, the total amount of all disproportionate share payments shall not exceed the hospital-specific disproportionate share limits under Pub. L. No. 103-66.

12. The university of Iowa hospitals and clinics shall either certify public expenditures or transfer to the appropriations made in this division of this Act for medical assistance an amount equal to provide the nonfederal share for increased medical assistance payments for inpatient and outpatient hospital services of $9,900,000. The university of Iowa hospitals and clinics shall receive and retain 100 percent of the total increase in medical assistance payments.

13. One hundred percent of the nonfederal share of payments to area education agencies that are medical assistance providers for medical assistance-covered services provided to medical assistance-covered children, shall be made from the appropriation made in this section.

14. Any new or renewed contract entered into by the department with a third party to administer behavioral health services under the medical assistance program shall provide that any interest earned on payments from the state during the state fiscal year shall be remitted to the department and treated as recoveries to offset the costs of the medical assistance program.

15. The department shall continue to implement the provisions in 2007 Iowa Acts, chapter 218, section 124 and section 126, as amended by 2008 Iowa Acts, chapter 1188, section 55, relating to eligibility for certain persons with disabilities under the medical assistance program in accordance with the federal Family Opportunity Act.

16. A portion of the funds appropriated in this section may be transferred to the appropriation in this division of this Act for medical contracts to be used for administrative activities associated with the money follows the person demonstration project.

17. Of the funds appropriated in this section, $349,011 shall be used for the administration of the health insurance premium payment program, including salaries, support, maintenance, and miscellaneous purposes.

18. a. The department shall continue to implement the cost containment strategies for the medical assistance program in the fiscal year beginning July 1, 2014, that were recommended by the governor for the fiscal year beginning July 1, 2013, as specified in this Act and may adopt emergency rules for such implementation.

b. The department may increase the amounts allocated for salaries, support, maintenance, and miscellaneous purposes associated with the medical assistance program, as necessary, to implement the cost containment strategies. The department shall report any such increase to the legislative services agency and the department of management.

c. If the savings to the medical assistance program exceed the cost for the fiscal year beginning July 1, 2014, the department may transfer any savings generated for the fiscal year due to medical assistance program cost containment efforts to the appropriation made in this division of this Act for medical contracts or general administration to defray the increased contract costs associated with implementing such efforts.

d. The department shall report the implementation of any cost containment strategies under this subsection to the individuals specified in this division of this Act for submission of reports on a quarterly basis.

19. a. Of the funds appropriated in this section, $900,000 shall be used to continue implementation of the children's mental health home project proposed by the department of human services and reported to the general assembly's mental health and disability services study committee in December 2011. Of this amount, up to $50,000 may be transferred by the department to the appropriation made in this division of this Act to the department for the same fiscal year for general administration to be used for associated administrative expenses and for not more than one full-time equivalent position, in addition to those authorized for the same fiscal year, to be assigned to implementing the project.

b. Of the funds appropriated in this section, up to $400,000 may be transferred by the department to the appropriation made to the department in this division of this Act for the same fiscal year for general administration to continue to support the redesign of mental health and disability services and the state balancing incentive payments program planning and implementation activities. The funds may be used for contracts or for personnel in addition to the amounts appropriated for and the positions authorized for general administration for the same fiscal year.

c. Of the funds appropriated in this section, up to $3,000,000 may be transferred by the department to the appropriations made to the department in this division of this Act for the same fiscal year for general administration or medical contracts to be used to continue to support the development and implementation of standardized assessment tools for persons with mental illness, an intellectual disability, a developmental disability, or a brain injury.

d. For the fiscal year beginning July 1, 2014, and ending June 30, 2015, the replacement generation tax revenues required to be deposited in the property tax relief fund pursuant to section 437A.8, subsection 4, paragraph "d", and section 437A.15, subsection 3, paragraph "f", shall instead be credited to and supplement the appropriation made in this section and used for the allocations made in this subsection.

20. The department shall continue to administer the state balancing incentive payments program as specified in 2012 Iowa Acts, chapter 1133, section 14.

21. Of the funds appropriated in this section, $250,000 shall be used for lodging expenses associated with care provided at the university of Iowa hospitals and clinics for patients with cancer whose travel distance is 30 miles or more and whose income is at or below 200 percent of the federal poverty level as defined by the most recently revised poverty income guidelines published by the United States department of health and human services. The department of human services shall establish the maximum number of overnight stays

* Item veto; see message at end of the Act

and the maximum rate reimbursed for overnight lodging, which may be based on the state employee rate established by the department of administrative services. The funds allocated in this subsection shall not be used as nonfederal share matching funds.

Sec. 143. MEDICAL CONTRACTS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2013,[7] and ending June 30, 2014,[8] the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For medical contracts:

..... $ 6,145,785

1. The department of inspections and appeals shall provide all state matching funds for survey and certification activities performed by the department of inspections and appeals. The department of human services is solely responsible for distributing the federal matching funds for such activities.

2. Of the funds appropriated in this section, $25,000 shall be used for continuation of home and community-based services waiver quality assurance programs, including the review and streamlining of processes and policies related to oversight and quality management to meet state and federal requirements.

3. Of the amount appropriated in this section, up to $100,000 may be transferred to the appropriation for general administration in this division of this Act to be used for additional full-time equivalent positions in the development of key health initiatives such as cost containment, development and oversight of managed care programs, and development of health strategies targeted toward improved quality and reduced costs in the Medicaid program.

4. Of the funds appropriated in this section, $500,000 shall be used for planning and development, in cooperation with the department of public health, of a phased-in program to provide a dental home for children.

5. Of the funds appropriated in this section, $37,500 shall be used for continued implementation of a uniform cost report.

6. Of the funds appropriated in this section, $1,000,000 shall be used for the autism support program created in chapter 225D, as enacted in this Act.

7. Of the funds appropriated in this section, $49,895 shall be used for continued implementation of an electronic medical records system.

Sec. 144. STATE SUPPLEMENTARY ASSISTANCE.

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

For the state supplementary assistance program:

..... $ 8,256,087

2. The department shall increase the personal needs allowance for residents of residential care facilities by the same percentage and at the same time as federal supplemental security income and federal social security benefits are increased due to a recognized increase in the cost of living. The department may adopt emergency rules to implement this subsection.

3. If during the fiscal year beginning July 1, 2014, the department projects that state supplementary assistance expenditures for a calendar year will not meet the federal pass-through requirement specified in Tit. XVI of the federal Social Security Act, section 1618, as codified in 42 U.S.C. § 1382g, the department may take actions including but not limited to increasing the personal needs allowance for residential care facility residents and making programmatic adjustments or upward adjustments of the residential care facility or in-home health-related care reimbursement rates prescribed in this division of this Act to ensure that federal requirements are met. In addition, the department may make other programmatic and rate adjustments necessary to remain within the amount appropriated

[7] According to enrolled Act; the year "2014" probably intended
[8] According to enrolled Act; the year "2015" probably intended

in this section while ensuring compliance with federal requirements. The department may adopt emergency rules to implement the provisions of this subsection.

Sec. 145. CHILDREN'S HEALTH INSURANCE PROGRAM.

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

For maintenance of the healthy and well kids in Iowa (hawk-i) program pursuant to chapter 514I, including supplemental dental services, for receipt of federal financial participation under Tit. XXI of the federal Social Security Act, which creates the children's health insurance program:

..... $ 18,403,051

2. Of the funds appropriated in this section, $70,725 is allocated for continuation of the contract for outreach with the department of public health.

Sec. 146. CHILD CARE ASSISTANCE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For child care programs:

..... $ 31,354,897

1. Of the funds appropriated in this section, $27,377,595 shall be used for state child care assistance in accordance with section 237A.13.

2. Nothing in this section shall be construed or is intended as or shall imply a grant of entitlement for services to persons who are eligible for assistance due to an income level consistent with the waiting list requirements of section 237A.13. Any state obligation to provide services pursuant to this section is limited to the extent of the funds appropriated in this section.

3. Of the funds appropriated in this section, $216,227 is allocated for the statewide program for child care resource and referral services under section 237A.26. A list of the registered and licensed child care facilities operating in the area served by a child care resource and referral service shall be made available to the families receiving state child care assistance in that area.

4. Of the funds appropriated in this section, $468,487 is allocated for child care quality improvement initiatives including but not limited to the voluntary quality rating system in accordance with section 237A.30.

5. Of the funds appropriated in this section, $67,589 shall be used to conduct fingerprint-based national criminal history record checks of home-based child care providers pursuant to section 237A.5, subsection 2, through the United States department of justice, federal bureau of investigation.

6. Of the amount appropriated in this section, up to $12,500 shall be used to continue to implement a searchable internet-based application as part of the consumer information made available under section 237A.25. The application shall provide a listing of the child care providers in this state that have received a rating under the voluntary quality rating system implemented pursuant to section 237A.30 and information on whether a provider specializes in child care for infants, school-age children, children with special needs, or other populations or provides any other specialized services to support family needs.

7. Of the funds appropriated in this section, $3,175,000 shall be credited to the early childhood programs grants account in the early childhood Iowa fund created in section 256I.11. The moneys shall be distributed for funding of community-based early childhood programs targeted to children from birth through five years of age developed by early childhood Iowa areas in accordance with approved community plans as provided in section 256I.8.

8. The department may use any of the funds appropriated in this section as a match to obtain federal funds for use in expanding child care assistance and related programs. For the purpose of expenditures of state and federal child care funding, funds shall be considered obligated at the time expenditures are projected or are allocated to the department's service

areas. Projections shall be based on current and projected caseload growth, current and projected provider rates, staffing requirements for eligibility determination and management of program requirements including data systems management, staffing requirements for administration of the program, contractual and grant obligations and any transfers to other state agencies, and obligations for decategorization or innovation projects.

9. A portion of the state match for the federal child care and development block grant shall be provided as necessary to meet federal matching funds requirements through the state general fund appropriation made for child development grants and other programs for at-risk children in section 279.51.

10. If a uniform reduction ordered by the governor under section 8.31 or other operation of law, transfer, or federal funding reduction reduces the appropriation made in this section for the fiscal year, the percentage reduction in the amount paid out to or on behalf of the families participating in the state child care assistance program shall be equal to or less than the percentage reduction made for any other purpose payable from the appropriation made in this section and the federal funding relating to it. The percentage reduction to the other allocations made in this section shall be the same as the uniform reduction ordered by the governor or the percentage change of the federal funding reduction, as applicable. If there is an unanticipated increase in federal funding provided for state child care assistance, the entire amount of the increase shall be used for state child care assistance payments. If the appropriations made for purposes of the state child care assistance program for the fiscal year are determined to be insufficient, it is the intent of the general assembly to appropriate sufficient funding for the fiscal year in order to avoid establishment of waiting list requirements.

11. Notwithstanding section 8.33, moneys advanced for purposes of the programs developed by early childhood Iowa areas, advanced for purposes of wraparound child care, or received from the federal appropriations made for the purposes of this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert to any fund but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 147. JUVENILE INSTITUTIONS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For operation of the Iowa juvenile home at Toledo and for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 4,429,678
..... FTEs 114.00

2. For operation of the state training school at Eldora and for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 5,628,485
..... FTEs 164.30

Of the funds appropriated in this subsection, $45,575 shall be used for distribution to licensed classroom teachers at this and other institutions under the control of the department of human services based upon the average student yearly enrollment at each institution as determined by the department.

3. A portion of the moneys appropriated in this section shall be used by the state training school and by the Iowa juvenile home for grants for adolescent pregnancy prevention activities at the institutions in the fiscal year beginning July 1, 2014.

Sec. 148. CHILD AND FAMILY SERVICES.

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

For child and family services:

..... $ 45,641,960

2. Up to $2,600,000 of the amount of federal temporary assistance for needy families block grant funding appropriated in this division of this Act for child and family services shall be made available for purposes of juvenile delinquent graduated sanction services.

3. The department may transfer funds appropriated in this section as necessary to pay the nonfederal costs of services reimbursed under the medical assistance program, state child care assistance program, or the family investment program which are provided to children who would otherwise receive services paid under the appropriation in this section. The department may transfer funds appropriated in this section to the appropriations made in this division of this Act for general administration and for field operations for resources necessary to implement and operate the services funded in this section.

4. a. Of the funds appropriated in this section, up to $16,121,163 is allocated as the statewide expenditure target under section 232.143 for group foster care maintenance and services. If the department projects that such expenditures for the fiscal year will be less than the target amount allocated in this lettered paragraph, the department may reallocate the excess to provide additional funding for shelter care or the child welfare emergency services addressed with the allocation for shelter care.

b. If at any time after September 30, 2014, annualization of a service area's current expenditures indicates a service area is at risk of exceeding its group foster care expenditure target under section 232.143 by more than 5 percent, the department and juvenile court services shall examine all group foster care placements in that service area in order to identify those which might be appropriate for termination. In addition, any aftercare services believed to be needed for the children whose placements may be terminated shall be identified. The department and juvenile court services shall initiate action to set dispositional review hearings for the placements identified. In such a dispositional review hearing, the juvenile court shall determine whether needed aftercare services are available and whether termination of the placement is in the best interest of the child and the community.

5. In accordance with the provisions of section 232.188, the department shall continue the child welfare and juvenile justice funding initiative during fiscal year 2014-2015. Of the funds appropriated in this section, $858,877 is allocated specifically for expenditure for fiscal year 2014-2015 through the decategorization service funding pools and governance boards established pursuant to section 232.188.

6. A portion of the funds appropriated in this section may be used for emergency family assistance to provide other resources required for a family participating in a family preservation or reunification project or successor project to stay together or to be reunified.

7. Notwithstanding section 234.35 or any other provision of law to the contrary, state funding for shelter care and the child welfare emergency services contracting implemented to provide for or prevent the need for shelter care shall be limited to $3,808,024.

8. Federal funds received by the state during the fiscal year beginning July 1, 2014, as the result of the expenditure of state funds appropriated during a previous state fiscal year for a service or activity funded under this section are appropriated to the department to be used as additional funding for services and purposes provided for under this section. Notwithstanding section 8.33, moneys received in accordance with this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert to any fund but shall remain available for the purposes designated until the close of the succeeding fiscal year.

9. a. Of the funds appropriated in this section, up to $1,645,000 is allocated for the payment of the expenses of court-ordered services provided to juveniles who are under the supervision of juvenile court services, which expenses are a charge upon the state pursuant to section 232.141, subsection 4. Of the amount allocated in this lettered paragraph, up to $778,144 shall be made available to provide school-based supervision of children adjudicated under chapter 232, of which not more than $7,500 may be used for the purpose of training. A portion of the cost of each school-based liaison officer shall be paid by the school district or other funding source as approved by the chief juvenile court officer.

b. Of the funds appropriated in this section, up to $374,493 is allocated for the payment of the expenses of court-ordered services provided to children who are under the supervision

of the department, which expenses are a charge upon the state pursuant to section 232.141, subsection 4.

c. Notwithstanding section 232.141 or any other provision of law to the contrary, the amounts allocated in this subsection shall be distributed to the judicial districts as determined by the state court administrator and to the department's service areas as determined by the administrator of the department's division of child and family services. The state court administrator and the division administrator shall make the determination of the distribution amounts on or before June 15, 2014.

d. Notwithstanding chapter 232 or any other provision of law to the contrary, a district or juvenile court shall not order any service which is a charge upon the state pursuant to section 232.141 if there are insufficient court-ordered services funds available in the district court or departmental service area distribution amounts to pay for the service. The chief juvenile court officer and the departmental service area manager shall encourage use of the funds allocated in this subsection such that there are sufficient funds to pay for all court-related services during the entire year. The chief juvenile court officers and departmental service area managers shall attempt to anticipate potential surpluses and shortfalls in the distribution amounts and shall cooperatively request the state court administrator or division administrator to transfer funds between the judicial districts' or departmental service areas' distribution amounts as prudent.

e. Notwithstanding any provision of law to the contrary, a district or juvenile court shall not order a county to pay for any service provided to a juvenile pursuant to an order entered under chapter 232 which is a charge upon the state under section 232.141, subsection 4.

f. Of the funds allocated in this subsection, not more than $41,500 may be used by the judicial branch for administration of the requirements under this subsection.

g. Of the funds allocated in this subsection, $8,500 shall be used by the department of human services to support the interstate commission for juveniles in accordance with the interstate compact for juveniles as provided in section 232.173.

10. Of the funds appropriated in this section, $4,026,613 is allocated for juvenile delinquent graduated sanctions services. Any state funds saved as a result of efforts by juvenile court services to earn federal Tit. IV-E match for juvenile court services administration may be used for the juvenile delinquent graduated sanctions services.

11. Of the funds appropriated in this section, $804,143 is transferred to the department of public health to be used for the child protection center grant program in accordance with section 135.118. The grant amounts under the program shall be equalized so that each center receives a uniform amount of at least $122,500.

12. If the department receives federal approval to implement a waiver under Tit. IV-E of the federal Social Security Act to enable providers to serve children who remain in the children's families and communities, for purposes of eligibility under the medical assistance program through 25 years of age, children who participate in the waiver shall be considered to be placed in foster care.

13. Of the funds appropriated in this section, $1,628,490 is allocated for the preparation for adult living program pursuant to section 234.46.

14. Of the funds appropriated in this section, $260,075 shall be used for juvenile drug courts. The amount allocated in this subsection shall be distributed as follows:

To the judicial branch for salaries to assist with the operation of juvenile drug court programs operated in the following jurisdictions:

a. Marshall county:
..... $ 31,354

b. Woodbury county:
..... $ 62,841

c. Polk county:
..... $ 97,946

d. The third judicial district:
..... $ 33,967

e. The eighth judicial district:
..... $ 33,967

15. Of the funds appropriated in this section, $113,669 shall be used for the public purpose of continuing a grant to a nonprofit human services organization providing services to individuals and families in multiple locations in southwest Iowa and Nebraska for support of a project providing immediate, sensitive support and forensic interviews, medical exams, needs assessments, and referrals for victims of child abuse and their nonoffending family members.

16. Of the funds appropriated in this section, $100,295 is allocated for the foster care youth council approach of providing a support network to children placed in foster care.

17. Of the funds appropriated in this section, $101,000 is allocated for use pursuant to section 235A.1 for continuation of the initiative to address child sexual abuse implemented pursuant to 2007 Iowa Acts, chapter 218, section 18, subsection 21.

18. Of the funds appropriated in this section, $315,120 is allocated for the community partnership for child protection sites.

19. Of the funds appropriated in this section, $185,625 is allocated for the department's minority youth and family projects under the redesign of the child welfare system.

20. Of the funds appropriated in this section, $718,298 is allocated for funding of the community circle of care collaboration for children and youth in northeast Iowa.

21. Of the funds appropriated in this section, at least $73,579 shall be used for the child welfare training academy.

22. Of the funds appropriated in this section, $12,500 shall be used for the public purpose of continuation of a grant to a child welfare services provider headquartered in a county with a population between 205,000 and 215,000 in the latest certified federal census that provides multiple services including but not limited to a psychiatric medical institution for children, shelter, residential treatment, after school programs, school-based programming, and an Asperger's syndrome program, to be used for support services for children with autism spectrum disorder and their families.

23. Of the funds appropriated in this section, $12,500 shall be used for the public purpose of continuing a grant to a hospital-based provider headquartered in a county with a population between 90,000 and 95,000 in the latest certified federal census that provides multiple services including but not limited to diagnostic, therapeutic, and behavioral services to individuals with autism spectrum disorder across the lifespan. The grant recipient shall utilize the funds to continue the pilot project to determine the necessary support services for children with autism spectrum disorder and their families to be included in the children's disabilities services system. The grant recipient shall submit findings and recommendations based upon the results of the pilot project to the individuals specified in this division of this Act for submission of reports by December 31, 2014.

24. Of the funds appropriated in this section, $163,974 shall be used for continuation of the central Iowa system of care program grant through June 30, 2015.

25. Of the funds appropriated in this section, $80,000 shall be used for the public purpose of the continuation of a system of care grant implemented in Cerro Gordo and Linn counties.

26. Of the funds appropriated in this section, at least $12,500 shall be used to continue and to expand the foster care respite pilot program in which postsecondary students in social work and other human services-related programs receive experience by assisting family foster care providers with respite and other support.

Sec. 149. ADOPTION SUBSIDY.

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

For adoption subsidy payments and services:

..... $ 20,364,641

2. The department may transfer funds appropriated in this section to the appropriation made in this division of this Act for general administration for costs paid from the appropriation relating to adoption subsidy.

3. Federal funds received by the state during the fiscal year beginning July 1, 2014, as the result of the expenditure of state funds during a previous state fiscal year for a service or activity funded under this section are appropriated to the department to be used as

additional funding for the services and activities funded under this section. Notwithstanding section 8.33, moneys received in accordance with this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert to any fund but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 150. JUVENILE DETENTION HOME FUND. Moneys deposited in the juvenile detention home fund created in section 232.142 during the fiscal year beginning July 1, 2014, and ending June 30, 2015, are appropriated to the department of human services for the fiscal year beginning July 1, 2014, and ending June 30, 2015, for distribution of an amount equal to a percentage of the costs of the establishment, improvement, operation, and maintenance of county or multicounty juvenile detention homes in the fiscal year beginning July 1, 2013. Moneys appropriated for distribution in accordance with this section shall be allocated among eligible detention homes, prorated on the basis of an eligible detention home's proportion of the costs of all eligible detention homes in the fiscal year beginning July 1, 2013. The percentage figure shall be determined by the department based on the amount available for distribution for the fund. Notwithstanding section 232.142, subsection 3, the financial aid payable by the state under that provision for the fiscal year beginning July 1, 2014, shall be limited to the amount appropriated for the purposes of this section.

Sec. 151. FAMILY SUPPORT SUBSIDY PROGRAM.

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

For the family support subsidy program subject to the enrollment restrictions in section 225C.37, subsection 3:

..... $ 546,478

2. The department shall use at least $241,750 of the moneys appropriated in this section for the family support center component of the comprehensive family support program under section 225C.47. Not more than $12,500 of the amount allocated in this subsection shall be used for administrative costs.

3. If at any time during the fiscal year, the amount of funding available for the family support subsidy program is reduced from the amount initially used to establish the figure for the number of family members for whom a subsidy is to be provided at any one time during the fiscal year, notwithstanding section 225C.38, subsection 2, the department shall revise the figure as necessary to conform to the amount of funding available.

Sec. 152. CONNER DECREE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For building community capacity through the coordination and provision of training opportunities in accordance with the consent decree of Conner v. Branstad, No. 4-86-CV-30871(S.D. Iowa, July 14, 1994):

..... $ 16,811

Sec. 153. MENTAL HEALTH INSTITUTES. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the state mental health institute at Cherokee for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 2,977,232
..... FTEs 169.20

2. For the state mental health institute at Clarinda for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 3,375,934
..... FTEs 86.10

3. For the state mental health institute at Independence for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 5,159,389
..... FTEs 233.00

4. For the state mental health institute at Mount Pleasant for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 683,343
..... FTEs 97.92

Sec. 154. STATE RESOURCE CENTERS.

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

a. For the state resource center at Glenwood for salaries, support, maintenance, and miscellaneous purposes:

..... $ 10,137,236

b. For the state resource center at Woodward for salaries, support, maintenance, and miscellaneous purposes:

..... $ 7,110,232

2. The department may continue to bill for state resource center services utilizing a scope of services approach used for private providers of ICFID services, in a manner which does not shift costs between the medical assistance program, counties, or other sources of funding for the state resource centers.

3. The state resource centers may expand the time-limited assessment and respite services during the fiscal year.

4. If the department's administration and the department of management concur with a finding by a state resource center's superintendent that projected revenues can reasonably be expected to pay the salary and support costs for a new employee position, or that such costs for adding a particular number of new positions for the fiscal year would be less than the overtime costs if new positions would not be added, the superintendent may add the new position or positions. If the vacant positions available to a resource center do not include the position classification desired to be filled, the state resource center's superintendent may reclassify any vacant position as necessary to fill the desired position. The superintendents of the state resource centers may, by mutual agreement, pool vacant positions and position classifications during the course of the fiscal year in order to assist one another in filling necessary positions.

5. If existing capacity limitations are reached in operating units, a waiting list is in effect for a service or a special need for which a payment source or other funding is available for the service or to address the special need, and facilities for the service or to address the special need can be provided within the available payment source or other funding, the superintendent of a state resource center may authorize opening not more than two units or other facilities and begin implementing the service or addressing the special need during fiscal year 2014-2015.

Sec. 155. SEXUALLY VIOLENT PREDATORS.

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

For costs associated with the commitment and treatment of sexually violent predators in the unit located at the state mental health institute at Cherokee, including costs of legal services and other associated costs, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 4,708,485
..... FTEs 124.50

2. Unless specifically prohibited by law, if the amount charged provides for recoupment of at least the entire amount of direct and indirect costs, the department of human services may contract with other states to provide care and treatment of persons placed by the other states at the unit for sexually violent predators at Cherokee. The moneys received under such a contract shall be considered to be repayment receipts and used for the purposes of the appropriation made in this section.

Sec. 156. FIELD OPERATIONS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For field operations, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 33,261,194
..... FTEs 1,837.00

1. As a condition of this appropriation, the department shall make every possible effort to fill the entire number of positions authorized by this section and, unless specifically provided otherwise by an applicable collective bargaining agreement, the department is not subject to any approval requirement external to the department to fill a field operations vacancy within the number of full-time equivalent positions authorized by this section. The department shall report on the first of each month to the chairpersons and ranking members of the appropriations committees of the senate and house of representatives, and the persons designated by this Act for submission of reports concerning the status of filling the positions.

2. Priority in filling full-time equivalent positions shall be given to those positions related to child protection services and eligibility determination for low-income families.

Sec. 157. GENERAL ADMINISTRATION. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For general administration, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 8,152,386
..... FTEs 309.00

1. Of the funds appropriated in this section, $31,772 is allocated for the prevention of disabilities policy council established in section 225B.3.

2. The department shall report at least monthly to the legislative services agency concerning the department's operational and program expenditures.

3. Of the funds appropriated in this section, $66,150 shall be used to continue the contract for the provision of a program to provide technical assistance, support, and consultation to providers of habilitation services and home and community-based services waiver services for adults with disabilities under the medical assistance program.

4. Of the funds appropriated in this section, $25,000 is transferred to the Iowa finance authority to be used for administrative support of the council on homelessness established in section 16.100A and for the council to fulfill its duties in addressing and reducing homelessness in the state.

5. Of the funds appropriated in this section, $125,000 is transferred to the department of inspections and appeals to be used to implement a new mental health advocate division in the department in accordance with 2013 Iowa Acts, Senate File 406, if enacted.

Sec. 158. VOLUNTEERS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For development and coordination of volunteer services:

* Item veto; see message at end of the Act

..... $ 42,330

Sec. 159. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE DEPARTMENT OF HUMAN SERVICES.

1. a. (1) For the fiscal year beginning July 1, 2014, the total state funding amount for the nursing facility budget shall not exceed $268,712,511.

(2) The department, in cooperation with nursing facility representatives, shall review projections for state funding expenditures for reimbursement of nursing facilities on a quarterly basis and the department shall determine if an adjustment to the medical assistance reimbursement rate is necessary in order to provide reimbursement within the state funding amount for the fiscal year. Notwithstanding 2001 Iowa Acts, chapter 192, section 4, subsection 2, paragraph "c", and subsection 3, paragraph "a", subparagraph (2), if the state funding expenditures for the nursing facility budget for the fiscal year are projected to exceed the amount specified in subparagraph (1), the department shall adjust the reimbursement for nursing facilities reimbursed under the case-mix reimbursement system to maintain expenditures of the nursing facility budget within the specified amount for the fiscal year.

(3) For the fiscal year beginning July 1, 2014, special population nursing facilities shall be reimbursed in accordance with the methodology in effect on June 30, 2014.

b. (1) For the fiscal year beginning July 1, 2014, the department shall continue the pharmacy dispensing fee reimbursement at $10.12 per prescription. The actual dispensing fee shall be determined by a cost of dispensing survey performed by the department and required to be completed by all medical assistance program participating pharmacies every two years beginning in FY 2014-2015.

(2) The department shall utilize an average acquisition cost reimbursement methodology for all drugs covered under the medical assistance program in accordance with 2012 Iowa Acts, chapter 1133, section 33.

c. (1) For the fiscal year beginning July 1, 2014, reimbursement rates for outpatient hospital services shall remain at the rates in effect on June 30, 2014.

(2) For the fiscal year beginning July 1, 2014, reimbursement rates for inpatient hospital services shall remain at the rates in effect on June 30, 2014.

(3) For the fiscal year beginning July 1, 2014, the graduate medical education and disproportionate share hospital fund shall remain at the amount in effect on June 30, 2014, except that the portion of the fund attributable to graduate medical education shall be reduced in an amount that reflects the elimination of graduate medical education payments made to out-of-state hospitals.

(4) In order to ensure the efficient use of limited state funds in procuring health care services for low-income Iowans, funds appropriated in this Act for hospital services shall not be used for activities which would be excluded from a determination of reasonable costs under the federal Medicare program pursuant to 42 U.S.C. § 1395X(v)(1)(N).

d. For the fiscal year beginning July 1, 2014, reimbursement rates for rural health clinics, hospices, and acute mental hospitals shall be increased in accordance with increases under the federal Medicare program or as supported by their Medicare audited costs.

e. For the fiscal year beginning July 1, 2014, independent laboratories and rehabilitation agencies shall be reimbursed using the same methodology in effect on June 30, 2014.

f. (1) For the fiscal year beginning July 1, 2014, reimbursement rates for home health agencies shall continue to be based on the methodology in effect on June 30, 2014, as adjusted to not exceed the reimbursement for the fiscal year beginning July 1, 2013.

(2) For the fiscal year beginning July 1, 2014, rates for private duty nursing and personal care services under the early and periodic screening, diagnostic, and treatment program benefit shall be calculated based on the methodology in effect on June 30, 2014.

g. For the fiscal year beginning July 1, 2014, federally qualified health centers shall receive cost-based reimbursement for 100 percent of the reasonable costs for the provision of services to recipients of medical assistance.

h. For the fiscal year beginning July 1, 2014, the reimbursement rates for dental services shall remain at the rates in effect on June 30, 2014.

i. (1) For the fiscal year beginning July 1, 2014, state-owned psychiatric medical institutions for children shall receive cost-based reimbursement for 100 percent of the actual and allowable costs for the provision of services to recipients of medical assistance.

(2) For the nonstate-owned psychiatric medical institutions for children, reimbursement rates shall be based on the reimbursement methodology developed by the department as required for federal compliance.

(3) As a condition of participation in the medical assistance program, enrolled providers shall accept the medical assistance reimbursement rate for any covered goods or services provided to recipients of medical assistance who are children under the custody of a psychiatric medical institution for children.

j. For the fiscal year beginning July 1, 2014, unless otherwise specified in this Act, all noninstitutional medical assistance provider reimbursement rates shall remain at the rates in effect on June 30, 2014, except for area education agencies, local education agencies, infant and toddler services providers, home and community-based services providers including consumer-directed attendant care providers under a section 1915(c) or 1915(i) waiver, targeted case management providers, and those providers whose rates are required to be determined pursuant to section 249A.20.

k. Notwithstanding any provision to the contrary, for the fiscal year beginning July 1, 2014, the reimbursement rate for anesthesiologists shall remain at the rate in effect on June 30, 2014.

l. For the fiscal year beginning July 1, 2014, the average reimbursement rate for health care providers eligible for use of the federal Medicare resource-based relative value scale reimbursement methodology under section 249A.20 shall remain at the rate in effect on June 30, 2014; however, this rate shall not exceed the maximum level authorized by the federal government.

m. For the fiscal year beginning July 1, 2014, the reimbursement rate for residential care facilities shall not be less than the minimum payment level as established by the federal government to meet the federally mandated maintenance of effort requirement. The flat reimbursement rate for facilities electing not to file annual cost reports shall not be less than the minimum payment level as established by the federal government to meet the federally mandated maintenance of effort requirement.

n. For the fiscal year beginning July 1, 2014, the reimbursement rates for inpatient mental health services provided at hospitals shall remain at the rates in effect on June 30, 2014, subject to Medicaid program upper payment limit rules; community mental health centers and providers of mental health services to county residents pursuant to a waiver approved under section 225C.7, subsection 3, shall be reimbursed at 100 percent of the reasonable costs for the provision of services to recipients of medical assistance; and psychiatrists shall be reimbursed at the medical assistance program fee for service rate.

o. For the fiscal year beginning July 1, 2014, the reimbursement rate for providers of family planning services that are eligible to receive a 90 percent federal match shall remain at the rates in effect on June 30, 2014.

p. For the fiscal year beginning July 1, 2014, the upper limits on reimbursement rates for providers of home and community-based services waiver services shall be the limits in effect on June 30, 2014.

q. For the fiscal year beginning July 1, 2014, the reimbursement rate for emergency medical service providers shall be the rate in effect on June 30, 2014.

2. For the fiscal year beginning July 1, 2014, the reimbursement rate for providers reimbursed under the in-home-related care program shall not be less than the minimum payment level as established by the federal government to meet the federally mandated maintenance of effort requirement.

3. Unless otherwise directed in this section, when the department's reimbursement methodology for any provider reimbursed in accordance with this section includes an inflation factor, this factor shall not exceed the amount by which the consumer price index for all urban consumers increased during the calendar year ending December 31, 2002.

4. a. For the fiscal year beginning July 1, 2014, the foster family basic daily maintenance rate and the maximum adoption subsidy rate for children ages 0 through 5 years shall be $16.78, the rate for children ages 6 through 11 years shall be $17.45, the rate for children ages

12 through 15 years shall be $19.10, and the rate for children and young adults ages 16 and older shall be $19.35. For youth ages 18 to 21 who have exited foster care, the preparation for adult living program maintenance rate shall be $602.70 per month. The maximum payment for adoption subsidy nonrecurring expenses shall be limited to $500 and the disallowance of additional amounts for court costs and other related legal expenses implemented pursuant to 2010 Iowa Acts, chapter 1031, section 408 shall be continued.

5. For the fiscal year beginning July 1, 2014, the maximum reimbursement rates under the supervised apartment living program and for social services providers under contract shall remain at the rates in effect on June 30, 2014, or the provider's actual and allowable cost plus inflation for each service, whichever is less. However, if a new service or service provider is added after June 30, 2014, the initial reimbursement rate for the service or provider shall be based upon a weighted average of provider rates for similar services.

6. For the fiscal year beginning July 1, 2014, the reimbursement rates for family-centered service providers, family foster care service providers, group foster care service providers, and the resource family recruitment and retention contractor shall remain at the rates in effect on June 30, 2014.

7. The group foster care reimbursement rates paid for placement of children out of state shall be calculated according to the same rate-setting principles as those used for in-state providers, unless the director of human services or the director's designee determines that appropriate care cannot be provided within the state. The payment of the daily rate shall be based on the number of days in the calendar month in which service is provided.

8. a. For the fiscal year beginning July 1, 2014, the reimbursement rate paid for shelter care and the child welfare emergency services implemented to provide or prevent the need for shelter care shall be established by contract.

b. For the fiscal year beginning July 1, 2014, the combined service and maintenance components of the reimbursement rate paid for shelter care services shall be based on the financial and statistical report submitted to the department. The maximum reimbursement rate shall be $96.98 per day. The department shall reimburse a shelter care provider at the provider's actual and allowable unit cost, plus inflation, not to exceed the maximum reimbursement rate.

c. Notwithstanding section 232.141, subsection 8, for the fiscal year beginning July 1, 2014, the amount of the statewide average of the actual and allowable rates for reimbursement of juvenile shelter care homes that is utilized for the limitation on recovery of unpaid costs shall remain at the amount in effect for this purpose in the fiscal year beginning July 1, 2013.

9. For the fiscal year beginning July 1, 2013,[9] the department shall calculate reimbursement rates for intermediate care facilities for persons with intellectual disabilities at the 80th percentile. Beginning July 1, 2013,[10] the rate calculation methodology shall utilize the consumer price index inflation factor applicable to the fiscal year beginning July 1, 2013.[11]

10. For the fiscal year beginning July 1, 2014, for child care providers reimbursed under the state child care assistance program, the department shall set provider reimbursement rates based on the rate reimbursement survey completed in December 2004. The department shall set rates in a manner so as to provide incentives for a nonregistered provider to become registered by applying the increase only to registered and licensed providers.

11. The department may adopt emergency rules to implement this section.

Sec. 160. EMERGENCY RULES.

1. If specifically authorized by a provision of this division of this Act for the fiscal year beginning July 1, 2013,[12] the department of human services or the mental health and disability services commission may adopt administrative rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph "b", to implement the provisions and the rules shall become effective immediately upon filing or on a later effective date specified in the rules, unless the effective date is delayed by the administrative rules review

[9] According to enrolled Act; the year "2014" probably intended
[10] According to enrolled Act; the year "2014" probably intended
[11] According to enrolled Act; the year "2014" probably intended
[12] According to enrolled Act; the year "2014" probably intended

committee. Any rules adopted in accordance with this section shall not take effect before the rules are reviewed by the administrative rules review committee. The delay authority provided to the administrative rules review committee under section 17A.4, subsection 7, and section 17A.8, subsection 9, shall be applicable to a delay imposed under this section, notwithstanding a provision in those sections making them inapplicable to section 17A.5, subsection 2, paragraph "b". Any rules adopted in accordance with the provisions of this section shall also be published as notice of intended action as provided in section 17A.4.

2. If during the fiscal year beginning July 1, 2013,[13] the department of human services is adopting rules in accordance with this section or as otherwise directed or authorized by state law, and the rules will result in an expenditure increase beyond the amount anticipated in the budget process or if the expenditure was not addressed in the budget process for the fiscal year, the department shall notify the persons designated by this division of this Act for submission of reports, the chairpersons and ranking members of the committees on appropriations, and the department of management concerning the rules and the expenditure increase. The notification shall be provided at least 30 calendar days prior to the date notice of the rules is submitted to the administrative rules coordinator and the administrative code editor.

Sec. 161. REPORTS. Any reports or other information required to be compiled and submitted under this Act during the fiscal year beginning July 1, 2013,[14] shall be submitted to the chairpersons and ranking members of the joint appropriations subcommittee on health and human services, the legislative services agency, and the legislative caucus staffs on or before the dates specified for submission of the reports or information.

DIVISION XXXII
HEALTH CARE ACCOUNTS AND FUNDS — FY 2014-2015

Sec. 162. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is appropriated from the pharmaceutical settlement account created in section 249A.33 to the department of human services for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

Notwithstanding any provision of law to the contrary, to supplement the appropriations made in this Act for medical contracts under the medical assistance program for the fiscal year beginning July 1, 2013,[15] and ending June 30, 2014:[16]

..... $ 3,325,000

Sec. 163. QUALITY ASSURANCE TRUST FUND — DEPARTMENT OF HUMAN SERVICES. Notwithstanding any provision to the contrary and subject to the availability of funds, there is appropriated from the quality assurance trust fund created in section 249L.4 to the department of human services for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amounts, or so much thereof as is necessary, for the purposes designated:

To supplement the appropriation made in this Act from the general fund of the state to the department of human services for medical assistance for the same fiscal year:

..... $ 28,788,917

Sec. 164. HOSPITAL HEALTH CARE ACCESS TRUST FUND — DEPARTMENT OF HUMAN SERVICES. Notwithstanding any provision to the contrary and subject to the availability of funds, there is appropriated from the hospital health care access trust fund created in section 249M.4 to the department of human services for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amounts, or so much thereof as is necessary, for the purposes designated:

To supplement the appropriation made in this Act from the general fund of the state to the department of human services for medical assistance for the same fiscal year:

[13] According to enrolled Act; the year "2014" probably intended
[14] According to enrolled Act; the year "2014" probably intended
[15] According to enrolled Act; the year "2014" probably intended
[16] According to enrolled Act; the year "2015" probably intended

..... $ 34,700,000

Sec. 165. MEDICAL ASSISTANCE PROGRAM — NONREVERSION FOR FY 2014-2015. Notwithstanding section 8.33, if moneys appropriated for purposes of the medical assistance program for the fiscal year beginning July 1, 2014, and ending June 30, 2015, from the general fund of the state, the quality assurance trust fund and the hospital health care access trust fund, are in excess of actual expenditures for the medical assistance program and remain unencumbered or unobligated at the close of the fiscal year, the excess moneys shall not revert but shall remain available for expenditure for the purposes of the medical assistance program until the close of the succeeding fiscal year.

DIVISION XXXIII
IOWA HEALTH AND WELLNESS PLAN

Sec. 166. NEW SECTION. **249N.1 Title.**
This chapter shall be known and may be cited as the *"Iowa Health and Wellness Plan"*.

Sec. 167. NEW SECTION. **249N.2 Definitions.**
As used in this chapter, unless the context otherwise requires:
1. *"Accountable care organization"* means a risk-bearing, integrated health care organization characterized by a payment and care delivery model that ties provider reimbursement to quality metrics and reductions in the total cost of care for an attributed population of patients.
2. *"Affordable Care Act"* means the federal Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the federal Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152.
3. *"Covered benefits"* means covered benefits as specified in section 249N.5.
4. *"Department"* means the department of human services.
5. *"Director"* means the director of human services.
6. *"Eligible individual"* means an individual eligible for medical assistance pursuant to section 249A.3, subsection 1, paragraph *"v"*.
7. *"Essential health benefits"* means essential health benefits as defined in section 1302 of the Affordable Care Act, that include at least the general categories and the items and services covered within the categories of ambulatory patient services; emergency services; hospitalization; maternity and newborn care; mental health and substance use disorder services, including behavioral health treatment; prescription drugs; rehabilitative and habilitative services and devices; laboratory services; preventive and wellness services and chronic disease management; and pediatric services, including oral and vision care.
8. *"Federal approval"* means approval by the centers for Medicare and Medicaid services of the United States department of health and human services.
9. *"Federal poverty level"* means the most recently revised poverty income guidelines published by the United States department of health and human services.
10. *"Household income"* means household income as determined using the modified adjusted gross income methodology pursuant to section 2002 of the Affordable Care Act.
11. *"Iowa health and wellness plan"* or *"plan"* means the Iowa health and wellness plan established under this chapter.
12. *"Iowa health and wellness plan provider"* means any provider enrolled in the medical assistance program or any participating accountable care organization.
13. *"Iowa health and wellness plan provider network"* means the health care delivery network approved by the department for Iowa health and wellness plan members.
14. *"Medical assistance program"* or *"Medicaid"* means the program paying all or part of the costs of care and services provided to an individual pursuant to chapter 249A and Tit. XIX of the federal Social Security Act.
15. *"Medical home"* means medical home as defined in section 135.157.
16. *"Member"* means an eligible individual who is enrolled in the Iowa health and wellness plan.

17. *"Participating accountable care organization"* means an accountable care organization approved by the department to participate in the Iowa health and wellness plan provider network.

18. *"Preventive care services"* means care that is provided to an individual to promote health, prevent disease, or diagnose disease.

19. *"Primary medical provider"* means the personal provider as defined in section 135.157 chosen by a member or to whom a member is assigned under the Iowa health and wellness plan.

20. *"Value-based reimbursement"* means a payment methodology that links provider reimbursement to improved performance by health care providers by holding health care providers accountable for both the cost and quality of care provided.

Sec. 168. NEW SECTION. **249N.3 Purpose — establishment of Iowa health and wellness plan — limitation.**

1. The purpose of this chapter is to establish and provide for the administration of an Iowa health and wellness plan to promote all of the following:

a. Increased access to health care through a patient-centered, integrated health care system.

b. Improved quality health care outcomes.

c. Incentives to encourage personal responsibility, cost-conscious utilization of health care, and adoption of preventive practices and healthy behaviors.

d. Health care cost containment and minimization of administrative costs.

2. The Iowa health and wellness plan is established within the medical assistance program and shall be administered by the department. Except as otherwise specified in this chapter, provisions applicable to the medical assistance program pursuant to chapter 249A shall be applicable to the Iowa health and wellness plan.

3. The department may contract with a third-party administrator to provide eligibility determination support, and to administer enrollment, member outreach, and other components of the Iowa health and wellness plan.

4. The provisions of this chapter shall not be construed and are not intended to affect the provision of services to medical assistance program recipients existing on January 1, 2014.

5. *a.* If the methodology for calculating the federal medical assistance percentage for eligible individuals, as provided in 42 U.S.C. § 1396d(y), is modified through federal law or regulation, in a manner that reduces the percentage of federal assistance to the state in a manner inconsistent with 42 U.S.C. § 1396d(y), or if federal law or regulation affecting eligibility or benefits for the Iowa health and wellness plan is modified, the department may implement an alternative plan as specified in the medical assistance state plan or waiver for coverage of the affected population, subject to prior, statutory approval of implementation of the alternative plan.

b. If the methodology for calculating the federal medical assistance percentage for eligible individuals, as provided in 42 U.S.C. § 1396d(y), is modified through federal law or regulation resulting in a reduction of the percentage of federal assistance to the state below ninety percent but not below eighty-five percent, the medical assistance program reimbursement rates for inpatient and outpatient hospital services shall be reduced by a like percentage in the succeeding fiscal year, subject to prior, statutory approval of implementation of the reduction.

Sec. 169. NEW SECTION. **249N.4 Iowa health and wellness plan — eligibility.**

1. Except as otherwise provided in this chapter, an individual may participate in the Iowa health and wellness plan if the individual meets all of the following criteria:

a. Is an eligible individual.

b. Meets the citizenship or alienage requirements of the medical assistance program, is a resident of Iowa, and provides a social security number upon application for the plan.

c. Fulfills all other conditions of participation in the Iowa health and wellness plan, including member financial participation pursuant to section 249N.7.

2. An individual who has access to affordable employer-sponsored health care coverage, as defined by rule of the department to align with regulations adopted by the federal internal

revenue service under the Affordable Care Act, shall not be eligible for participation in the Iowa health and wellness plan.

3. Each applicant for the Iowa health and wellness plan shall provide to the department all insurance information required by the health insurance premium payment program in accordance with rules adopted by the department.

a. The department may elect to pay the cost of premiums for applicants with access to employer-sponsored health care coverage if the department determines such payment to be cost-effective.

b. Eligibility for the Iowa health and wellness plan is a qualifying event under the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191.

c. If premium payment is provided under this subsection for employer-sponsored health care coverage, the Iowa health and wellness plan shall supplement such coverage as necessary to provide the covered benefits specified under section 249N.5.

4. The department shall implement the Iowa health and wellness plan in a manner that ensures that the Iowa health and wellness plan is the payor of last resort.

5. A member is eligible for coverage effective the first day of the month following the month of application for enrollment.

6. Following initial enrollment, a member is eligible for covered benefits for twelve months, subject to program termination and other limitations otherwise specified in this chapter. The department shall review the member's eligibility on at least an annual basis.

Sec. 170. NEW SECTION. **249N.5 Iowa health and wellness plan — covered benefits — administration.**

1. Iowa health and wellness plan members shall receive coverage for benefits as specified in section 249A.3, subsection 1, paragraph "*v*".

2. *a.* For members whose household income is at or below one hundred percent of the federal poverty level, the plan shall be administered by the Iowa Medicaid enterprise consistent with program administration applicable to individuals under section 249A.3, subsection 1.

b. For members whose household income is above one hundred percent but not in excess of one hundred thirty-three percent of the federal poverty level, the plan shall be administered through provision of premium assistance for the purchase of the covered benefits through the American health benefits exchange created pursuant to the Affordable Care Act. The department may pay premiums and supplemental cost-sharing subsidies directly to qualified health plans participating in the American health benefits exchange created pursuant to the Affordable Care Act on behalf of the member.

Sec. 171. NEW SECTION. **249N.6 Iowa health and wellness plan provider network.**

1. The Iowa health and wellness plan provider network shall include all providers enrolled in the medical assistance program and all participating accountable care organizations. Reimbursement under this chapter shall only be made to such Iowa health and wellness plan providers for covered benefits.

2. *a.* Upon enrollment, a member shall choose a primary medical provider and, to the extent feasible, shall also choose a medical home within the Iowa health and wellness plan provider network.

b. If the member does not choose a primary medical provider or a medical home, the department shall assign the member to a primary medical provider or a medical home in accordance with the Medicaid managed health care, mandatory enrollment provisions specified in rules adopted by the department pursuant to chapter 249A and in accordance with quality data available to the department.

c. The department shall develop a mechanism for primary medical providers, medical homes, and participating accountable care organizations to jointly facilitate member care coordination. The Iowa health and wellness plan shall provide for reimbursement of care coordination services provided under the plan consistent with the reimbursement methodology developed pursuant to section 135.159.

3. *a.* The department shall provide procedures for accountable care organizations that emerge through local markets to participate in the Iowa health and wellness plan provider

network. Such accountable care organizations shall incorporate the medical home as defined and specified in chapter 135, division XXII, as a foundation and shall emphasize whole-person orientation and coordination and integration of both clinical services and nonclinical community and social supports that address social determinants of health. A participating accountable care organization shall enter into a contract with the department to ensure the coordination and management of the health of attributed members, to produce quality health care outcomes, and to control overall cost.

b. The department shall establish by rule in accordance with chapter 17A the qualifications, contracting processes, and contract terms for a participating accountable care organization. The rules shall also establish a methodology for attribution of a member to a participating accountable care organization.

c. A participating accountable care organization contract shall establish accountability based on quality performance and total cost-of-care metrics for the attributed population. In developing quality performance standards the department shall consider those utilized by state accountable care organization models including but not limited to the quality index score and the Medicare shared savings program quality reporting metrics. The payment models shall include but are not limited to risk sharing, including both shared savings and shared costs, between the state and the participating accountable care organization, and bonus payments for improved quality. The contract terms shall require that a participating accountable care organization is subject to shared savings beginning with the initial year of the contract, must have quality metrics in place within three years of the initial year of the contract, and must participate in risk sharing within five years of the initial year of the contract.

4. To the greatest extent possible, members shall have a choice of providers within the Iowa health and wellness plan provider network to facilitate access to locally-based health care providers and services. However, member choice may be limited by the results of attribution under this section and by the participating accountable care organization, with prior approval of the department, if the member's health condition would benefit from limiting the member's choice of an Iowa health and wellness plan provider to ensure coordination of services, or due to overutilization of covered benefits. The participating accountable care organization shall provide thirty days' notice to the member prior to limitation of such choice.

5. *a.* An Iowa health and wellness plan provider shall be reimbursed for covered benefits under the Iowa health and wellness plan utilizing the same reimbursement methodology as that applicable to individuals eligible for medical assistance under section 249A.3, subsection 1.

b. Notwithstanding paragraph "*a*", a participating accountable care organization under contract with the department shall be reimbursed utilizing a value-based reimbursement methodology.

6. *a.* Iowa health and wellness plan providers shall exchange member health information as provided by rule to facilitate coordination and management of members' health, quality health care outcomes, and containment of and reduction in costs.

b. The department shall provide the health care claims data of attributed members to a member's participating accountable care organization on a timeframe established by rule of the department.

Sec. 172. NEW SECTION. **249N.7 Member financial participation.**

1. Membership in the Iowa health and wellness plan shall require payment of monthly contributions for members whose household income is at or above fifty percent of the federal poverty level. Members shall be subject to copayment amounts applicable only to nonemergency use of a hospital emergency department. Total member cost-sharing, annually, shall align with the cost-sharing limitations requirements for the American health benefits exchanges under the Affordable Care Act. Contributions and copayment amounts shall be established by rule of the department.

2. Contributions shall be waived for a member during the initial year of membership. If a member completes all required preventive care services and wellness activities as specified by rule of the department during the initial year of membership contributions shall be waived during the subsequent year of membership and each year thereafter until such time as the

member fails to complete required preventive care services and wellness activities specified during the prior annual membership period.

Sec. 173. NEW SECTION. **249N.8 Mental health services reports.**

The department shall submit all of the following to the governor and the general assembly:

1. Biennially, a report of the results of a review, by county and region, of mental health services previously funded through taxes levied by counties pursuant to section 331.424A, that are funded during the reporting period under the Iowa health and wellness plan.

2. Annually, a report of the results of a review of the outcomes and effectiveness of mental health services provided under the Iowa health and wellness plan.

Sec. 174. Section 135.157, subsections 4 and 6, Code 2013, are amended to read as follows:

4. *"Medical home"* means a team approach to providing health care that originates in a primary care setting; fosters a partnership among the patient, the personal provider, and other health care professionals, and where appropriate, the patient's family; utilizes the partnership to access and integrate all medical and nonmedical health-related services across all elements of the health care system and the patient's community as needed by the patient and the patient's family to achieve maximum health potential; maintains a centralized, comprehensive record of all health-related services to promote continuity of care; and has all of the characteristics specified in section 135.158.

6. *"Personal provider"* means the patient's first point of contact in the health care system with a primary care provider who identifies the patient's ~~health~~ health-related needs and, working with a team of health care professionals and providers of medical and nonmedical health-related services, provides for and coordinates appropriate care to address the ~~health~~ health-related needs identified.

Sec. 175. Section 135.158, subsection 2, paragraphs b, c, and d, Code 2013, are amended to read as follows:

b. A provider-directed team-based medical practice. The personal provider leads a team of individuals at the practice level who collectively take responsibility for the ongoing ~~health care~~ health-related needs of patients.

c. Whole person orientation. The personal provider is responsible for providing for all of a patient's ~~health care~~ health-related needs or taking responsibility for appropriately arranging ~~health care~~ for health-related services provided by other qualified health care professionals and providers of medical and nonmedical health-related services. This responsibility includes ~~health~~ health-related care at all stages of life including provision of preventive care, acute care, chronic care, ~~preventive services~~ long-term care, transitional care between providers and settings, and end-of-life care. This responsibility includes whole-person care consisting of physical health care including but not limited to oral, vision, and other specialty care, pharmacy management, and behavioral health care.

d. Coordination and integration of care. Care is coordinated and integrated across all elements of the complex health care system and the patient's community. Care coordination and integration provides linkages to community and social supports to address social determinants of health, to engage and support patients in managing their own health, and to track the progress of these community and social supports in providing whole-person care. Care is facilitated by registries, information technology, health information exchanges, and other means to assure that patients receive the indicated care when and where they need and want the care in a culturally and linguistically appropriate manner.

Sec. 176. Section 135.159, subsections 1, 9, and 11, Code 2013, are amended to read as follows:

1. The department shall administer the medical home system. The department shall collaborate with the department of human services in administering medical homes under the medical assistance program. The department shall adopt rules pursuant to chapter 17A necessary to administer the medical home system, and shall collaborate with the department of human services in adopting rules for medical homes under the medical assistance program.

9. The department shall coordinate the requirements and activities of the medical home system with the requirements and activities of ~~the~~ a dental home ~~for children as described in section 249J.14, and~~. The department shall recommend financial incentives for dentists and nondental providers to promote oral health care coordination through preventive dental intervention, early identification of oral disease risk, health care coordination and data tracking, treatment, chronic care management, education and training, parental guidance, and oral health promotions for children. Additionally, the department shall establish requirements for the medical home system to provide linkages to accessible dental homes for adults and older individuals.

11. ~~*Implementation phases.*~~

a. ~~Initial implementation shall require participation in the medical home system of children~~ The department shall collaborate with the department of human services to make medical homes accessible to the greatest extent possible to all of the following no later than January 1, 2015:

(1) Children who are recipients of full benefits under the medical assistance program. ~~The department shall work with the department of human services and shall recommend to the general assembly a reimbursement methodology to compensate providers participating under the medical assistance program for participation in the medical home system.~~

~~*b.* The department shall work with the department of human services to expand the medical home system to adults~~

(2) Adults who are recipients of ~~full~~ benefits under the medical assistance program ~~and the expansion population under the IowaCare program. The department shall work with~~ pursuant to section 249A.3, subsection 1.

(3) Medicare and dually eligible Medicare and medical assistance program recipients, to the extent approved by the centers for Medicare and Medicaid services of the United States department of health and human services ~~to allow Medicare recipients to utilize the medical home system~~.

~~*c.*~~ *b.* The department shall work with the department of administrative services to allow state employees to utilize the medical home system.

~~*d.*~~ *c.* The department shall work with insurers and self-insured companies, if requested, to make the medical home system available to individuals with private health care coverage.

d. The department shall assist the department of human services in developing a reimbursement methodology to compensate providers participating under the medical assistance program as a medical home.

e. Any integrated care model implemented on or after July 1, 2013, that delivers health care to medical assistance program recipients shall incorporate medical homes as its foundation. The medical home shall act as the catalyst in any such integrated care model to ensure compliance with the purposes, characteristics, and implementation plan requirements specified in section 135.158 and this section, including an emphasis on whole-person orientation and coordination and integration of both clinical services and nonclinical community and social supports that address social determinants of health.

Sec. 177. Section 249A.3, subsection 1, Code 2013, is amended by adding the following new paragraph:

NEW PARAGRAPH. *v.* (1) Beginning January 1, 2014, in accordance with section 1902(a)(10)(A)(i)(VIII) of the federal Social Security Act, as codified in 42 U.S.C. § 1396a(a)(10)(A)(i)(VIII), is an individual who is nineteen years of age or older and under sixty-five years of age; is not pregnant; is not entitled to or enrolled for Medicare benefits under part A, or enrolled for Medicare benefits under part B, of Tit. XVIII of the federal Social Security Act; is not otherwise described in section 1902(a)(10)(A)(i) of the federal Social Security Act; is not exempt pursuant to section 1902(k)(3), as codified in 42 U.S.C. § 1396a(k)(3), and whose income as determined under 1902(e)(14) of the federal Social Security Act, as codified in 42 U.S.C. § 1396a(e)(14), does not exceed one hundred thirty-three percent of the poverty line as defined in section 2110(c)(5) of the federal Social Security Act, as codified in 42 U.S.C. § 1397jj(c)(5) for the applicable family size.

(2) Notwithstanding any provision to the contrary, individuals eligible for medical assistance under this paragraph "*v*" shall receive coverage for benefits pursuant to 42 U.S.C.

§ 1396u-7(b)(1)(B); adjusted as necessary to provide the essential health benefits as required pursuant to section 1302 of the federal Patient Protection and Affordable Care Act, Pub. L. No. 111-148; adjusted to provide prescription drugs and dental services consistent with the medical assistance state plan benefits package for individuals otherwise eligible under this subsection; and adjusted to provide habilitation services consistent with the state medical assistance program section 1915(i) waiver.

(3) (a) For individuals whose income as determined under this paragraph "*v*" is at or below one hundred percent of the federal poverty level, covered benefits under subparagraph (2) shall be administered consistent with program administration under this subsection.

(b) For individuals whose income as determined under this paragraph "*v*" is above one hundred percent but not in excess of one hundred thirty-three percent of the federal poverty level, covered benefits shall be administered through provision of premium assistance for the purchase of covered benefits through the American health benefits exchange created pursuant to the Affordable Care Act, as defined in section 249N.2.

Sec. 178. Section 249A.3, subsection 2, paragraph a, subparagraph (7), Code 2013, is amended to read as follows:

(7) Individuals who are receiving state supplementary assistance as defined by section 249.1 ~~or other persons whose needs are considered in computing the recipient's assistance grant~~.

Sec. 179. Section 249J.26, subsection 2, Code 2013, is amended to read as follows:

2. This chapter is repealed ~~October~~ December 31, 2013.

Sec. 180. Section 426B.3, as enacted by 2012 Iowa Acts, chapter 1120, section 137, is amended by adding the following new subsection:

NEW SUBSECTION. 5. *a.* For the purposes of this subsection, "*Medicaid offset amount*" means the projected amount for a fiscal year that would have been paid from a county's services fund for those services for persons eligible under the county's approved service management plan that would be non-Medicaid services, but due to the persons' enrollment in the Iowa health and wellness plan established under chapter 249N, those services are instead covered under chapter 249N.

b. For the fiscal year beginning July 1, 2013, and succeeding fiscal years, the department of human services shall calculate a Medicaid offset amount for each county for the fiscal year. The department shall adopt rules in consultation with the county finance committee specifying the information to be used in calculating a Medicaid offset amount. The information shall include but is not limited to identification of specific services and supports that would otherwise be payable by the county for persons eligible under a county's approved service management plan but are instead paid by the Iowa health and wellness plan. The amount calculated for a county shall be subject to review by the auditor of that county or subject to independent audit. The Medicaid offset amounts calculated by the department for a county for a fiscal year are not official until certified by the director of human services and submitted to the governor and general assembly by October 15 immediately following the end of the fiscal year for which the offset amounts were calculated.

c. The Medicaid offset amounts certified for each county by the director of human services for the fiscal year beginning July 1, 2013, shall be annualized by doubling the amounts. For the fiscal year beginning July 1, 2014, a county shall repay the state from any equalization payment due the county for the fiscal year, eighty percent of the county's annualized Medicaid offset amount for the fiscal year beginning July 1, 2013. To the extent a county's repayment obligation for the fiscal year beginning July 1, 2014, exceeds the amount of any equalization payment due the county for the fiscal year, the county shall, for the following fiscal year, reduce the dollar amount of the county's services fund levy by the amount of the excess.

d. For the fiscal year beginning July 1, 2015, and succeeding fiscal years, a county shall repay the state from any equalization payment due the county for the fiscal year, eighty percent of the county's Medicaid offset amount certified for the previous fiscal year. To the extent a county's repayment obligation for a fiscal year exceeds the amount of any equalization payment due the county for that fiscal year, the county shall, for the following

fiscal year, reduce the dollar amount of the county's services fund levy by the amount of the excess.

e. A county's repayment pursuant to this subsection shall be remitted on or before January 1 of the fiscal year in which repayment is due and shall be credited to the property tax relief fund. Moneys credited to the property tax relief fund in accordance with this paragraph are subject to appropriation by the general assembly to support mental health and disability services administered by the regional system.

Sec. 181. MEDICAID OFFSET STUDY. The legislative council is requested to direct a new or existing legislative interim committee to study the provisions for implementing a Medicaid offset amount and repayments under section 426B.3, subsection 5, as enacted by this division of this Act during the 2013 legislative interim. The interim committee shall be directed to consider the potential effects of the repayment provisions on the ability of the mental health and disability service regions to adequately fund the initial core services and additional core services under section 331.397, and to make recommendations to address funding insufficiencies.

Sec. 182. ADVISORY COUNCIL FOR STATE INNOVATION MODELS INITIATIVE.

1. No later than thirty days after the effective date of this division of this Act, the legislative council shall establish a legislative advisory council to guide the development of the design model and implementation plan for the state innovation models initiative grant awarded by the Centers for Medicare and Medicaid of the United States department of health and human services. The legislative advisory council shall consist of members of the general assembly, members of the governor's advisory committee who developed the grant proposal, and representatives of consumers and health care providers, appointed by the legislative council as necessary to ensure that the process is comprehensive and provides ample opportunity for the variety of stakeholders to participate in the process.

2. The legislative advisory council shall provide oversight throughout the development process, shall receive periodic progress reports from the department of human services, and shall make recommendations regarding integrated care models and implementation strategies for the medical assistance program presented by the department of human services.

3. The department of human services shall develop the integrated care model based on the goals and strategies and model designs included in the state innovation models initiative grant application to improve patient outcomes and satisfaction, while lowering costs, as follows:

a. Goals.

(1) Ensure the coordination of health care delivery for medical assistance program recipients to address the entire spectrum of an individual's physical, behavioral, and mental health needs by targeting at a minimum population health, prevention, health promotion, chronic disease management, disability, and long-term care.

(2) Emphasize whole-person orientation and coordination and integration of both clinical and nonclinical care and supports, to provide individuals with the necessary tools to address determinants of health and to empower individuals to be full participants in their own health. The health care delivery model shall focus on addressing population health through primary and team-based care that incorporates the attributes of a medical home as specified in chapter 135, division XXII.

(3) Ensure accessibility of medical assistance program recipients to an adequate and qualified workforce by most efficiently utilizing the skills of the available workforce.

(4) Incorporate appropriate incentives that focus on quality outcomes and patient satisfaction, to move from volume-based to value-based purchasing.

(5) Provide for alignment of payment methods and quality across health care payers to ensure a unified set of outcomes and to recognize, through reimbursement, all provider participants in the integrated system of care.

b. Strategies and model design.

(1) A strategy to implement a multipayer integrated care model methodology across primary health care payers in the state, by aligning performance measures, utilizing a shared savings or other accountable payment methodology, and integrating an information

technology platform to support the integrated care model. The strategy shall ensure statewide adoption of integrated care for the medical assistance population; explore the role of managed care plans and expansion of managed care in the medical assistance program as part of the integrated care model; address the special circumstances of areas of the state that are rural, underserved, or have higher rates of health disparities; and seek the participation of the Medicare population in the integrated care model.

(2) A strategy to incorporate long-term care and behavioral health services for the medical assistance population into the integrated care model, through integration of community health and community prevention activities.

(3) A strategy to address population health and health promotion, by investing in approaches to influence modifiable determinants of health such as access to health care, healthy behaviors, socioeconomic factors, and the physical environment that collectively impact the health of the community. The strategy shall address the underlying, pervasive, and multifaceted socioeconomic impediments that medical assistance recipients face in being full participants in their own health.

(4) A multiphase strategy to implement a statewide integrated care model to maximize access to health care for medical assistance program recipients in all areas of the state. The strategy shall incorporate flexible integrated care model options and accountable payment methodologies for participation by various types of providers including individual providers, safety net providers, and nonprofit and public providers that have long experience in caring for vulnerable populations, into the integrated system.

(5) Implementation of a stakeholder process. In addition to the oversight and input provided by the legislative advisory council, the department shall hold public, local listening sessions throughout the state, collaborate with consumer groups and provider groups, and partner with other state agencies such as the department on aging and the department of public health to elicit input and feedback on the model design.

(6) Development of a multipayer approach including the medical assistance and children's health insurance programs, private payers, and Medicare.

(7) Oversight of the administration of the model design project.

(8) Engagement of providers beyond the large, integrated health systems to maximize access to all levels of care within an integrated model program by medical assistance recipients.

4. The department shall submit proposed legislation specifying the model design and implementation plan to the advisory council no later than December 15, 2013.

Sec. 183. LEGISLATIVE INTERIM COMMITTEE ON INTEGRATED CARE MODELS.

1. a. A legislative interim committee on integrated care models is created for the 2013 legislative interim. The legislative services agency shall provide staffing assistance to the committee.

b. The interim committee shall include at least ten members of the general assembly and may include members of the public appointed by the legislative council who represent consumers, health care providers, hospitals and health systems, and other entities with interest or expertise related to integrated care models. The interim committee may also include the director of human services, the commissioner of insurance, the director of public health, and the attorney general, or each individual's designee.

2. The interim committee shall do all of the following:

a. Review and make recommendations relating to the formation and operation of integrated care models in the state. The models shall include any care delivery model that integrates providers and incorporates a financial incentive to improve patient health outcomes, improve care, and reduce costs.

b. Review integrated care models created in other states that integrate both clinical services and nonclinical community and social supports utilizing patient-centered medical homes and community care teams as basic components to determine the feasibility of adapting any of these models as a statewide system in Iowa.

c. Recommend the best means of providing care through integrated delivery models throughout the state including to vulnerable populations and how best to incorporate safety net providers, including but not limited to federally qualified health centers, rural health

clinics, community mental health centers, public hospitals, and other nonprofit and public providers that have long experience in caring for vulnerable populations, into the integrated system.

d. Review the progress of the development of medical homes as specified in chapter 135, division XXII, in the state and make recommendations for development of a statewide infrastructure of actual and virtual medical homes to act as the foundation for integrated care models.

e. Review opportunities under the federal Patient Protection and Affordable Care Act (Affordable Care Act), Pub. L. No. 111-148, as amended, for the development of integrated care models including the Medicare Shared Savings Program for accountable care organizations, community-based collaborative care networks that include safety net providers, and consumer-operated and oriented plans. The interim committee shall also review existing and proposed integrated care models in the state including commercial models and those developed or proposed under the Affordable Care Act including the Medicare Shared Savings Program and the Pioneer ACO to determine the opportunities for expansion or replication.

f. Address the issues relative to integrated care models including those relating to consumer protection; payment and financing issues; organizational, management, and governing structures; performance standards; patient attribution or assignment models; health information exchange, data reporting, and infrastructure standards; and regulatory issues.

3. The interim committee shall present a summary of its review and recommendations in a report to the 2014 session of the general assembly.

Sec. 184. MALPRACTICE CERTIFICATE-OF-MERIT AFFIDAVITS STUDY. The legislative council is requested to establish an interim study committee, composed of members of the senate and the house of representatives, to meet during the 2013 interim, to study the submission of certificate-of-merit affidavits by plaintiffs and defendants in malpractice actions and limitations on the number of expert witnesses that may be called by both plaintiffs and defendants involving health care providers. The study committee shall present its conclusions and recommendations in a report to the 2014 session of the general assembly.

Sec. 185. EMERGENCY RULES. The department of human services may adopt administrative rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph "b", to implement the provisions of this division of this Act and the rules shall become effective immediately upon filing or on a later effective date specified in the rules, unless the effective date is delayed by the administrative rules review committee. Any rules adopted in accordance with this section shall not take effect before the rules are reviewed by the administrative rules review committee. The delay authority provided to the administrative rules review committee under section 17A.4, subsection 7, and section 17A.8, subsection 9, shall be applicable to a delay imposed under this section, notwithstanding a provision in those sections making them inapplicable to section 17A.5, subsection 2, paragraph "b". Any rules adopted in accordance with the provisions of this section shall also be published as notice of intended action as provided in section 17A.4.

Sec. 186. DIRECTIVES TO DEPARTMENT OF HUMAN SERVICES.

1. Upon enactment of this division of this Act, the department of human services shall request federal approval of a medical assistance state plan amendment or section 1115 demonstration waiver, as necessary, to implement this division of this Act effective January 1, 2014. The state plan or waiver shall include a provision specifying that if the methodology for calculating the federal medical assistance percentage for eligible individuals as defined in section 249N.1, as provided in 42 U.S.C. § 1396d(y), is modified through federal law or regulation, in a manner that reduces the percentage of federal assistance to the state in a manner inconsistent with 42 U.S.C. § 1396d(y), or if federal law or regulation affecting eligibility or benefits for the Iowa health and wellness plan is modified, the department of

human services shall implement an alternative plan for coverage of the affected population, subject to prior, statutory approval of the implementation.

The state plan or waiver shall also include a provision that if the methodology for calculating the federal medical assistance percentage for eligible individuals, as provided in 42 U.S.C. § 1396d(y), is modified through federal law or regulation resulting in a reduction of the percentage of federal assistance to the state below ninety percent but not below eighty-five percent, the medical assistance program reimbursement rates for inpatient and outpatient hospital services shall be reduced by a like percentage in the succeeding fiscal year, subject to prior, statutory approval of implementation of the reduction.

2. The director of human services shall report at least monthly, and upon request of a chairperson of the joint appropriations subcommittee on health and human services, to the chairpersons and ranking members of the joint appropriations subcommittee on health and human services, the legislative services agency, and the legislative caucus staffs on the progress of the request for federal approval.

3. The department shall prepare a plan for the transition of expansion population members under chapter 249J to other health care coverage options beginning January 1, 2014. To the greatest extent possible, the plan shall maintain and incorporate the existing medical home and service delivery structure developed under chapter 249J, including the utilization of federally qualified health centers, public hospitals, and other safety net providers, in providing access to care. The department shall submit the plan to the governor and the general assembly no later than September 1, 2013.

4. The provisions in appropriations made in this Act to the medical assistance program relating to abortion shall also apply to the Iowa health and wellness plan created in chapter 249N as enacted in this Act.

Sec. 187. EFFECTIVE UPON ENACTMENT AND CONTINGENT IMPLEMENTATION. This division of this Act, being deemed of immediate importance, takes effect upon enactment. However, the department of human services shall implement the sections of this division of this Act enacting chapter 249N, and section 249A.3, subsection 1, paragraph "v", and amending section 426B.3, effective January 1, 2014, contingent and only upon receipt of federal approval of the state plan amendment or waiver request submitted under this division of this Act.

Approved June 20, 2013, with exceptions noted.

TERRY E. BRANSTAD, *Governor*

Dear Mr. Secretary:

I hereby transmit Senate File 446, an Act relating to appropriations for health and human services and including other related provisions and appropriations, providing penalties, and including effective, retroactive, and applicability date provisions.

Senate File 446 contains new language specifying the process for Iowa Medicaid reimbursement of an abortion procedure. This language applies to the remainder of this fiscal year, as well as fiscal year 2014 and 2015. This new legislative language represents a compromise between Democrats and Republicans in the legislature on the issue of whether taxpayer dollars should be used to reimburse hospitals or doctors for abortions. The new legislative language does not allow or require a governor to approve any procedure in advance. The decision about whether to undergo an abortion procedure continues to remain with the mother and her physician. With this new language, the legislature has asked a governor to approve or disapprove a bill submitted by a provider for taxpayer-funded Medicaid reimbursement after the procedure is performed.

Senate File 446 is approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the designated portion of the item designated as Section 2, subsection 1. This item creates two additional long-term care resident's advocates positions. As of today, there are eight long-term care resident's advocates, serving the needs of Iowa's vulnerable seniors. Currently, the Department on Aging is in the process of an aging system redesign and is thoroughly reviewing state services. It is important to ensure that all new positions are consistent with the redesign so that Iowa can best serve the needs of aging Iowans. The effect of this disapproval shall cause the $200,000 contained in this item to revert to the General Fund.

I am unable to approve the designated portion of the item designated as Section 3, subsection 8, lettered paragraph e. This item provides $28,644 for the costs of an emergency medical services task force that is disapproved. Due to the fact that the new task force is not created, the money is not needed. Iowa is fortunate to have many dedicated professional and volunteer emergency medical services personnel. These Iowans give their time to provide critical care in emergency situations as first responders. The Iowa Department of Public Health helps provide oversight, assistance and acts as a regulatory body for the profession to ensure Iowans statewide get a high level of care. The Department of Public Health will continue to work to improve our system. An additional task force, growing the size, scope and cost of government is not an effective use of taxpayer dollars at this time. The effect of this disapproval shall cause the $28,644 contained in this item to revert to the General Fund.

I am unable to approve the designated portion of the item designated as Section 4, subsection 2, lettered paragraph d. This item creates a redundant, overly burdensome mandate requiring the Iowa Veterans' Home to make expenditure reports monthly to the Legislative Services Agency for fiscal year 2014. I strongly support transparency efforts that publicly disclose how departments spend their resources and this information is already available within the State's accounting and budgeting systems.

I am unable to approve the designated portion of the item designated as Section 12, subsection 19, lettered paragraph e. This item requires the Department of Human Services to report on cost containment strategies. The Department of Human Services, Department of Management and the Legislative Services Agency meet on a monthly basis to determine projections for the Medical Assistance appropriation. Information relating to cost containment strategies is shared during these meetings. While I strongly support transparency efforts that publicly disclose how departments spend their resources, this information is already available within the State's accounting and budgeting systems.

I am unable to approve the designated portion of the item designated as Section 12, subsection 20. This item allocates $8,715,473 for the waiting list for medical assistance home and community based services waivers. The effect of this disapproval shall cause the $8,715,473 contained in this item to revert to the General Fund. Past history demonstrates that funding specifically earmarked to buy down the waiting list is not a successful long-term solution. Additionally, the Iowa Health and Wellness Plan will be implemented January 1, 2014. The Iowa Health and Wellness Plan will provide access for Iowans currently on the waiting list to high quality health care, including home and community based services.

I am unable to approve the designated portion of the item designated as Section 26, subsection 1. This item prohibits external approvals that are designed to ensure budget integrity, stability and predictability. Management must have the ability and flexibility to allocate resources where they are most effective and needed. In addition, this item creates a redundant, overly burdensome mandate requiring the department to report to the chairpersons and ranking members of the appropriations committees on a monthly basis. While I strongly support transparency efforts that publicly disclose how departments spend their resources, this information is already available within the State's accounting and budgeting systems.

I am unable to approve the designated portion of the item designated as Section 27, subsection 2. This item requires the Department of Human Services to report operational and

program expenditures at least monthly to the Legislative Services Agency. While I strongly support transparency efforts that publicly disclose how departments spend their resources, this information is already available within the State's accounting and budgeting systems.

I am unable to approve the designated portion of the item designated as Section 27, subsection 5. This item transfers $250,000 to the Department of Inspections and Appeals and creates two new FTEs to implement a new mental health advocate division within the Department of Inspections and Appeals. Currently, these advocates work at the county level. In the newly redesigned mental health and disability services system, it is best for these positions to remain at the local level where the services will be managed and delivered regionally. I look forward to continuing work with the General Assembly to implement the mental health and disability services redesign in a manner that best serves Iowans and serves our goals for an efficient and effective state government. The language creating a new mental health advocate division was an item that was disapproved in Senate File 406. The effect of this disapproval shall cause the $250,000 contained in this item to revert to the General Fund.

I am unable to approve the designated portion of the item designated as Section 29, subsection 8. This item requires that all provider reimbursement rate increases in this section be used to increase the compensation and costs of employment for non-administrative staff. The Department of Human Services does not have the ability to monitor providers to determine compliance. In addition, it is not appropriate to direct provider increases in this manner. Providers are best equipped to manage their own budgets.

I am unable to approve the item designated as Section 49 in its entirety. This item amends the Iowa Code to require that any penalties imposed by the Director of the Iowa Department on Aging against a long-term care facility are automatically appropriated to the Office of the Long-Term Care Resident's Advocate. Currently, these funds are deposited in the General Fund. The Office of the Long-Term Care Resident's Advocate is funded by the General Fund. I oppose this change which uses fines to automatically fund Office of the Long-Term Care Resident's Advocate because it sets a dangerous precedent and creates a conflict of interest.

I am unable to approve the designated portion of the item designated as Division X in its entirety. This item creates a new emergency medical services task force and report. Iowa is fortunate to have many dedicated professional and volunteer emergency medical services personnel. These Iowans give their time to provide critical care in emergency situations as first responders. The Iowa Department of Public Health helps provide oversight, assistance and acts as a regulatory body for the profession to ensure Iowans statewide receive a high level of care. The Department of Public Health will continue to work to improve our system. An additional task force, growing the size, scope and cost of government is not an effective use of taxpayer dollars at this time.

I am unable to approve the designated portion of the item designated as Section 83, paragraph 5, subparagraph b. This item causes funds deposited into the Autism Support Program Fund to not revert to the General Fund. It creates new, permanent carry-forward language which does not work to advance my goal of predictability and sustainability for government budgeting.

I am unable to approve the designated portion of the item designated as Section 84, paragraph 2. This item directs the Department of Human Services to enter into a sole-source contract without the benefit of a competitive bidding process. It is important to allow for a full review process and thoroughly plan new initiatives. In addition, competitively bid contracts ensure the best value for taxpayer dollars and that more people are served when this value is maximized.

I am unable to approve of the item designated as Division XIX in its entirety. This item creates a new committee to study how to provide care for people who are sexually aggressive, combative or have unmet psychiatric needs. My administration currently has a work group

that is working together to propose constructive recommendations. The work group is open to public input. An additional committee is not needed at this time.

I am unable to approve of the item designated as the portion of Section 128 that amends 2011 Iowa Acts, chapter 63, section 36, subsection 4. This item would require a report to be given to the chairpersons and ranking members of the joint appropriations subcommittee on health and human services relating to changes in law or rules needed to implement telepharmacy on a state-wide basis. This report is not necessary due to the fact that this information is available upon request by the General Assembly.

I am unable to approve the designated portion of the item designated as Section 132, subsection 1. This item creates two new long-term care resident's advocates positions for fiscal year 2015. As of today, there are eight long-term care resident's advocates, serving the needs of Iowa's vulnerable seniors. Currently, the Department on Aging is in the process of an aging system redesign and is thoroughly reviewing state services. It is important to ensure that all new positions are consistent with the redesign so that Iowa can best serve the needs of aging Iowans. The effect of this disapproval shall cause the $100,000 contained in this item to revert to the General Fund.

I am unable to approve the designated portion of the item designated as Section 134, subsection 2, lettered paragraph d. This item creates a redundant, overly burdensome mandate requiring the Iowa Veterans' Home to make expenditure reports monthly to the Legislative Services Agency for fiscal year 2015. While I strongly support transparency efforts that publicly disclose how departments spend their resources, this information is already available within the State's accounting and budgeting systems.

I am unable to approve the designated portion of the item designated as Section 142, subsection 18, lettered paragraph d. This item requires the Department of Human Services to report on cost containment strategies for fiscal year 2015. The Department of Human Services, Department of Management and the Legislative Services Agency meet on a monthly basis to determine projections for the Medical Assistance appropriation. Information relating to cost containment strategies is shared during these meetings. While I strongly support transparency efforts that publicly disclose how departments spend their resources, this information is already available within the State's accounting and budgeting systems.

I am unable to approve the designated portion of the item designated as Section 156, subsection 1. This item prohibits external approvals that are designed to ensure budget integrity, stability and predictability. Management must have the ability and flexibility to allocate resources where they are most effective and needed. In addition, this item creates a redundant, overly burdensome mandate requiring the department to report to the chairpersons and ranking members of the appropriations committees on a monthly basis. While I strongly support transparency efforts that publicly disclose how departments spend their resources, this information is already available within the State's accounting and budgeting systems.

I am unable to approve the designated portion of the item designated as Section 157, subsection 2. This item requires the Department of Human Services to report operational and program expenditures at least monthly to the Legislative Services Agency for fiscal year 2015. While I strongly support transparency efforts that publicly disclose how departments spend their resources, this information is already available within the State's accounting and budgeting systems.

I am unable to approve the designated portion of the item designated as Section 157, subsection 5. This item transfers $125,000 to the Department of Inspections and Appeals for two new FTEs to implement a new mental health advocate division within the Department of Inspections and Appeals. Currently, these advocates work at the county level. In the newly redesigned mental health and disability services system, it is best for these positions to remain at the local level where the services will be managed and delivered regionally. I

look forward to continuing work with the General Assembly to implement the mental health and disability services redesign in a manner that best serves Iowans and serves our goals for an efficient and effective state government. The language creating a new mental health advocate division was an item that was disapproved in Senate File 406. The effect of this disapproval shall cause the $125,000 contained in this item to revert to the General Fund.

For the above reasons, I respectfully disapprove the designated items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 446 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, *Governor*

CHAPTER 139

APPROPRIATIONS — JUSTICE SYSTEM

S.F. 447

AN ACT relating to appropriations to the justice system and including effective dates.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I
FY 2013-2014
APPROPRIATIONS

Section 1. DEPARTMENT OF JUSTICE.

1. There is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For the general office of attorney general for salaries, support, maintenance, and miscellaneous purposes, including the prosecuting attorneys training program, matching funds for federal violence against women grant programs, victim assistance grants, office of drug control policy prosecuting attorney program, and odometer fraud enforcement, and for not more than the following full-time equivalent positions:

..... $ 7,967,930
..... FTEs 214.00

It is the intent of the general assembly that as a condition of receiving the appropriation provided in this lettered paragraph, the department of justice shall maintain a record of the estimated time incurred representing each agency or department.

b. For victim assistance grants:

..... $ 6,734,400

The funds appropriated in this lettered paragraph shall be used to provide grants to care providers providing services to crime victims of domestic abuse or to crime victims of rape and sexual assault. **The department of justice shall not require a care provider to close a shelter as a condition of receiving a grant pursuant to this paragraph.**

The balance of the victim compensation fund established in section 915.94 may be used to provide salary and support of not more than 24.00 FTEs and to provide maintenance for the victim compensation functions of the department of justice.

The department of justice shall transfer at least $150,000 from the victim compensation fund established in section 915.94 to the victim assistance grant program.

**Notwithstanding section 8.33, moneys appropriated in this paragraph that remain*

* Item veto; see message at end of the Act

*unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.**

c. For legal services for persons in poverty grants as provided in section 13.34:
..... $ 2,180,562

2. a. The department of justice, in submitting budget estimates for the fiscal year commencing July 1, 2014, pursuant to section 8.23, shall include a report of funding from sources other than amounts appropriated directly from the general fund of the state to the department of justice or to the office of consumer advocate. These funding sources shall include but are not limited to reimbursements from other state agencies, commissions, boards, or similar entities, and reimbursements from special funds or internal accounts within the department of justice. The department of justice shall also report actual reimbursements for the fiscal year commencing July 1, 2012, and actual and expected reimbursements for the fiscal year commencing July 1, 2013.

b. The department of justice shall include the report required under paragraph "a", as well as information regarding any revisions occurring as a result of reimbursements actually received or expected at a later date, in a report to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative services agency. The department of justice shall submit the report on or before January 15, 2014.

Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is appropriated from the department of commerce revolving fund created in section 546.12 to the office of consumer advocate of the department of justice for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... $ 3,136,163
..... FTEs 22.00

Sec. 3. DEPARTMENT OF CORRECTIONS — FACILITIES.

1. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amounts, or so much thereof as is necessary, to be used for the operation of adult correctional institutions, reimbursement of counties for certain confinement costs, and federal prison reimbursement, to be allocated as follows:

a. For the operation of the Fort Madison correctional facility, including salaries, support, maintenance, and miscellaneous purposes:
..... $ 43,107,133

The department of corrections shall submit, to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system by January 15, 2014, the plans for the integration of the John Bennett facility and the clinical care unit into the new Fort Madison maximum security correctional facility and the future plans for the use of the current Fort Madison maximum security correctional facility after the inmates are transferred to the new facility.

b. For the operation of the Anamosa correctional facility, including salaries, support, maintenance, and miscellaneous purposes:
..... $ 32,920,521

It is the intent of the general assembly that the department of corrections maintain and operate the Luster Heights prison camp.

c. For the operation of the Oakdale correctional facility, including salaries, support, maintenance, and miscellaneous purposes:
..... $ 58,550,123

d. For the operation of the Newton correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

* Item veto; see message at end of the Act

..... $ 27,127,290

e. For the operation of the Mt. Pleasant correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... $ 24,811,427

f. For the operation of the Rockwell City correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... $ 9,671,148

g. For the operation of the Clarinda correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... $ 25,241,616

Moneys received by the department of corrections as reimbursement for services provided to the Clarinda youth corporation are appropriated to the department and shall be used for the purpose of operating the Clarinda correctional facility.

h. For the operation of the Mitchellville correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... $ 21,604,035

i. For the operation of the Fort Dodge correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... $ 29,865,232

j. For reimbursement of counties for temporary confinement of work release and parole violators, as provided in sections 901.7, 904.908, and 906.17, and for offenders confined pursuant to section 904.513:

..... $ 1,075,092

k. For federal prison reimbursement, reimbursements for out-of-state placements, and miscellaneous contracts:

..... $ 484,411

2. The department of corrections shall use moneys appropriated in subsection 1 to continue to contract for the services of a Muslim imam and a Native American spiritual leader.

Sec. 4. DEPARTMENT OF CORRECTIONS — ADMINISTRATION. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For general administration, including salaries, support, maintenance, employment of an education director to administer a centralized education program for the correctional system, and miscellaneous purposes:

..... $ 5,081,582

a. It is the intent of the general assembly that as a condition of receiving the appropriation provided in this lettered paragraph the department of corrections shall not, except as otherwise provided in paragraph "c", enter into a new contract, unless the contract is a renewal of an existing contract, for the expenditure of moneys in excess of $100,000 during the fiscal year beginning July 1, 2013, for the privatization of services performed by the department using state employees as of July 1, 2013, or for the privatization of new services by the department without prior consultation with any applicable state employee organization affected by the proposed new contract and prior notification of the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system.

b. It is the intent of the general assembly that each lease negotiated by the department of corrections with a private corporation for the purpose of providing private industry employment of inmates in a correctional institution shall prohibit the private corporation from utilizing inmate labor for partisan political purposes for any person seeking election to public office in this state and that a violation of this requirement shall result in a termination of the lease agreement.

c. It is the intent of the general assembly that as a condition of receiving the appropriation provided in this subsection the department of corrections shall not enter into a lease or contractual agreement pursuant to section 904.809 with a private corporation for the use of

* Item veto; see message at end of the Act

building space for the purpose of providing inmate employment without providing that the terms of the lease or contract establish safeguards to restrict, to the greatest extent feasible, access by inmates working for the private corporation to personal identifying information of citizens.

2. For educational programs for inmates at state penal institutions:
..... $ 2,608,109

a. The director of the department of corrections may transfer moneys from Iowa prison industries and the canteen operating funds established pursuant to section 904.310, for use in educational programs for inmates.

b. It is the intent of the general assembly that moneys appropriated in this subsection shall be used solely for the purpose indicated and that the moneys shall not be transferred for any other purpose. In addition, it is the intent of the general assembly that the department shall consult with the community colleges in the areas in which the institutions are located to utilize moneys appropriated in this subsection to fund the high school completion, high school equivalency diploma, adult literacy, and adult basic education programs in a manner so as to maintain these programs at the institutions.

c. To maximize the funding for educational programs, the department shall establish guidelines and procedures to prioritize the availability of educational and vocational training for inmates based upon the goal of facilitating an inmate's successful release from the correctional institution.

d. The director of the department of corrections may transfer moneys from Iowa prison industries for use in supporting educational programs for inmates.

e. Notwithstanding section 8.33, moneys appropriated in this subsection that remain unobligated or unexpended at the close of the fiscal year shall not revert but shall remain available to be used only for the purposes designated in this subsection until the close of the succeeding fiscal year.

3. For the development of the Iowa corrections offender network (ICON) data system:
..... $ 2,000,000

4. For offender mental health and substance abuse treatment:
..... $ 22,319

5. For viral hepatitis prevention and treatment:
..... $ 167,881

6. For operations, costs, and miscellaneous purposes:
..... $ 2,571,309

7. It is the intent of the general assembly that for the fiscal year addressed by this section the department of corrections shall continue to operate the correctional farms under the control of the department at the same or greater level of participation and involvement as existed as of January 1, 2011; shall not enter into any rental agreement or contract concerning any farmland under the control of the department that is not subject to a rental agreement or contract as of January 1, 2011, without prior legislative approval; and shall further attempt to provide job opportunities at the farms for inmates. The department shall attempt to provide job opportunities at the farms for inmates by encouraging labor-intensive farming or gardening where appropriate; using inmates to grow produce and meat for institutional consumption; researching the possibility of instituting food canning and cook-and-chill operations; and exploring opportunities for organic farming and gardening, livestock ventures, horticulture, and specialized crops.

Sec. 5. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL SERVICES.

1. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2013, and ending June 30, 2014, for salaries, support, maintenance, and miscellaneous purposes, the following amounts, or so much thereof as is necessary, to be allocated as follows:

a. For the first judicial district department of correctional services:
..... $ 14,099,085

b. For the second judicial district department of correctional services:
..... $ 10,870,425

c. For the third judicial district department of correctional services:

..... $ 7,105,865

d. For the fourth judicial district department of correctional services:

..... $ 5,459,309

e. For the fifth judicial district department of correctional services, including funding for electronic monitoring devices for use on a statewide basis:

..... $ 19,375,428

f. For the sixth judicial district department of correctional services:

..... $ 14,638,537

g. For the seventh judicial district department of correctional services:

..... $ 7,609,781

h. For the eighth judicial district department of correctional services:

..... $ 8,206,613

2. Each judicial district department of correctional services, within the funding available, shall continue programs and plans established within that district to provide for intensive supervision, sex offender treatment, diversion of low-risk offenders to the least restrictive sanction available, job development, and expanded use of intermediate criminal sanctions.

3. Each judicial district department of correctional services shall provide alternatives to prison consistent with chapter 901B. The alternatives to prison shall ensure public safety while providing maximum rehabilitation to the offender. A judicial district department of correctional services may also establish a day program.

4. The governor's office of drug control policy shall consider federal grants made to the department of corrections for the benefit of each of the eight judicial district departments of correctional services as local government grants, as defined pursuant to federal regulations.

5. The department of corrections shall continue to contract with a judicial district department of correctional services to provide for the rental of electronic monitoring equipment which shall be available statewide.

Sec. 6. DEPARTMENT OF CORRECTIONS — REALLOCATION OF APPROPRIATIONS. Notwithstanding section 8.39, within the moneys appropriated in this division of this Act to the department of corrections, the department may reallocate the moneys appropriated and allocated as necessary to best fulfill the needs of the correctional institutions, administration of the department, and the judicial district departments of correctional services. However, in addition to complying with the requirements of sections 904.116 and 905.8 and providing notice to the legislative services agency, the department of corrections shall also provide notice to the department of management, prior to the effective date of the revision or reallocation of an appropriation made pursuant to this section. The department of corrections shall not reallocate an appropriation or allocation for the purpose of eliminating any program.

Sec. 7. INTENT — REPORTS.

1. The department of corrections in cooperation with townships, the Iowa cemetery associations, and other nonprofit or governmental entities may use inmate labor during the fiscal year beginning July 1, 2013, to restore or preserve rural cemeteries and historical landmarks. The department in cooperation with the counties may also use inmate labor to clean up roads, major water sources, and other water sources around the state.

2. On a quarterly basis the department shall provide a status report regarding private-sector employment to the legislative services agency beginning on July 1, 2013. The report shall include the number of offenders employed in the private sector, the combined number of hours worked by the offenders, the total amount of allowances, and the distribution of allowances pursuant to section 904.702, including any moneys deposited in the general fund of the state.

3. The department of corrections, in cooperation with the attorney general's office, shall submit a report to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system, and the legislative agency, [1] by January 15, 2014. The report shall detail the results of the central pharmacy pilot project that utilizes the Iowa

[1] According to enrolled Act; the phrase "legislative services agency" probably intended

prescription drug corporation's voucher program for indigent offenders. The report shall include but is not limited to the number of offenders annually served by the pilot project, funding sources, and the recidivism rates of offenders in the pilot project.

Sec. 8. ELECTRONIC MONITORING REPORT. The department of corrections shall submit a report on electronic monitoring to the general assembly, to the co-chairpersons and the ranking members of the joint appropriations subcommittee on the justice system, and to the legislative services agency by January 15, 2014. The report shall specifically address the number of persons being electronically monitored and break down the number of persons being electronically monitored by offense committed. The report shall also include a comparison of any data from the prior fiscal year with the current year.

Sec. 9. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

1. As used in this section, unless the context otherwise requires, "state agency" means the government of the state of Iowa, including but not limited to all executive branch departments, agencies, boards, bureaus, and commissions, the judicial branch, the general assembly and all legislative agencies, institutions within the purview of the state board of regents, and any corporation whose primary function is to act as an instrumentality of the state.

2. State agencies are hereby encouraged to purchase products from Iowa state industries, as defined in section 904.802, when purchases are required and the products are available from Iowa state industries. State agencies shall obtain bids from Iowa state industries for purchases of office furniture during the fiscal year beginning July 1, 2013, exceeding $5,000 or in accordance with applicable administrative rules related to purchases for the agency.

Sec. 10. IOWA LAW ENFORCEMENT ACADEMY.

1. There is appropriated from the general fund of the state to the Iowa law enforcement academy for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, including jailer training and technical assistance, and for not more than the following full-time equivalent positions:

..... $ 1,001,698
..... FTEs 23.88

It is the intent of the general assembly that the Iowa law enforcement academy may provide training of state and local law enforcement personnel concerning the recognition of and response to persons with Alzheimer's disease.

The Iowa law enforcement academy may temporarily exceed and draw more than the amount appropriated in this subsection and incur a negative cash balance as long as there are receivables equal to or greater than the negative balance and the amount appropriated in this subsection is not exceeded at the close of the fiscal year.

2. The Iowa law enforcement academy may select at least five automobiles of the department of public safety, division of state patrol, prior to turning over the automobiles to the department of administrative services to be disposed of by public auction, and the Iowa law enforcement academy may exchange any automobile owned by the academy for each automobile selected if the selected automobile is used in training law enforcement officers at the academy. However, any automobile exchanged by the academy shall be substituted for the selected vehicle of the department of public safety and sold by public auction with the receipts being deposited in the depreciation fund to the credit of the department of public safety, division of state patrol.

Sec. 11. STATE PUBLIC DEFENDER. There is appropriated from the general fund of the state to the office of the state public defender of the department of inspections and appeals for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amounts, or so much thereof as is necessary, to be allocated as follows for the purposes designated:

1. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 25,862,182
..... FTEs 219.00

2. For payments on behalf of eligible adults and juveniles from the indigent defense fund, in accordance with section 815.11:
..... $ 29,901,929

Sec. 12. BOARD OF PAROLE. There is appropriated from the general fund of the state to the board of parole for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... $ 1,203,835
..... FTEs 11.00

Sec. 13. DEPARTMENT OF PUBLIC DEFENSE. There is appropriated from the general fund of the state to the department of public defense for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. MILITARY DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... $ 6,527,042
..... FTEs 293.61

The military division may temporarily exceed and draw more than the amount appropriated in this subsection and incur a negative cash balance as long as there are receivables of federal funds equal to or greater than the negative balance and the amount appropriated in this subsection is not exceeded at the close of the fiscal year.

2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION OR SUCCESSOR AGENCY

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... $ 2,174,277
..... FTEs 37.40

a. The homeland security and emergency management division or successor agency may temporarily exceed and draw more than the amount appropriated in this subsection and incur a negative cash balance as long as there are receivables of federal funds equal to or greater than the negative balance and the amount appropriated in this subsection is not exceeded at the close of the fiscal year.

b. It is the intent of the general assembly that the homeland security and emergency management division or successor agency work in conjunction with the department of public safety, to the extent possible, when gathering and analyzing information related to potential domestic or foreign security threats, and when monitoring such threats.

Sec. 14. DEPARTMENT OF PUBLIC SAFETY. There is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the department's administrative functions, including the criminal justice information system, and for not more than the following full-time equivalent positions:
..... $ 4,067,054
..... FTEs 39.00

2. For the division of criminal investigation, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of the state's normal contribution rate, as defined in section 97A.8, multiplied by the salaries for which the moneys are appropriated, to meet federal fund matching requirements, and for not more than the following full-time equivalent positions:
..... $ 12,933,414
..... FTEs 149.60

3. For the criminalistics laboratory fund created in section 691.9:

..... $ 302,345

4. a. For the division of narcotics enforcement, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of the state's normal contribution rate, as defined in section 97A.8, multiplied by the salaries for which the moneys are appropriated, to meet federal fund matching requirements, and for not more than the following full-time equivalent positions:

..... $ 6,755,855

..... FTEs 66.00

b. For the division of narcotics enforcement for undercover purchases:

..... $ 109,042

5. For the division of state fire marshal, for fire protection services as provided through the state fire service and emergency response council as created in the department, and for the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of the state's normal contribution rate, as defined in section 97A.8, multiplied by the salaries for which the moneys are appropriated, and for not more than the following full-time equivalent positions:

..... $ 4,470,556

..... FTEs 53.00

6. For the division of state patrol, for salaries, support, maintenance, workers' compensation costs, and miscellaneous purposes, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of the state's normal contribution rate, as defined in section 97A.8, multiplied by the salaries for which the moneys are appropriated, and for not more than the following full-time equivalent positions:

..... $ 55,536,208

..... FTEs 494.47

It is the intent of the general assembly that members of the state patrol be assigned to patrol the highways and roads in lieu of assignments for inspecting school buses for the school districts.

7. For operations, costs, and miscellaneous purposes:

..... $ 1,700,000

8. For deposit in the sick leave benefits fund established under section 80.42 for all departmental employees eligible to receive benefits for accrued sick leave under the collective bargaining agreement:

..... $ 279,517

9. For costs associated with the training and equipment needs of volunteer fire fighters:

..... $ 725,520

a. Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure only for the purpose designated in this subsection until the close of the succeeding fiscal year.

b. Notwithstanding section 8.39, the department of public safety may reallocate moneys appropriated in this section as necessary to best fulfill the needs provided for in the appropriation. However, the department shall not reallocate moneys appropriated to the department in this section unless notice of the reallocation is given to the legislative services agency, and the department of management prior to the effective date of the reallocation. The notice shall include information regarding the rationale for reallocating the moneys. The department shall not reallocate moneys appropriated in this section for the purpose of eliminating any program.

Sec. 15. GAMING ENFORCEMENT.

1. There is appropriated from the gaming enforcement revolving fund created in section 80.43 to the department of public safety for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For any direct support costs for agents and officers of the division of criminal investigation's excursion gambling boat, gambling structure, and racetrack enclosure enforcement activities,

including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 10,898,008
..... FTEs 115.00

2. For each additional license to conduct gambling games on an excursion gambling boat, gambling structure, or racetrack enclosure issued during the fiscal year beginning July 1, 2013, there is appropriated from the gaming enforcement fund to the department of public safety for the fiscal year beginning July 1, 2013, and ending June 30, 2014, an additional amount of not more than $300,000 to be used for not more than 3.00 additional full-time equivalent positions.

3. The department of public safety, with the approval of the department of management, may employ no more than three special agents for each additional riverboat or gambling structure regulated after July 1, 2013, and three special agents for each racing facility which becomes operational during the fiscal year which begins July 1, 2013. Positions authorized in this subsection are in addition to the full-time equivalent positions otherwise authorized in this section.

Sec. 16. CIVIL RIGHTS COMMISSION. There is appropriated from the general fund of the state to the Iowa state civil rights commission for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 1,297,069
..... FTEs 28.00

The Iowa state civil rights commission may enter into a contract with a nonprofit organization to provide legal assistance to resolve civil rights complaints.

Sec. 17. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION. There is appropriated from the general fund of the state to the criminal and juvenile justice planning division of the department of human rights for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 1,260,105
..... FTEs 10.81

The criminal and juvenile justice planning advisory council and the juvenile justice advisory council shall coordinate their efforts in carrying out their respective duties relative to juvenile justice.

Sec. 18. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION OR SUCCESSOR AGENCY. There is appropriated from the wireless E911 emergency communications fund created in section 34A.7A to the homeland security and emergency management division of the department of public defense or successor agency for the fiscal year beginning July 1, 2013, and ending June 30, 2014, an amount not exceeding $250,000 to be used for implementation, support, and maintenance of the functions of the administrator and program manager under chapter 34A and to employ the auditor of the state to perform an annual audit of the wireless E911 emergency communications fund.

DIVISION II
FY 2014-2015
APPROPRIATIONS

Sec. 19. DEPARTMENT OF JUSTICE.

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

a. For the general office of attorney general for salaries, support, maintenance, and miscellaneous purposes, including the prosecuting attorneys training program, matching funds for federal violence against women grant programs, victim assistance grants, office of drug control policy prosecuting attorney program, and odometer fraud enforcement, and for not more than the following full-time equivalent positions:

..... $ 3,983,965
..... FTEs 214.00

It is the intent of the general assembly that as a condition of receiving the appropriation provided in this lettered paragraph, the department of justice shall maintain a record of the estimated time incurred representing each agency or department.

b. For victim assistance grants:

..... $ 3,367,200

The funds appropriated in this lettered paragraph shall be used to provide grants to care providers providing services to crime victims of domestic abuse or to crime victims of rape and sexual assault.

The balance of the victim compensation fund established in section 915.94 may be used to provide salary and support of not more than 24 FTEs and to provide maintenance for the victim compensation functions of the department of justice.

The department of justice shall transfer at least $150,000 from the victim compensation fund established in section 915.94 to the victim assistance grant program.

Notwithstanding section 8.33, moneys appropriated in this lettered paragraph that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

c. For legal services for persons in poverty grants as provided in section 13.34:

..... $ 1,090,281

2. a. The department of justice, in submitting budget estimates for the fiscal year commencing July 1, 2015, pursuant to section 8.23, shall include a report of funding from sources other than amounts appropriated directly from the general fund of the state to the department of justice or to the office of consumer advocate. These funding sources shall include but are not limited to reimbursements from other state agencies, commissions, boards, or similar entities, and reimbursements from special funds or internal accounts within the department of justice. The department of justice shall also report actual reimbursements for the fiscal year commencing July 1, 2013, and actual and expected reimbursements for the fiscal year commencing July 1, 2014.

b. The department of justice shall include the report required under paragraph "a", as well as information regarding any revisions occurring as a result of reimbursements actually received or expected at a later date, in a report to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative services agency. The department of justice shall submit the report on or before January 15, 2015.

Sec. 20. OFFICE OF CONSUMER ADVOCATE. There is appropriated from the department of commerce revolving fund created in section 546.12 to the office of consumer advocate of the department of justice for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 1,568,082
..... FTEs 22.00

Sec. 21. DEPARTMENT OF CORRECTIONS — FACILITIES.

1. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amounts, or so much thereof as is necessary, to be used for the operation of adult correctional institutions,

* Item veto; see message at end of the Act

reimbursement of counties for certain confinement costs, and federal prison reimbursement, to be allocated as follows:

a. For the operation of the Fort Madison correctional facility, including salaries, support, maintenance, and miscellaneous purposes:
..... $ 21,553,567

The department of corrections shall submit, to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system by January 15, 2015, the plans for the integration of the John Bennett facility and the clinical care unit into the new Fort Madison maximum security correctional facility and the future plans for the use of the current Fort Madison maximum security correctional facility after the inmates are transferred to the new facility.

b. For the operation of the Anamosa correctional facility, including salaries, support, maintenance, and miscellaneous purposes:
..... $ 16,460,261

It is the intent of the general assembly that the department of corrections maintain and operate the Luster Heights prison camp.

c. For the operation of the Oakdale correctional facility, including salaries, support, maintenance, and miscellaneous purposes:
..... $ 29,275,062

d. For the operation of the Newton correctional facility, including salaries, support, maintenance, and miscellaneous purposes:
..... $ 13,563,645

e. For the operation of the Mt. Pleasant correctional facility, including salaries, support, maintenance, and miscellaneous purposes:
..... $ 12,405,714

f. For the operation of the Rockwell City correctional facility, including salaries, support, maintenance, and miscellaneous purposes:
..... $ 4,835,574

g. For the operation of the Clarinda correctional facility, including salaries, support, maintenance, and miscellaneous purposes:
..... $ 12,620,808

Moneys received by the department of corrections as reimbursement for services provided to the Clarinda youth corporation are appropriated to the department and shall be used for the purpose of operating the Clarinda correctional facility.

h. For the operation of the Mitchellville correctional facility, including salaries, support, maintenance, and miscellaneous purposes:
..... $ 10,802,018

i. For the operation of the Fort Dodge correctional facility, including salaries, support, maintenance, and miscellaneous purposes:
..... $ 14,932,616

j. For reimbursement of counties for temporary confinement of work release and parole violators, as provided in sections 901.7, 904.908, and 906.17, and for offenders confined pursuant to section 904.513:
..... $ 537,546

k. For federal prison reimbursement, reimbursements for out-of-state placements, and miscellaneous contracts:
..... $ 242,206

2. The department of corrections shall use moneys appropriated in subsection 1 to continue to contract for the services of a Muslim imam and a Native American spiritual leader.

Sec. 22. DEPARTMENT OF CORRECTIONS — ADMINISTRATION. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

* Item veto; see message at end of the Act

1. For general administration, including salaries, support, maintenance, employment of an education director to administer a centralized education program for the correctional system, and miscellaneous purposes:
..... $ 2,540,791

a. It is the intent of the general assembly that each lease negotiated by the department of corrections with a private corporation for the purpose of providing private industry employment of inmates in a correctional institution shall prohibit the private corporation from utilizing inmate labor for partisan political purposes for any person seeking election to public office in this state and that a violation of this requirement shall result in a termination of the lease agreement.

b. It is the intent of the general assembly that as a condition of receiving the appropriation provided in this subsection the department of corrections shall not enter into a lease or contractual agreement pursuant to section 904.809 with a private corporation for the use of building space for the purpose of providing inmate employment without providing that the terms of the lease or contract establish safeguards to restrict, to the greatest extent feasible, access by inmates working for the private corporation to personal identifying information of citizens.

2. For educational programs for inmates at state penal institutions:
..... $ 1,304,055

a. To maximize the funding for educational programs, the department shall establish guidelines and procedures to prioritize the availability of educational and vocational training for inmates based upon the goal of facilitating an inmate's successful release from the correctional institution.

b. The director of the department of corrections may transfer moneys from Iowa prison industries and the canteen operating funds established pursuant to section 904.310, for use in educational programs for inmates.

c. Notwithstanding section 8.33, moneys appropriated in this subsection that remain unobligated or unexpended at the close of the fiscal year shall not revert but shall remain available to be used only for the purposes designated in this subsection until the close of the succeeding fiscal year.

3. For the development of the Iowa corrections offender network (ICON) data system:
..... $ 1,000,000

4. For offender mental health and substance abuse treatment:
..... $ 11,160

5. For viral hepatitis prevention and treatment:
..... $ 83,941

6. For operations costs and miscellaneous purposes:
..... $ 1,285,655

7. It is the intent of the general assembly that for the fiscal year addressed by this section the department of corrections shall continue to operate the correctional farms under the control of the department at the same or greater level of participation and involvement as existed as of January 1, 2011; shall not enter into any rental agreement or contract concerning any farmland under the control of the department that is not subject to a rental agreement or contract as of January 1, 2011, without prior legislative approval; and shall further attempt to provide job opportunities at the farms for inmates. The department shall attempt to provide job opportunities at the farms for inmates by encouraging labor-intensive farming or gardening where appropriate; using inmates to grow produce and meat for institutional consumption; researching the possibility of instituting food canning and cook-and-chill operations; and exploring opportunities for organic farming and gardening, livestock ventures, horticulture, and specialized crops.

Sec. 23. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL SERVICES.

1. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2014, and ending June 30, 2015, for salaries, support, maintenance, and miscellaneous purposes, the following amounts, or so much thereof as is necessary, to be allocated as follows:

a. For the first judicial district department of correctional services:

..... $ 7,049,543

b. For the second judicial district department of correctional services:

..... $ 5,435,213

c. For the third judicial district department of correctional services:

..... $ 3,552,933

d. For the fourth judicial district department of correctional services:

..... $ 2,747,655

e. For the fifth judicial district department of correctional services, including funding for electronic monitoring devices for use on a statewide basis:

..... $ 9,687,714

f. For the sixth judicial district department of correctional services:

..... $ 7,319,269

g. For the seventh judicial district department of correctional services:

..... $ 3,804,891

h. For the eighth judicial district department of correctional services:

..... $ 4,103,307

2. Each judicial district department of correctional services, within the funding available, shall continue programs and plans established within that district to provide for intensive supervision, sex offender treatment, diversion of low-risk offenders to the least restrictive sanction available, job development, and expanded use of intermediate criminal sanctions.

3. Each judicial district department of correctional services shall provide alternatives to prison consistent with chapter 901B. The alternatives to prison shall ensure public safety while providing maximum rehabilitation to the offender. A judicial district department of correctional services may also establish a day program.

4. The governor's office of drug control policy shall consider federal grants made to the department of corrections for the benefit of each of the eight judicial district departments of correctional services as local government grants, as defined pursuant to federal regulations.

5. The department of corrections shall continue to contract with a judicial district department of correctional services to provide for the rental of electronic monitoring equipment which shall be available statewide.

Sec. 24. DEPARTMENT OF CORRECTIONS — REALLOCATION OF APPROPRIATIONS. Notwithstanding section 8.39, within the moneys appropriated in this division of this Act to the department of corrections, the department may reallocate the moneys appropriated and allocated as necessary to best fulfill the needs of the correctional institutions, administration of the department, and the judicial district departments of correctional services. However, in addition to complying with the requirements of sections 904.116 and 905.8 and providing notice to the legislative services agency, the department of corrections shall also provide notice to the department of management, prior to the effective date of the revision or reallocation of an appropriation made pursuant to this section. The department of corrections shall not reallocate an appropriation or allocation for the purpose of eliminating any program.

Sec. 25. INTENT — REPORTS.

1. The department of corrections in cooperation with townships, the Iowa cemetery associations, and other nonprofit or governmental entities may use inmate labor during the fiscal year beginning July 1, 2014, to restore or preserve rural cemeteries and historical landmarks. The department in cooperation with the counties may also use inmate labor to clean up roads, major water sources, and other water sources around the state.

2. On a quarterly basis the department shall provide a status report regarding private-sector employment to the legislative services agency beginning on July 1, 2014. The report shall include the number of offenders employed in the private sector, the combined number of hours worked by the offenders, the total amount of allowances, and the distribution of allowances pursuant to section 904.702, including any moneys deposited in the general fund of the state.

Sec. 26. ELECTRONIC MONITORING REPORT. The department of corrections shall submit a report on electronic monitoring to the general assembly, to the co-chairpersons and the ranking members of the joint appropriations subcommittee on the justice system, and to the legislative services agency by January 15, 2015. The report shall specifically address the number of persons being electronically monitored and break down the number of persons being electronically monitored by offense committed. The report shall also include a comparison of any data from the prior fiscal year with the current year.

Sec. 27. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

1. As used in this section, unless the context otherwise requires, "state agency" means the government of the state of Iowa, including but not limited to all executive branch departments, agencies, boards, bureaus, and commissions, the judicial branch, the general assembly and all legislative agencies, institutions within the purview of the state board of regents, and any corporation whose primary function is to act as an instrumentality of the state.

2. State agencies are hereby encouraged to purchase products from Iowa state industries, as defined in section 904.802, when purchases are required and the products are available from Iowa state industries. State agencies shall obtain bids from Iowa state industries for purchases of office furniture during the fiscal year beginning July 1, 2014, exceeding $5,000 or in accordance with applicable administrative rules related to purchases for the agency.

Sec. 28. IOWA LAW ENFORCEMENT ACADEMY.

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

For salaries, support, maintenance, miscellaneous purposes, including jailer training and technical assistance, and for not more than the following full-time equivalent positions:

..... $ 500,849
..... FTEs 23.88

It is the intent of the general assembly that the Iowa law enforcement academy may provide training of state and local law enforcement personnel concerning the recognition of and response to persons with Alzheimer's disease.

The Iowa law enforcement academy may temporarily exceed and draw more than the amount appropriated in this subsection and incur a negative cash balance as long as there are receivables equal to or greater than the negative balance and the amount appropriated in this subsection is not exceeded at the close of the fiscal year.

2. The Iowa law enforcement academy may select at least five automobiles of the department of public safety, division of state patrol, prior to turning over the automobiles to the department of administrative services to be disposed of by public auction, and the Iowa law enforcement academy may exchange any automobile owned by the academy for each automobile selected if the selected automobile is used in training law enforcement officers at the academy. However, any automobile exchanged by the academy shall be substituted for the selected vehicle of the department of public safety and sold by public auction with the receipts being deposited in the depreciation fund to the credit of the department of public safety, division of state patrol.

Sec. 29. STATE PUBLIC DEFENDER. There is appropriated from the general fund of the state to the office of the state public defender of the department of inspections and appeals for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amounts, or so much thereof as is necessary, to be allocated as follows for the purposes designated:

1. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 12,931,091
..... FTEs 219.00

2. For payments on behalf of eligible adults and juveniles from the indigent defense fund, in accordance with section 815.11:

..... $ 14,950,965

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

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 601,918
..... FTEs 11.00

Sec. 31. DEPARTMENT OF PUBLIC DEFENSE. There is appropriated from the general fund of the state to the department of public defense for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. MILITARY DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 3,263,521
..... FTEs 293.61

The military division may temporarily exceed and draw more than the amount appropriated in this subsection and incur a negative cash balance as long as there are receivables of federal funds equal to or greater than the negative balance and the amount appropriated in this subsection is not exceeded at the close of the fiscal year.

2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION OR SUCCESSOR AGENCY

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 1,087,139
..... FTEs 37.40

a. The homeland security and emergency management division or successor agency may temporarily exceed and draw more than the amount appropriated in this subsection and incur a negative cash balance as long as there are receivables of federal funds equal to or greater than the negative balance and the amount appropriated in this subsection is not exceeded at the close of the fiscal year.

b. It is the intent of the general assembly that the homeland security and emergency management division or successor agency work in conjunction with the department of public safety, to the extent possible, when gathering and analyzing information related to potential domestic or foreign security threats, and when monitoring such threats.

Sec. 32. DEPARTMENT OF PUBLIC SAFETY. There is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the department's administrative functions, including the criminal justice information system, and for not more than the following full-time equivalent positions:

..... $ 2,033,527
..... FTEs 39.00

2. For the division of criminal investigation, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of the state's normal contribution rate, as defined in section 97A.8, multiplied by the salaries for which the moneys are appropriated, to meet federal fund matching requirements, and for not more than the following full-time equivalent positions:

..... $ 6,466,707
..... FTEs 149.60

3. For the criminalistics laboratory fund created in section 691.9:

..... $ 151,173

4. a. For the division of narcotics enforcement, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of the state's normal contribution rate, as defined in section 97A.8, multiplied by the

salaries for which the moneys are appropriated, to meet federal fund matching requirements, and for not more than the following full-time equivalent positions:

..... $ 3,377,928
..... FTEs 66.00

b. For the division of narcotics enforcement for undercover purchases:

..... $ 54,521

5. For the division of state fire marshal, for fire protection services as provided through the state fire service and emergency response council as created in the department, and for the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of the state's normal contribution rate, as defined in section 97A.8, multiplied by the salaries for which the moneys are appropriated, and for not more than the following full-time equivalent positions:

..... $ 2,235,278
..... FTEs 53.00

6. For the division of state patrol, for salaries, support, maintenance, workers' compensation costs, and miscellaneous purposes, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of the state's normal contribution rate, as defined in section 97A.8, multiplied by the salaries for which the moneys are appropriated, and for not more than the following full-time equivalent positions:

..... $ 27,768,104
..... FTEs 494.47

It is the intent of the general assembly that members of the state patrol be assigned to patrol the highways and roads in lieu of assignments for inspecting school buses for the school districts.

7. For operations costs, and miscellaneous purposes:

..... $ 850,000

8. For deposit in the sick leave benefits fund established under section 80.42 for all departmental employees eligible to receive benefits for accrued sick leave under the collective bargaining agreement:

..... $ 139,759

9. For costs associated with the training and equipment needs of volunteer fire fighters:

..... $ 362,760

a. Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure only for the purpose designated in this subsection until the close of the succeeding fiscal year.

b. Notwithstanding section 8.39, the department of public safety may reallocate moneys appropriated in this section as necessary to best fulfill the needs provided for in the appropriation. However, the department shall not reallocate moneys appropriated to the department in this section unless notice of the reallocation is given to the legislative services agency and the department of management prior to the effective date of the reallocation. The notice shall include information regarding the rationale for reallocating the moneys. The department shall not reallocate moneys appropriated in this section for the purpose of eliminating any program.

Sec. 33. GAMING ENFORCEMENT.

1. There is appropriated from the gaming enforcement revolving fund created in section 80.43 to the department of public safety for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For any direct support costs for agents and officers of the division of criminal investigation's excursion gambling boat, gambling structure, and racetrack enclosure enforcement activities, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 5,449,004
..... FTEs 115.00

2. For each additional license to conduct gambling games on an excursion gambling boat, gambling structure, or racetrack enclosure issued during the fiscal year beginning July 1, 2014, there is appropriated from the gaming enforcement fund to the department of public safety for the fiscal year beginning July 1, 2014, and ending June 30, 2015, an additional amount of not more than $300,000 to be used for not more than 3.00 additional full-time equivalent positions.

3. The department of public safety, with the approval of the department of management, may employ no more than three special agents for each additional riverboat or gambling structure regulated after July 1, 2014, and three special agents for each racing facility which becomes operational during the fiscal year which begins July 1, 2014. Positions authorized in this subsection are in addition to the full-time equivalent positions otherwise authorized in this section.

Sec. 34. CIVIL RIGHTS COMMISSION. There is appropriated from the general fund of the state to the Iowa state civil rights commission for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 648,535
..... FTEs 28.00

The Iowa state civil rights commission may enter into a contract with a nonprofit organization to provide legal assistance to resolve civil rights complaints.

Sec. 35. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION. There is appropriated from the general fund of the state to the criminal and juvenile justice planning division of the department of human rights for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amounts, or so much thereof as is necessary, to be used for the purposes designated: [2]

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 630,053
..... FTEs 10.81

The criminal and juvenile justice planning advisory council and the juvenile justice advisory council shall coordinate their efforts in carrying out their respective duties relative to juvenile justice.

Sec. 36. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION. There is appropriated from the wireless E911 emergency communications fund created in section 34A.7A to the homeland security and emergency management division or successor agency for the fiscal year beginning July 1, 2014, and ending June 30, 2015, an amount not exceeding $250,000 to be used for implementation, support, and maintenance of the functions of the administrator and program manager under chapter 34A and to employ the auditor of the state to perform an annual audit of the wireless E911 emergency communications fund.

DIVISION III
PUBLIC SAFETY INTEROPERABLE AND BROADBAND COMMUNICATIONS FUND

Sec. 37. NEW SECTION. **80.44 Public safety interoperable and broadband communications fund.**

1. A statewide public safety interoperable and broadband communications fund is established in the office of the treasurer of state under the control of the department of public safety. Any moneys annually appropriated, granted, or credited to the fund, including any federal moneys, are appropriated to the department of public safety for the planning

[2] See chapter 140, §85 herein

and development of a statewide public safety interoperable and broadband communications system.

2. Notwithstanding section 12C.7, subsection 2, interest and earnings on moneys deposited in the fund shall be credited to the fund. Notwithstanding section 8.33, moneys remaining in the fund at the end of the fiscal year shall not revert to any other fund but shall remain available to be used for the purposes specified in subsection 1.

Sec. 38. 2011 Iowa Acts, chapter 134, section 43, subsection 9, as amended by 2012 Iowa Acts, chapter 1134, section 10, is amended to read as follows:

9. For costs associated with the training and operation of the statewide interoperable communications system board ~~excluding salaries and contracts~~ or deposit in the statewide public safety interoperable and broadband communications fund established in section 80.44, as determined by the department:

..... $ 48,000

Sec. 39. EFFECTIVE UPON ENACTMENT. The following provision or provisions of this division of this Act, being deemed of immediate importance, take effect upon enactment:

1. The section of this division amending 2011 Iowa Acts, chapter 134, section 43, subsection 9, as amended by 2012 Iowa Acts, chapter 1134, section 10.

2. The section of this division enacting the section tentatively numbered 80.44.

**DIVISION IV*
PUBLIC SAFETY AND TRAINING TASK FORCE

Sec. 40. PUBLIC SAFETY TRAINING AND FACILITIES TASK FORCE.

1. A public safety training and facilities task force is established. The department of public safety shall provide administrative support for the task force.

2. The task force shall consist of the following members:

a. One member appointed by the Iowa state sheriffs' and deputies' association.

b. One member appointed by the Iowa police chiefs association.

c. One member who is a fire fighter appointed by the Iowa professional fire fighters association.

d. One member who is the administrator of the Iowa fire service training bureau or the administrator's designee.

e. One member who is a representative of the fire service who is not a fire chief appointed by the Iowa firefighters association.

f. The director of the Iowa law enforcement academy or the director's designee.

g. The commissioner of public safety or the training coordinator of the department of public safety, as designated by the commissioner.

h. The state fire marshal or the state fire marshal's designee.

i. One member appointed by the Iowa state police association.

j. One member who is a fire chief appointed by the Iowa fire chiefs association.

k. One member appointed by the Iowa emergency medical services association.

l. One member appointed by the Iowa emergency management association.

m. One member who is a fire chief appointed by the Iowa association of professional fire chiefs.

n. One member who is a member of the office of motor vehicle enforcement of the department of transportation appointed by the director of the department of transportation.

o. Four members of the general assembly serving as ex officio, nonvoting members, one representative to be appointed by the speaker of the house of representatives, one representative to be appointed by the minority leader of the house of representatives, one senator to be appointed by the majority leader of the senate, and one senator to be appointed by the minority leader of the senate.

* Item veto; see message at end of the Act

3. The members of the task force shall select one chairperson and one vice chairperson. The vice chairperson shall preside in the absence of the chairperson. Section 69.16A shall apply to the voting members of the task force.

4. It is the intent of the general assembly in establishing this task force that the task force develop a coordinated plan amongst all public safety disciplines that would oversee the construction of a consolidated fire and police public safety training facility, provide for the establishment of a governance board for the public safety disciplines and the consolidated facility, and to establish a consistent and steady funding mechanism to defray public safety training costs on an ongoing basis.

5. The task force shall seek and consider input from all interested stakeholders and members of the public and shall include an emphasis on receiving input from fire service, law enforcement, and emergency medical services personnel. The task force shall consider and develop strategies relating to public safety training facility governance with the goal of all public safety disciplines being represented. Each public safety discipline shall advise the task force by developing individual training policies as determined by the discipline's governing bodies. The task force shall also develop a proposal for a joint public safety training facility, a budget for construction and future operation of the facility, financing options, including possible public-private partnerships, for construction and operation of the facility, and potential locations for the facility that are centrally located in this state.

6. a. The task force shall provide interim reports to the general assembly by December 31 of each year concerning the activities of the task force and shall submit its final report, including its findings and recommendations, to the general assembly by December 31, 2016.

b. The final report shall include but not be limited to recommendations concerning the following:

(1) Consolidation of public safety governance within a single board and the membership of the board. Board duties would include overseeing the construction and maintenance of a consolidated fire and police public safety training facility.

(2) Development of a consolidated fire and police public safety training facility, including possible locations, building recommendations, and financing options.

*(3) Any other recommendations relating to public safety training and facilities requirements.**

DIVISION V
CIGARETTE FIRE SAFETY STANDARD FUND — APPROPRIATION

Sec. 41. Section 101B.5, subsection 5, Code 2013, is amended to read as follows:

5. For each cigarette listed in a certification, a manufacturer shall pay a fee of one hundred dollars to the department. The department shall deposit all fees received pursuant to this subsection with the treasurer of state for credit to the general fund of the state.

Sec. 42. Section 101B.8, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 10. The department shall deposit any moneys received from civil penalties assessed pursuant to this section with the treasurer of state for credit to the general fund of the state.

Sec. 43. Section 101B.9, Code 2013, is amended to read as follows:

101B.9 Cigarette fire safety standard fund.

A cigarette fire safety standard fund is created as a special fund in the state treasury under the control of the department of public safety. The fund shall consist of all moneys recovered from the assessment of civil penalties or certification fees under this chapter. ~~The moneys in the fund shall, in~~ In addition to any moneys made available for such purpose, ~~be available, subject to appropriation,~~ moneys in the fund are appropriated to the department of public safety for the purpose of fire safety and prevention programs, including for entry level fire fighter training, equipment, and operations.

Sec. 44. REPEAL. Section 101B.9, Code 2013, is repealed.

* Item veto; see message at end of the Act

Sec. 45. CIGARETTE FIRE SAFETY STANDARD FUND. Any remaining balance of the cigarette fire safety standard fund at the close of the fiscal year beginning July 1, 2012, is transferred to the department of justice and is appropriated for use during the fiscal year beginning July 1, 2013, and ending June 30, 2014, for victim assistance grants.

Sec. 46. EFFECTIVE UPON ENACTMENT. The following provision or provisions of this division of this Act, being deemed of immediate importance, take effect upon enactment:

1. The section amending section 101B.9.
2. The section providing for transfer of any remaining balance of the cigarette fire safety standard fund at the close of the fiscal year beginning July 1, 2012.
3. The section providing for retroactive applicability.

Sec. 47. RETROACTIVE APPLICABILITY. The following provision or provisions of this division of this Act apply retroactively to July 1, 2007:

1. The section of this division amending section 101B.9.

DIVISION VI
SPECIAL AGENTS — GAMING

Sec. 48. Section 99D.14, subsection 2, paragraph a, Code 2013, is amended to read as follows:

a. (1) A licensee shall pay a regulatory fee to be charged as provided in this section. In determining the regulatory fee to be charged as provided under this section, the commission shall use the amount appropriated to the commission plus the cost of salaries for no more than ~~two~~ three special agents for each racetrack that has not been issued a table games license under chapter 99F or no more than three special agents for each racetrack that has been issued a table games license under chapter 99F, plus any direct and indirect support costs for the agents, for the division of criminal investigation's racetrack activities, as the basis for determining the amount of revenue to be raised from the regulatory fee.

(2) Indirect support costs under this section shall be calculated at the same rate used in accordance with the federal office of management and budget cost principles for state, local, and Indian tribal governments that receive a federally approved indirect cost rate.

Sec. 49. Section 99D.14, subsection 2, Code 2013, is amended by adding the following new paragraphs:

NEW PARAGRAPH. *d.* The aggregate amount of the regulatory fee assessed under paragraph "*a*" during each fiscal year shall be reduced by an amount equal to the unexpended moneys from the previous fiscal year that were deposited into the revolving funds established in sections 80.43 and 99F.20 during that previous fiscal year.

NEW PARAGRAPH. *e.* By January 1, 2015, and by January 1 of every year thereafter, the division of criminal investigation shall provide the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system, the legislative services agency, and the commission with a report detailing the activities of the division during the previous fiscal year for each racetrack enclosure.

NEW PARAGRAPH. *f.* The division of criminal investigation shall conduct a review relating to the number of special agents permitted for each racetrack under this subsection and the activities of such agents. The review shall also include comments from the commission and licensees and be combined with the review conducted under section 99F.10, subsection 4, paragraph "*g*". The division of criminal investigation shall file a report detailing the review conducted pursuant to this paragraph with the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative services agency by July 1, 2020.

Sec. 50. Section 99F.10, subsection 4, Code 2013, is amended to read as follows:

4. *a.* In determining the license fees and state regulatory fees to be charged as provided under section 99F.4 and this section, the commission shall use as the basis for determining

* Item veto; see message at end of the Act

the amount of revenue to be raised from the license fees and regulatory fees the amount appropriated to the commission plus the following as applicable:

(1) Prior to July 1, 2016, the cost of salaries for no more than two special agents for each excursion gambling boat or gambling structure and no more than four gaming enforcement officers for each excursion gambling boat or gambling structure with a patron capacity of less than two thousand persons or no more than five gaming enforcement officers for each excursion gambling boat or gambling structure with a patron capacity of at least two thousand persons, plus any direct and indirect support costs for the agents and officers, for the division of criminal investigation's excursion gambling boat or gambling structure activities. However, the division of criminal investigation may add one additional special agent to the number of special agents specified in this subparagraph for each excursion gambling boat or gambling structure if at least two gaming enforcement officer full-time equivalent positions are vacant. Otherwise, the division of criminal investigation shall not fill vacant gaming enforcement officer positions.

(2) On or after July 1, 2016, the cost of salaries for no more than three special agents for each excursion gambling boat or gambling structure, plus any direct and indirect support costs for the agents, for the division of criminal investigation's excursion gambling boat or gambling structure activities.

b. Notwithstanding sections 8.60 and 99F.4, the portion of the fee paid pursuant to paragraph "*a*" relating to the costs of special agents and officers plus any direct and indirect support costs for the agents and officers, for the division of criminal investigation's excursion gambling boat or gambling structure activities, shall be deposited into the gaming enforcement revolving fund established in section 80.43. However, the department of public safety shall transfer, on an annual basis, the portion of the regulatory fee attributable to the indirect support costs of the special agents and gaming enforcement officers to the general fund of the state.

c. Notwithstanding sections 8.60 and 99F.4, the portion of the fee paid pursuant to paragraph "*a*" relating to the costs of the commission shall not be deposited in the general fund of the state but instead shall be deposited into the gaming regulatory revolving fund established in section 99F.20.

d. Indirect support costs under paragraph "*a*" shall be calculated at the same rate used in accordance with the federal office of management and budget cost principles for state, local, and Indian tribal governments that receive a federally approved indirect cost rate.

e. The aggregate amount of the regulatory fee assessed under paragraph "*a*" during each fiscal year shall be reduced by an amount equal to the unexpended moneys from the previous fiscal year that were deposited into the revolving funds established in sections 80.43 or[3] 99F.20 during that previous fiscal year.

f. By January 1, 2015, and by January 1 of every year thereafter, the division of criminal investigation shall provide the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system, the legislative services agency, and the commission with a report detailing the activities of the division during the previous fiscal year for each excursion gambling boat and gambling structure.

g. The division of criminal investigation shall review the number of special agents permitted for each excursion gambling boat or gambling structure under this subsection and the activities of such agents. The review shall also include comments from the commission and licensees and be combined with the review conducted under section 99D.14, subsection 2, paragraph "*f*". The division of criminal investigation shall file a report detailing the review conducted pursuant to this paragraph with the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative services agency by July 1, 2020.

Sec. 51. GAMING ENFORCEMENT STUDY. The division of criminal investigation of the department of public safety and the Iowa gaming association shall jointly or separately file a report with the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative services agency by December 15,

[3] According to enrolled Act; the word "and" probably intended

2013, detailing the activities of gaming enforcement officers and special agents working at excursion gambling boats, gambling structures, and racetrack enclosures. The report shall include the number of incidences the gaming enforcement officers handle versus private security, the number of fraud investigations and background checks performed by the special agents, and the percentage of time gaming enforcement officers and special agents work on gaming-related and nongaming-related cases. The report shall also include the time periods each excursion gambling boat, gambling structure, and racetrack enclosure are not staffed by at least one gaming enforcement officer or special agent.

DIVISION VII
JUDICIAL COMPENSATION — STUDY

Sec. 52. JUDICIAL COMPENSATION — INTERIM STUDY COMMITTEE.
1. The legislative council is requested to authorize an interim committee to study judicial compensation during the 2013 legislative interim.
2. The committee shall be composed of the following:
a. Three members of the senate.
b. Three members of the house of representatives.
c. A member appointed by the governor.
d. A supreme court justice.
e. A district judge.
f. A district associate judge.
g. A magistrate.
h. The state court administrator.

DIVISION VIII
MISCELLANEOUS CODE CHANGES

Sec. 53. Section 85.67, Code 2013, is amended to read as follows:
85.67 Administration of fund — special counsel — payment of award.
The attorney general shall appoint a staff member to represent the treasurer of state and the fund in all proceedings and matters arising under this division. The attorney general shall be reimbursed up to ~~one hundred fifty~~ two hundred fifteen thousand dollars annually from the fund for services provided related to the fund. The commissioner of insurance shall consider the reimbursement to the attorney general as an outstanding liability when making a determination of funding availability under section 85.65A, subsection 2. In making an award under this division, the workers' compensation commissioner shall specifically find the amount the injured employee shall be paid weekly, the number of weeks of compensation which shall be paid by the employer, the date upon which payments out of the fund shall begin, and, if possible, the length of time the payments shall continue.

Sec. 54. Section 654.4B, subsection 2, paragraph b, Code 2013, is amended by striking the paragraph.

**Sec. 55. Section 714.16C, subsection 2, Code 2013, is amended to read as follows:*
*2. For each fiscal year, not more than one million ~~one hundred twenty-five~~ eight hundred seventy-five thousand dollars is appropriated from the fund to the department of justice to be used for public education relating to consumer fraud and for enforcement of section 714.16 and federal consumer laws, and not more than ~~seventy-five~~ one hundred twenty-five thousand dollars is appropriated from the fund to the department of justice to be used for investigation, prosecution, and consumer education relating to consumer and criminal fraud committed against older Iowans.**

Sec. 56. IOWA CORRECTIONS OFFENDER NETWORK — FUND. Notwithstanding any provision of law to the contrary, the unencumbered or unobligated balance of the Iowa corrections offender network fund at the close of the fiscal year beginning July 1, 2012, or

* Item veto; see message at end of the Act

the close of any succeeding fiscal year that would otherwise be required by law to revert to, be deposited in, or to be credited to the Iowa offender network fund shall instead be credited to the general fund of the state.

Sec. 57. REPEAL. Section 904.118, Code 2013, is repealed.

Approved June 20, 2013, with exceptions noted.

TERRY E. BRANSTAD, *Governor*

Dear Mr. Secretary:

I hereby transmit Senate File 447, an Act relating to appropriations to the justice system and including effective dates.

Senate File 447 is approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the designated portion of the item designated as Section 1, subsection 1, lettered paragraph b. This item unduly restricts the Department of Justice from closing facilities and transitioning to new, more effective community-based services for victims. The program must have the flexibility to provide services to victims in the most efficient and effective way possible.

I am unable to approve the designated portion of the item designated as Section 1, subsection 1, lettered paragraph b. This item creates carry-forward language which is unnecessary for the Department of Justice. The carry-forward language does not advance my goals of returning predictability and sustainability to government budgeting.

I am unable to approve the designated portion of the item designated as Section 3, subsection 1, lettered paragraph a. This item requires the Department of Corrections to submit a report to the legislature regarding plans for the Fort Madison Correctional Facility. Although I support transparency efforts, this requirement is redundant as this report was submitted on January 15, 2013 and is already available to the legislature.

I am unable to approve the item designated as Section 4, subsection 1, lettered paragraph a. This item contains policy language pertaining to the Department of Corrections entering into a new contract in excess of $100,000 for privatized services during fiscal year 2014 without prior notification of the legislature and employee organizations. However, this item allows the department to renew existing contracts without notification. This item would prevent the department from obtaining services for inmates in an effective and efficient manner. This notification unnecessarily impedes on the department's management authority.

I am unable to approve the designated portion of the item designated as Section 19, subsection 1, lettered paragraph b. This item creates carry-forward language which is unnecessary for the Department of Justice. The carry-forward language does not advance my goals of returning predictability and sustainability to government budgeting.

I am unable to approve the designated portion of the item designated as Section 21, subsection 1, lettered paragraph a. This item requires the Department of Corrections to submit a report to the legislature regarding plans for the Fort Madison Correctional Facility. Although I support transparency efforts, this requirement is redundant as this report was submitted on January 15, 2013 and is already available to the legislature.

I am unable to approve the item designated as Division IV in its entirety. This item creates a task force to study the creation of a consolidated fire and police public safety training facility. Iowa is fortunate to have dedicated firefighters and police officers. These Iowans dedicate

their lives to protecting the safety and welfare of Iowans. The Department of Public Safety and the Iowa Law Enforcement Academy will continue to work to improve our system. It is my administration's goal to reduce the size and cost of government by 15% and as such, I believe this issue can be reviewed without growing the size and cost of government.

I am unable to approve the item designated as Section 45 in its entirety. This item creates carry-forward language from the balance of the Cigarette Fire Safety Standard fund to the Victim Assistance Grants program. The carry-forward language does not advance my goals of returning predictability and sustainability to government budgeting.

I am unable to approve the item designated as Section 55 in its entirety. This item permanently increases the standing limited appropriation of $1.2 million for the Consumer Education and Litigation Fund to $2 million. Currently, any increase over the current standing limited appropriation is reviewed by the legislature and additional funds are provided annually based on need. Before this automatic increase is made permanent, further review by the legislature needs to be conducted.

For the above reasons, I respectfully disapprove the designated items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 447 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, *Governor*

CHAPTER 140

STATE AND LOCAL GOVERNMENT FINANCIAL AND REGULATORY MATTERS — APPROPRIATIONS AND MISCELLANEOUS CHANGES

S.F. 452

AN ACT relating to state and local finances by making appropriations, providing for fees, providing for legal responsibilities, providing for certain employee benefits, and providing for regulatory, taxation, and properly related matters, and including penalties and effective date and retroactive and other applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I
STANDING APPROPRIATIONS AND RELATED MATTERS

Section 1. BUDGET PROCESS FOR FISCAL YEAR 2014-2015.

1. For the budget process applicable to the fiscal year beginning July 1, 2014, on or before October 1, 2013, in lieu of the information specified in section 8.23, subsection 1, unnumbered paragraph 1, and paragraph "a", all departments and establishments of the government shall transmit to the director of the department of management, on blanks to be furnished by the director, estimates of their expenditure requirements, including every proposed expenditure, for the ensuing fiscal year, together with supporting data and explanations as called for by the director of the department of management after consultation with the legislative services agency.

2. The estimates of expenditure requirements shall be in a form specified by the director of the department of management, and the expenditure requirements shall include all proposed expenditures and shall be prioritized by program or the results to be achieved. The estimates shall be accompanied by performance measures for evaluating the effectiveness of the programs or results.

Sec. 2. INSTRUCTIONAL SUPPORT STATE AID — FY 2013-2014 — FY 2014-2015. In lieu of the appropriation provided in section 257.20, subsection 2, the appropriation for the fiscal years beginning July 1, 2013, and July 1, 2014, for paying instructional support state aid under section 257.20 for fiscal years 2013-2014 and 2014-2015 is zero.

Sec. 3. GENERAL ASSEMBLY.

1. The appropriations made pursuant to section 2.12 for the expenses of the general assembly and legislative agencies for the fiscal year beginning July 1, 2013, and ending June 30, 2014, are reduced by the following amount:

..... $ 3,000,000

2. The budgeted amounts for the general assembly for the fiscal year beginning July 1, 2013, may be adjusted to reflect unexpended budgeted amounts from the previous fiscal year.

Sec. 4. CLAIMS AGAINST THE STATE. The appropriations made pursuant to section 25.2 for paying claims against the state for the fiscal year beginning July 1, 2013, and ending June 30, 2014, are reduced by the following amount:

..... $ 4,086,307

Sec. 5. LIMITATIONS OF STANDING APPROPRIATIONS — FY 2013-2014. Notwithstanding the standing appropriations in the following designated sections for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the amounts appropriated from the general fund of the state pursuant to these sections for the following designated purposes shall not exceed the following amounts:

1. For operational support grants and community cultural grants under section 99F.11, subsection 3, paragraph "d", subparagraph (1):

..... $ 416,702

2. For payment for nonpublic school transportation under section 285.2:

..... $ 8,560,931

If total approved claims for reimbursement for nonpublic school pupil transportation exceed the amount appropriated in accordance with this subsection, the department of education shall prorate the amount of each approved claim.

3. For the enforcement of chapter 453D relating to tobacco product manufacturers under section 453D.8:

..... $ 18,416

Sec. 6. LIMITATIONS OF STANDING APPROPRIATIONS — FY 2014-2015. Notwithstanding the standing appropriations in the following designated sections for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the amounts appropriated from the general fund of the state pursuant to these sections for the following designated purposes shall not exceed the following amounts:

1. For operational support grants and community cultural grants under section 99F.11, subsection 3, paragraph "d", subparagraph (1):

..... $ 208,351

2. For regional tourism marketing under section 99F.11, subsection 3, paragraph "d", subparagraph (2):

..... $ 582,000

3. For payment for nonpublic school transportation under section 285.2:

..... $ 8,560,931

If total approved claims for reimbursement for nonpublic school pupil transportation exceed the amount appropriated in accordance with this subsection, the department of education shall prorate the amount of each approved claim.

4. For the enforcement of chapter 453D relating to tobacco product manufacturers under section 453D.8:

..... $ 9,208

Sec. 7. Section 8.8, Code 2013, is amended to read as follows:

8.8 Special olympics fund — appropriation.

A special olympics fund is created in the office of the treasurer of state under the control of

the department of management. There is appropriated annually from the general fund of the state to the special olympics fund ~~fifty~~ one hundred thousand dollars for distribution to one or more organizations which administer special olympics programs benefiting the citizens of Iowa with disabilities.

Sec. 8. Section 257.35, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 7A. Notwithstanding subsection 1, and in addition to the reduction applicable pursuant to subsection 2, the state aid for area education agencies and the portion of the combined district cost calculated for these agencies for the fiscal year beginning July 1, 2013, and ending June 30, 2014, shall be reduced by the department of management by fifteen million dollars. The reduction for each area education agency shall be prorated based on the reduction that the agency received in the fiscal year beginning July 1, 2003.

DIVISION II
MISCELLANEOUS PROVISIONS AND APPROPRIATIONS

Sec. 9. IOWA PUBLIC INFORMATION BOARD. There is appropriated from the general fund of the state to the Iowa public information board for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and in addition to moneys appropriated to the board in 2013 Iowa Acts, House File 603, [1] if enacted:
..... $ 75,000

Sec. 10. IOWA TUITION GRANTS. There is appropriated from the general fund of the state to the college student aid commission for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For Iowa tuition grants under section 261.25: [2]
..... $ 500,000

Sec. 11. FTE AUTHORIZATION.

1. For purposes of the offices of the governor and lieutenant governor, there is authorized an additional 3.00 full-time equivalent positions above those otherwise authorized pursuant to 2013 Iowa Acts, House File 603, [3] if enacted.

2. For purposes of the department of management, there is authorized an additional 1.00 full-time equivalent position above those otherwise authorized pursuant to 2013 Iowa Acts, House File 603, [4] if enacted.

Sec. 12. HOME AND COMMUNITY-BASED SERVICES PROVIDERS — REASONABLE COSTS OF STAFF TRAINING — REIMBURSEMENT AS DIRECT COSTS. The department of human services shall adopt rules pursuant to chapter 17A to provide that reasonable costs of staff training incurred by providers of home and community-based services under the medical assistance program are reimbursable as direct costs. Such reimbursement shall include reimbursement of the reasonable costs associated with the learning management system utilized under the college of direct support training program.

Sec. 13. ADMINISTRATIVE RULES REVIEW COMMITTEE. The administrative rules review committee shall consider the scope, impact, and long-term consequences of legislation requiring delegations of authority to state agencies be construed narrowly. The committee shall submit a report of the committee findings to the speaker of the house and the majority leader of the senate by January 12, 2015. The legislative services agency shall provide necessary staff support for the committee consideration.

[1] Chapter 135 herein
[2] See chapter 143, §17, 18 herein
[3] Chapter 135 herein
[4] Chapter 135 herein

Sec. 14. Section 49.77, subsection 1, Code 2013, is amended by adding the following new paragraph:

NEW PARAGRAPH. *c.* At the discretion of the commissioner, an electronic election register may be used to produce the declaration required in this subsection. The person desiring to vote shall sign the declaration produced by the electronic election register prior to receiving a ballot.

Sec. 15. NONREVERSION — CONSERVATION RESERVE ENHANCEMENT PROGRAM APPROPRIATIONS.

1. Notwithstanding section 8.33, and if enacted pursuant to 2013 Iowa Acts, Senate File 435, [5] moneys appropriated from the environment first fund to the department of agriculture and land stewardship for purposes of the conservation reserve enhancement program for the fiscal year beginning July 1, 2013, that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that begins July 1, 2016.

2. Notwithstanding section 8.33, and if enacted pursuant to 2013 Iowa Acts, Senate File 435, [6] moneys appropriated from the environment first fund to the department of agriculture and land stewardship for purposes of the conservation reserve enhancement program for the fiscal year beginning July 1, 2014, that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that begins July 1, 2017.

Sec. 16. Section 135C.7, Code 2013, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. In addition to the license fees listed in this section, there shall be an annual assessment assessed to each licensee in an amount to cover the cost of independent reviewers provided pursuant to section 135C.42. The department shall, in consultation with licensees, establish the assessment amount by rule based on the award of a request for proposals. The assessment shall be retained by the department as a repayment receipt as defined in section 8.2 and used for the purpose of paying the cost of the independent reviewers.

Sec. 17. Section 144.26, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 5. Upon the activation of an electronic death record system, each person with a duty related to death certificates shall participate in the electronic death record system. A person with a duty related to a death certificate includes but is not limited to a physician as defined in section 135.1, a physician assistant, an advanced registered nurse practitioner, a funeral director, and a county recorder.

Sec. 18. Section 216A.3, subsection 3, Code 2013, is amended to read as follows:

3. A majority of the voting members of the board shall constitute a quorum, and the affirmative vote of two-thirds of the voting members present is necessary for any substantive action taken by the board. The board shall select a chairperson from the voting members of the board. The board shall meet not less than four times a year.

Sec. 19. Section 231.64, subsection 1, unnumbered paragraph 1, Code 2013, is amended to read as follows:

The aging and disability resource center program shall be administered by the department consistent with the federal Act. The department shall designate ~~participating entities~~ area agencies on aging to establish, in consultation with other stakeholders including organizations representing the disability community, a coordinated system for providing all of the following:

[5] Chapter 132 herein
[6] Chapter 132 herein

Sec. 20. Section 257.11, subsection 6A, paragraph a, subparagraph (1), as enacted by 2013 Iowa Acts, House File 472,[7] section 1, is amended to read as follows:

(1) In order to provide additional funding to increase student opportunities and redirect more resources to student programming for school districts that share operational functions, a supplementary weighting of two hundredths per pupil shall be assigned to pupils enrolled in a district that shares with a political subdivision one or more operational functions of a curriculum director, school administration manager, ~~mental health therapist,~~ social worker, school nurse, school counselor, or school librarian, or one or more operational functions in the areas of superintendent management, business management, human resources, transportation, or operation and maintenance for at least twenty percent of the school year. The additional weighting shall be assigned for each discrete operational function shared. The operational function sharing arrangement does not need to be a newly implemented sharing arrangement to receive supplementary weighting under this subsection. However, to receive supplementary weighting under this subsection for an ongoing operational function sharing arrangement that began before July 1, 2014, the district shall submit information to the department documenting the cost savings directly attributable to the shared operational functions and describe the district's consideration of additional shared operational functions.

Sec. 21. Section 261.93, subsection 2, paragraph b, subparagraph (4), Code 2013, is amended to read as follows:

(4) Is the child of a fire fighter or police officer included under section 97B.49B, who was killed in the line of duty as determined by the Iowa public employees' retirement system in accordance with section 97B.52, subsection 2.

Sec. 22. Section 306D.4, Code 2013, is amended to read as follows:

306D.4 Scenic highway advertising.

1. The ~~state~~ department of transportation shall have the authority to adopt rules to control the erection of new advertising devices on a highway designated as a scenic highway or scenic byway in order to comply with federal requirements concerning the implementation of a scenic byways program.

2. Notwithstanding subsection 1, if an advertising device was lawfully erected along an interstate highway within the corporate limits of a city prior to designation of the highway as a scenic byway and, after such designation occurs, the advertising device is displaced due to the reconstruction, improvement, or relocation of the highway, the advertising device may be relocated to a location determined by the department to be substantially the same location, subject to approval by the federal highway administration, and shall not be considered an erection of a new advertising device, if all of the following apply:

a. The location conforms to the requirements of chapters 306B and 306C.

b. The materials, number and type of supports, lighting, face size, and height of the advertising device remain the same.

Sec. 23. Section 692A.113, subsection 3, Code 2013, is amended by adding the following new paragraph:

NEW PARAGRAPH. *e.* Operate, manage, be employed by, or act as a contractor or volunteer at a business that operates a motor vehicle primarily marketing, from or near the motor vehicle, the sale and dispensing of ice cream or other food products to minors.

Sec. 24. 2008 Iowa Acts, chapter 1189, is amended by adding the following new section:

NEW SECTION. SEC. 31A. NONREVERSION. Notwithstanding section 8.33, moneys appropriated in this division of this Act to the department of agriculture and land stewardship to provide financial assistance for the conservation reserve enhancement program that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year beginning July 1, 2016.

[7] Chapter 65 herein

Sec. 25. 2009 Iowa Acts, chapter 175, is amended by adding the following new section:
NEW SECTION. SEC. 17A. NONREVERSION. Notwithstanding section 8.33, moneys appropriated in this division of this Act to the department of agriculture and land stewardship to provide financial assistance for the conservation reserve enhancement program that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year beginning July 1, 2016.

Sec. 26. 2010 Iowa Acts, chapter 1191, is amended by adding the following new section:
NEW SECTION. SEC. 19A. NONREVERSION. Notwithstanding section 8.33, moneys appropriated in this division of this Act to the department of agriculture and land stewardship to provide financial assistance for the conservation reserve enhancement program that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year beginning July 1, 2016.

Sec. 27. 2011 Iowa Acts, chapter 128, is amended by adding the following new section:
NEW SECTION. SEC. 14A. NONREVERSION. Notwithstanding section 8.33, moneys appropriated in this division of this Act to the department of agriculture and land stewardship to provide financial assistance for the conservation reserve enhancement program that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year beginning July 1, 2016.

Sec. 28. 2011 Iowa Acts, chapter 128, is amended by adding the following new section:
NEW SECTION. SEC. 59A. NONREVERSION. Notwithstanding section 8.33, moneys appropriated in this division of this Act to the department of agriculture and land stewardship to provide financial assistance for the conservation reserve enhancement program, as amended by 2012 Iowa Acts, chapter 1135, section 18, that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year beginning July 1, 2016.

Sec. 29. 2013 Iowa Acts, House File 649,[8] if enacted, is amended by adding the following new section:
NEW SECTION. SEC. 9. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment of 2013 Iowa Acts, Senate File 452,[9] if enacted.

**Sec. 30. 2013 Iowa Acts, Senate File 446, if enacted, is amended by adding the following section:*
NEW SECTION. SEC. 11A. CHRONIC CARE CONSORTIUM. Of the funds appropriated in this Act from the general fund of the state to the department of human services for the medical assistance program for the fiscal year beginning July 1, 2013, and ending June 30, 2014, $200,000 shall be used for the Iowa chronic care consortium pursuant to 2003 Iowa Acts, chapter 112, section 12, as amended by 2003 Iowa Acts, chapter 179, section 166 and 167.

Sec. 31. 2013 Iowa Acts, Senate File 447, the following section subsection relating to the department of public safety, if enacted, is amended to read as follows:
___. For operations, costs, and miscellaneous purposes:
..... $ 1,700,000
As a condition of the appropriation made to the department of public safety in this subsection, the moneys appropriated shall be used to retain nonsupervisory personnel in the department and shall not be used for administrative purposes.

[8] Chapter 128 herein
[9] Chapter 140 herein
* Item veto; see message at end of the Act

Sec. 32. 2013 Iowa Acts, Senate File 447, the following section subsection relating to the department of public safety, if enacted, is amended to read as follows:

7. For operations, costs, and miscellaneous purposes:

..... *$ 850,000*

As a condition of the appropriation made to the department of public safety in this subsection, the moneys appropriated shall be used to retain nonsupervisory personnel in the department and shall not be used for administrative purposes.

Sec. 33. 2013 Iowa Acts, Senate File 447, the following section subsection relating to the department of corrections, if enacted, is amended to read as follows:

~~6A.~~ 5A. For operations, costs, and miscellaneous purposes:

..... *$ 2,571,309*

As a condition of the appropriation made to the department of corrections in this subsection, the moneys appropriated shall be used to retain nonsupervisory personnel at departmental institutions and shall not be used for administrative purposes.

Sec. 34. 2013 Iowa Acts, Senate File 447, the following section subsection relating to the department of corrections, if enacted, is amended to read as follows:

6. For operations, costs, and miscellaneous purposes:

..... *$ 1,285,655*

*As a condition of the appropriation made to the department of corrections in this subsection, the moneys appropriated shall be used to retain nonsupervisory personnel at departmental institutions and shall not be used for administrative purposes.**

Sec. 35. RETROACTIVE APPLICABILITY. The following provision or provisions of this division of this Act apply retroactively to May 13, 2008:

1. The section of this Act amending 2008 Iowa Acts, chapter 1189.

Sec. 36. RETROACTIVE APPLICABILITY. The following provision or provisions of this division of this Act apply retroactively to May 26, 2009:

1. The section of this Act amending 2009 Iowa Acts, chapter 175.

Sec. 37. RETROACTIVE APPLICABILITY. The following provision or provisions of this division of this Act apply retroactively to April 29, 2010:

1. The section of this Act amending 2010 Iowa Acts, chapter 1191.

Sec. 38. RETROACTIVE APPLICABILITY. The following provision or provisions of this division of this Act apply retroactively to July 21, 2011:

1. The sections of this Act amending 2011 Iowa Acts, chapter 128.

Sec. 39. RETROACTIVE APPLICABILITY. The following provision or provisions of this division of this Act apply retroactively to the date of enactment of 2013 Iowa Acts, House File 649: [10]

1. The section of this Act amending 2013 Iowa Acts, House File 649. [11]

DIVISION III
SALARIES, COMPENSATION, AND RELATED MATTERS

Sec. 40. STATE COURT — JUSTICES, JUDGES, AND MAGISTRATES.

1. The salary rates specified in subsection 2 are for the fiscal year beginning July 1, 2013, effective for the pay period beginning January 3, 2014, and for subsequent fiscal years until otherwise provided by the general assembly. The salaries provided for in this section shall be paid from funds allocated to the judicial branch from the salary adjustment fund, or if the allocation is not sufficient, from funds appropriated to the judicial branch pursuant to this Act or any other Act of the general assembly.

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* Item veto; see message at end of the Act

[10] Chapter 128 herein

[11] Chapter 128 herein

2. The following annual salary rates shall be paid to the persons holding the judicial positions indicated during the fiscal year beginning July 1, 2013, effective with the pay period beginning January 3, 2014, and for subsequent pay periods.

a. Chief justice of the supreme court:
..... $ 178,538

b. Each justice of the supreme court:
..... $ 170,544

c. Chief judge of the court of appeals:
..... $ 159,885

d. Each associate judge of the court of appeals:
..... $ 154,556

e. Each chief judge of a judicial district:
..... $ 149,226

f. Each district judge except the chief judge of a judicial district:
..... $ 143,897

g. Each district associate judge:
..... $ 127,908

h. Each associate juvenile judge:
..... $ 127,908

i. Each associate probate judge:
..... $ 127,908

j. Each judicial magistrate:
..... $ 39,438

k. Each senior judge:
..... $ 8,527

3. Persons receiving the salary rates established under this section shall not receive any additional salary adjustments provided by this Act.

Sec. 41. JUDICIAL BRANCH — APPROPRIATION. There is appropriated from the general fund of the state to the judicial branch for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries for justices, judges, and magistrates:
..... $ 850,000

Sec. 42. SPECIAL FUNDS. For the fiscal year beginning July 1, 2013, and ending June 30, 2014, and for the fiscal year beginning July 1, 2014, and ending June 30, 2015, salary adjustments may be funded using departmental revolving, trust, or special funds for which the general assembly has established an operating budget, provided doing so does not exceed the operating budget established by the general assembly.

Sec. 43. SALARY MODEL ADMINISTRATOR. The salary model administrator shall work in conjunction with the legislative services agency to maintain the state's salary model used for analyzing, comparing, and projecting state employee salary and benefit information, including information relating to employees of the state board of regents. The department of revenue, the department of administrative services, the five institutions under the jurisdiction of the state board of regents, the judicial district departments of correctional services, and the state department of transportation shall provide salary data to the department of management and the legislative services agency to operate the state's salary model. The format and frequency of provision of the salary data shall be determined by the department of management and the legislative services agency. The information shall be used in collective bargaining processes under chapter 20 and in calculating the funding needs contained within the annual salary adjustment legislation. A state employee organization as defined in section 20.3, subsection 4, may request information produced by the model, but the information provided shall not contain information attributable to individual employees.

Sec. 44. 2008 Iowa Acts, chapter 1191, section 14, subsection 4, is amended to read as follows:

4. The following are range 4 positions: director of the department of human rights, director of the Iowa state civil rights commission, executive director of the college student aid commission, director of the department for the blind, executive director of the ethics and campaign disclosure board, executive director of the Iowa public information board, members of the public employment relations board, and chairperson, vice chairperson, and members of the board of parole.

DIVISION IV
CORRECTIVE PROVISIONS

Sec. 45. Section 2.12, unnumbered paragraph 4, Code 2013, as amended by 2013 Iowa Acts, House File 185,[12] section 1, is amended to read as follows:

There is appropriated out of any funds in the state treasury not otherwise appropriated such sums as may be necessary for the fiscal year budgets of the legislative services agency and the ~~ombudsman~~ office of ombudsman for salaries, support, maintenance, and miscellaneous purposes to carry out their statutory responsibilities. The legislative services agency and the ~~ombudsman~~ office of ombudsman shall submit their proposed budgets to the legislative council not later than September 1 of each year. The legislative council shall review and approve the proposed budgets not later than December 1 of each year. The budget approved by the legislative council for each of its statutory legislative agencies shall be transmitted by the legislative council to the department of management on or before December 1 of each year for the fiscal year beginning July 1 of the following year. The department of management shall submit the approved budgets received from the legislative council to the governor for inclusion in the governor's proposed budget for the succeeding fiscal year. The approved budgets shall also be submitted to the chairpersons of the committees on appropriations. The committees on appropriations may allocate from the funds appropriated by this section the funds contained in the approved budgets, or such other amounts as specified, pursuant to a concurrent resolution to be approved by both houses of the general assembly. The director of the department of administrative services shall issue warrants for salaries, support, maintenance, and miscellaneous purposes upon requisition by the administrative head of each statutory legislative agency. If the legislative council elects to change the approved budget for a legislative agency prior to July 1, the legislative council shall transmit the amount of the budget revision to the department of management prior to July 1 of the fiscal year, however, if the general assembly approved the budget it cannot be changed except pursuant to a concurrent resolution approved by the general assembly.

Sec. 46. Section 2.42, subsection 14, Code 2013, as amended by 2013 Iowa Acts, House File 185,[13] section 2, is amended to read as follows:

14. To hear and act upon appeals of aggrieved employees of the legislative services agency and the office of ~~the~~ ombudsman pursuant to rules of procedure established by the council.

Sec. 47. Section 2C.3, subsection 2, Code 2013, as enacted by 2013 Iowa Acts, House File 185,[14] section 4, is amended to read as follows:

2. The ombudsman shall employ and supervise all employees under the ombudsman's direction in such positions and at such salaries as shall be authorized by the legislative council. The legislative council shall hear and act upon appeals of aggrieved employees of the office of ~~the~~ ombudsman.

[12] Chapter 10 herein
[13] Chapter 10 herein
[14] Chapter 10 herein

Sec. 48. Section 2C.9, subsection 6, Code 2013, as amended by 2013 Iowa Acts, House File 185,[15] section 10, is amended to read as follows:

6. Establish rules relating to the operation, organization, and procedure of the office of ~~the~~ ombudsman. The rules are exempt from chapter 17A and shall be published in the Iowa administrative code.

Sec. 49. Section 2C.11, subsection 1, unnumbered paragraph 1, Code 2013, as amended by 2013 Iowa Acts, House File 185,[16] section 12, is amended to read as follows:

An appropriate subject for investigation by the office of ~~the~~ ombudsman is an administrative action that might be:

Sec. 50. Section 2C.18, Code 2013, as amended by 2013 Iowa Acts, House File 185,[17] section 20, is amended to read as follows:

2C.18 Report to general assembly.

The ombudsman shall by April 1 of each year submit an economically designed and reproduced report to the general assembly and to the governor concerning the exercise of the ~~ombudsman~~ ombudsman's functions during the preceding calendar year. In discussing matters with which the ombudsman has been concerned, the ombudsman shall not identify specific persons if to do so would cause needless hardship. If the annual report criticizes a named agency or official, it shall also include unedited replies made by the agency or official to the criticism, unless excused by the agency or official affected.

Sec. 51. Section 8B.21, subsection 5, paragraph e, if enacted by 2013 Iowa Acts, Senate File 396,[18] section 3,[19] is amended to read as follows:

e. The department of public defense shall not be required to obtain any information technology services pursuant to this chapter for the department of public defense that ~~is~~ are provided by the office pursuant to this chapter without the consent of the adjutant general.

Sec. 52. Section 23A.4, subsection 3, Code 2013, as enacted by 2013 Iowa Acts, House File 185,[20] section 27, is amended to read as follows:

3. Chapter 17A and this section are the exclusive remedy for violations of this chapter. However, the office of ~~the~~ ombudsman may review violations of this chapter and make recommendations as provided in chapter 2C.

Sec. 53. Section 29.1, Code 2013, as amended by 2013 Iowa Acts, House File 307,[21] section 9, is amended to read as follows:

29.1 Department of public defense.

The department of public defense is composed of the office of the adjutant general and the military forces of the state of Iowa. The adjutant general is the director of the department of public defense and shall perform all functions, responsibilities, powers, and duties ~~over~~ concerning the military forces of the state of Iowa as provided in the laws of the state.

Sec. 54. Section 35A.13, subsection 6A, paragraph b, subparagraph (1), if enacted by 2013 Iowa Acts, House File 613,[22] section 2, is amended to read as follows:

(1) The commission may provide educational assistance funds to any child who has lived in the state of Iowa for two years preceding application for state educational assistance, and who is the child of a person who died prior to September 11, 2001, during active federal military service while serving in the armed forces or during active federal military service in the Iowa national guard or other military component of the United States, to defray the expenses of tuition, matriculation, laboratory and similar fees, books and supplies, board, lodging, and any other reasonably necessary expense for the child or children incident to attendance

[15] Chapter 10 herein
[16] Chapter 10 herein
[17] Chapter 10 herein
[18] Chapter 129 herein
[19] According to enrolled Act; a reference to section 18 probably intended
[20] Chapter 10 herein
[21] Chapter 29 herein
[22] Chapter 91 herein

in this state at an educational or training institution of college grade, or in a business or vocational training school with standards approved by the department. The commission shall not expend more than six hundred dollars per year for educational assistance for any one child under this paragraph *"b"*.

Sec. 55. Section 70A.28, subsection 6, Code 2013, as amended by 2013 Iowa Acts, House File 185,[23] section 28, is amended to read as follows:

6. Subsection 2 may also be enforced by an employee through an administrative action pursuant to the requirements of this subsection if the employee is not a merit system employee or an employee covered by a collective bargaining agreement. An employee eligible to pursue an administrative action pursuant to this subsection who is discharged, suspended, demoted, or otherwise receives a reduction in pay and who believes the adverse employment action was taken as a result of the employee's disclosure of information that was authorized pursuant to subsection 2, may file an appeal of the adverse employment action with the public employment relations board within thirty calendar days following the later of the effective date of the action or the date a finding is issued to the employee by the office of ~~the~~ ombudsman pursuant to section 2C.11A. The findings issued by the ombudsman may be introduced as evidence before the public employment relations board. The employee has the right to a hearing closed to the public, but may request a public hearing. The hearing shall otherwise be conducted in accordance with the rules of the public employment relations board and the Iowa administrative procedure Act, chapter 17A. If the public employment relations board finds that the action taken in regard to the employee was in violation of subsection 2, the employee may be reinstated without loss of pay or benefits for the elapsed period, or the public employment relations board may provide other appropriate remedies. Decisions by the public employment relations board constitute final agency action.

Sec. 56. Section 105.10, subsection 3, Code 2013, as amended by 2013 Iowa Acts, Senate File 427,[24] section 10, is amended to read as follows:

3. An individual holding a master mechanical license shall not be required to get an HVAC-refrigeration, sheet metal, or hydronic license in order to design, install, or repair the work defined in this chapter as mechanical, HVAC-refrigeration, sheet metal, or hydronic work. An individual holding a ~~journey~~ journeyperson mechanical license shall not be required to get an HVAC-refrigeration, sheet metal, or hydronic license in order to install and repair the work defined in this chapter as mechanical, HVAC-refrigeration, sheet metal, or hydronic work. An individual holding a master or ~~journey~~ journeyperson mechanical license shall also not be required to obtain a special, restricted license that is designated as a sublicense of the mechanical, HVAC-refrigeration, sheet metal, or hydronic licenses.

Sec. 57. Section 105.32, as enacted by 2013 Iowa Acts, Senate File 427,[25] section 32, Code 2013, is amended to read as follows:

105.32 Transition provisions.

A licensee whose license expires between June 30, 2014, and July 1, 2017, may voluntarily renew ~~their~~ the license early so ~~they may have~~ the license has an expiration date of June 30, 2017. This voluntary early renewal may happen at any time on or after July 1, 2014. The department shall promulgate rules that allow for this one-time early renewal process, including fees and continuing education requirements.

Sec. 58. Section 126.11, subsection 3, paragraph b, Code 2013, as amended by 2013 Iowa Acts, House File 417,[26] section 26, is amended to read as follows:

b. A drug dispensed by filling or refilling a written, electronic, facsimile, or oral prescription of a practitioner licensed by law to administer the drug is exempt from section 126.10, except section 126.10, subsection 1, paragraph *"a"*, section 126.10, subsection 1, paragraph *"i"*, subparagraphs (2) and (3), and section 126.10, subsection 1, paragraphs *"k"*

[23] Chapter 10 herein
[24] Chapter 77 herein
[25] Chapter 77 herein
[26] Chapter 30 herein

and *"l"*, and the packaging requirements of section 126.10, subsection 1, paragraphs *"g"*, *"h"*, and *"p"*, if the drug bears a label containing the name and address of the dispenser, the date of the prescription or of its filling, the name of the prescriber, and, if stated in the prescription, the name of the patient, and the directions for use and cautionary statements, if any, contained in the prescription. This exemption does not apply to a drug dispensed in the course of the conduct of the business of dispensing drugs pursuant to diagnosis by mail, or to a drug dispensed in violation of paragraph *"a"* of this subsection.

Sec. 59. Section 249A.43, subsection 3, as enacted by 2013 Iowa Acts, Senate File 357,[27] section 7, is amended to read as follows:

3. An affidavit of service of a notice of entry of judgment shall be made by first class mail at the address where the debtor was served with the notice of overpayment. Service is completed upon mailing as specified in this ~~paragraph~~ subsection.

Sec. 60. Section 252D.17, subsection 1, paragraph m, as enacted by 2013 Iowa Acts, House File 417,[28] section 55, Code 2013, is amended to read as follows:

~~*m.*~~ 2. The department shall establish criteria and a phased-in schedule to require, no later than June 30, 2015, payors of income to electronically transmit the amounts withheld under an income withholding order. The department shall assist payors of income in complying with the required electronic transmission, and shall adopt rules setting forth procedures for use in electronic transmission of funds, and exemption from use of electronic transmission taking into consideration any undue hardship electronic transmission creates for payors of income.

Sec. 61. Section 263B.3, Code 2013, as amended by 2013 Iowa Acts, House File 417,[29] section 63, is amended to read as follows:

263B.3 Agreements with federal departments.

The state archaeologist is authorized to enter into agreements and cooperative efforts with the federal highway administrator, the United States departments of commerce, interior, agriculture, and defense, and any other federal or state agencies concerned with archaeological salvage or the preservation of antiquities.

Sec. 62. Section 321.463, subsection 12A, paragraphs a and c, as enacted by 2013 Iowa Acts, House File 14,[30] section 1, are amended to read as follows:

a. A person operating a vehicle or combination of vehicles equipped with a retractable axle may raise the axle when necessary to negotiate a turn, provided that the retractable axle is lowered within one thousand feet following completion of the turn. This paragraph does not apply to a vehicle or combination of vehicles operated on an interstate highway, including a ramp to or from an interstate highway, or on a bridge.

c. This subsection does not prohibit the operation of a vehicle or combination of vehicles equipped with a retractable axle ~~from operating~~ with the retractable axle raised when the vehicle or combination of vehicles is in compliance with the weight limitations of this section with the retractable axle raised.

Sec. 63. Section 321E.9A, subsection 1, Code 2013, as amended by 2013 Iowa Acts, Senate File 355,[31] section 7, is amended to read as follows:

1. Vehicles with indivisible loads having an overall length not to exceed one hundred twenty feet, an overall width not to exceed sixteen feet, and a height not to exceed fifteen feet five inches may be moved on highways specified by the ~~permitting~~ permit-issuing authority, provided the gross weight on any one axle shall not exceed the maximum prescribed in section 321.463 and the total gross weight is not greater than one hundred fifty-six thousand pounds.

[27] Chapter 24 herein
[28] Chapter 30 herein
[29] Chapter 30 herein
[30] Chapter 27 herein
[31] Chapter 49 herein

Sec. 64. Section 327F.39, subsection 6, paragraph b, if enacted by 2013 Iowa Acts, Senate File 340,[32] section 4, is amended to read as follows:

b. A violation of subsection 4A or rules adopted pursuant to subsection 4A by a railroad worker transportation company or a railroad ~~corporation~~ company is punishable as a schedule "one" penalty under section 327C.5.

Sec. 65. Section 418.5, subsection 1, Code 2013, as amended by 2013 Iowa Acts, House File 307,[33] section 51, is amended to read as follows:

1. The flood mitigation board is established consisting of nine voting members and four ex officio, nonvoting members, and is located for administrative purposes within the ~~division~~ department. The director of the department shall provide office space, staff assistance, and necessary supplies and equipment for the board. The director shall budget funds to pay the necessary expenses of the board. In performing its functions, the board is performing a public function on behalf of the state and is a public instrumentality of the state.

Sec. 66. Section 426A.11, subsection 1, Code 2013, as amended by 2013 Iowa Acts, House File 417,[34] section 97, is amended to read as follows:

1. The property, not to exceed two thousand seven hundred seventy-eight dollars in taxable value of any veteran, as defined in section 35.1, of ~~the~~ World War I.

Sec. 67. Section 437B.2, subsection 8, paragraph a, subparagraph (2), if enacted by 2013 Iowa Acts, Senate File 451,[35] section 11, is amended to read as follows:

(2) A water treatment plant where the acquisition cost of all interests acquired exceeds ten million dollars. For purposes of this ~~paragraph~~ subparagraph, *"water treatment plant"* means buildings and equipment used in that portion of the potable water supply system which in some way alters the physical, chemical, or bacteriological quality of the water.

Sec. 68. Section 437B.2, subsection 10, if enacted by 2013 Iowa Acts, Senate File 451,[36] section 11, is amended to read as follows:

10. *"Operating property"* means all property owned by or leased to a water utility, not otherwise taxed separately, which is necessary to and without which the ~~company~~ water utility could not perform the activities of a water utility.

Sec. 69. Section 437B.10, subsection 2, paragraph b, if enacted by 2013 Iowa Acts, Senate File 451,[37] section 19, is amended to read as follows:

b. Local taxing authority employees are deemed to be officers and employees of the state for purposes ~~this of~~ of this subsection.

Sec. 70. Section 455B.275, subsection 3A, paragraphs a and b, if enacted by 2013 Iowa Acts, House File 541,[38] section 1, are amended to read as follows:

a. The person reconstructing the dam is only required to possess the flooding easements or ownership which ~~were~~ was held prior to the reconstruction as long as the former normal pool elevation is not exceeded and the spillway capacity is increased by at least fifty percent.

b. Flooding easements or ownership ~~are~~ is only required to the top of the reconstructed spillway elevation.

Sec. 71. Section 490.863, subsection 3, paragraph a, as enacted by 2013 Iowa Acts, House File 469,[39] section 43, is amended to read as follows:

a. *"Holder"* means and *"held by"* refers to shares held by both a record shareholder, as defined in section 490.1301, subsection 7, and a beneficial shareholder, as defined in section 490.1301, subsection 2.

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[32] Chapter 47 herein
[33] Chapter 29 herein
[34] Chapter 30 herein
[35] Chapter 94 herein
[36] Chapter 94 herein
[37] Chapter 94 herein
[38] Chapter 69 herein
[39] Chapter 31 herein

Sec. 72. Section 490.1302, subsection 2, paragraph d, Code 2013, as amended by 2013 Iowa Acts, House File 469,[40] section 53, is amended to read as follows:

d. Paragraph *"a"*~~,~~ shall not be applicable and appraisal rights shall be available pursuant to subsection 1 for the holders of any class or series of shares where the corporate action is an interested transaction.

Sec. 73. Section 522.6, subsection 2, if enacted by 2013 Iowa Acts, Senate File 189,[41] section 6, is amended to read as follows:

2. If an insurer qualifies for exemption from the requirements of this chapter pursuant to paragraph *"a"* of subsection 1, but the insurance group of which the insurer is a member does not qualify for exemption pursuant to paragraph *"b"* of subsection 1, then the own risk and solvency assessment summary report that is required pursuant to section ~~521H.5~~ 522.5 shall include information concerning every insurer in the insurance group. This requirement may be satisfied by the submission of more than one summary report for any combination of insurers in the insurance group provided that the combination of reports submitted includes every insurer in the insurance group.

Sec. 74. Section 533.405, subsection 4A, paragraph b, subparagraphs (1) and (2), as enacted by 2013 Iowa Acts, Senate File 183,[42] section 8, are amended to read as follows:

(1) State credit unions with assets in excess of ~~$5~~ five million dollars as of the month ending immediately prior to the date of the conclusion of the vote by the membership approving the dissolution shall publish the notice once a week for two successive weeks in a newspaper of general circulation in each county in which the state credit union maintains an office or branch for the transaction of business.

(2) State credit unions with assets of ~~$5~~ five million dollars or less as of the month ending immediately prior to the date of the conclusion of the vote by the membership approving the dissolution shall publish the notice once in a newspaper of general circulation in each county in which the state credit union maintains an office or branch.

Sec. 75. Section 543C.2, subsection 1, paragraph j, if enacted by 2013 Iowa Acts, House File 556,[43] section 167, is amended to read as follows:

j. The subdivider, if a corporation, must register to do business in the state of Iowa as a foreign corporation with the secretary of state and furnish a copy of the certificate of authority to do business in the state of Iowa. If not a corporation, the subdivider must comply with the provisions of chapter 547, by filing a proper trade name with the Polk county recorder. The provisions of this ~~subsection~~ paragraph shall also apply to any person, partnership, firm, company, corporation, or association, other than the subdivider, which is engaged by or through the subdivider for the purpose of advertising or selling the land involved in the filing.

Sec. 76. Section 556.2, subsection 5, paragraph a, unnumbered paragraph 1, as enacted by 2013 Iowa Acts, House File 417,[44] section 174, is amended to read as follows:

A banking organization or financial organization shall send to the owner of each account, to which none of the actions specified in subsection ~~2~~ 1, paragraphs *"a"* through *"e"* or subsection 2, paragraphs *"a"* through *"e"* have occurred during the preceding three calendar years, a notice by certified mail stating in substance the following:

Sec. 77. Section 716.7, subsection 1, as amended by 2013 Iowa Acts, House File 556,[45] section 234, if enacted, is amended to read as follows:

1. For purposes of this section:

a. "Property" shall include any land, dwelling, building, conveyance, vehicle, or other temporary or permanent structure whether publicly or privately owned.

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[40] Chapter 31 herein
[41] Chapter 40 herein
[42] Chapter 17 herein
[43] Chapter 90 herein
[44] Chapter 30 herein
[45] Chapter 90 herein

b. "Public utility" is a public utility as defined in section 476.1 or an electric transmission line as provided in chapter 478.

~~*b.*~~ *c. "Public utility property"* means any land, dwelling, building, conveyance, vehicle, or other temporary or permanent structure owned, leased, or operated by a public utility and that is completely enclosed by a physical barrier of any kind. ~~For the purposes of this section, a "*public utility*" is a public utility as defined in section 476.1 or an electric transmission line as provided in chapter 478.~~

~~*c.*~~ *d. "Railway corporation"* means a corporation, company, or person owning, leasing, or operating any railroad in whole or in part within this state.

~~*d.*~~ *e. "Railway property"* means all tangible real and personal property owned, leased, or operated by a railway corporation with the exception of any administrative building or offices of the railway corporation.

Sec. 78. Section 724.2, subsection 1, paragraph i, if enacted by 2013 Iowa Acts, House File 556,[46] section 206, is amended to read as follows:

i. A nonresident who possesses an offensive weapon which is a curio or relic firearm under the federal Firearms Act, 18 U.S.C. ch. 44, solely for use in official functions in this state of a historical reenactment organization of which the person is a member, if the offensive weapon is legally possessed by the person in the person's state of residence and the offensive weapon is at all times while in this state rendered incapable of firing live ammunition. A nonresident who possesses an offensive weapon under this ~~subsection~~ paragraph while in this state shall not have in the person's possession live ammunition. The offensive weapon may, however, be adapted for the firing of blank ammunition.

Sec. 79. 2013 Iowa Acts, House File 556,[47] section 257, subsection 3,[48] if enacted, is amended by adding the following new subsection:

NEW SUBSECTION. 12. The Code editor is directed to change any terminology that references a web site, websites, the internet, and internet site, or internet sites in any Act enacted during the 2013 regular session of the Eighty-fifth General Assembly in the same manner as that terminology is changed in this section of this Act.

Sec. 80. 2013 Iowa Acts, House File 607,[49] section 29, subsection 3, if enacted, is amended to read as follows:

3. The department of agriculture and land stewardship or the office of attorney general acting on behalf of the agricultural development authority in an administrative or judicial proceeding shall not be affected as a result of this Act. Any ~~statue~~ statute of limitation shall apply to the parties as if this Act had not been enacted.

Sec. 81. 2013 Iowa Acts, House File 607,[50] section 34, if enacted, is amended to read as follows:

SEC. 34. ADMINISTRATION OF ONGOING PROGRAMS. The Iowa finance authority shall complete the administration of ongoing programs of the agricultural development authority as provided in chapter 175, to the extent that the administration of those programs ~~are~~ is in progress on the effective date of this division of this Act. The Iowa finance authority shall assume all rights and obligations of the agricultural development authority to the extent that moneys have been committed, obligations incurred, or rights accrued prior to the effective date of this division of this Act. Moneys owing due to the rights and obligations of the agricultural development authority and assumed by the Iowa finance authority shall be paid as directed by the Iowa finance authority.

[46] Chapter 90 herein
[47] Chapter 90 herein
[48] According to enrolled Act; omission of "subsection 3" probably intended
[49] Chapter 100 herein
[50] Chapter 100 herein

Sec. 82. 2013 Iowa Acts, House File 607,[51] section 35, subsection 1, if enacted, is amended to read as follows:

1. The assets and liabilities of the former Iowa rural rehabilitation corporation assumed by the agricultural development authority pursuant to section 175.28 shall be transferred to the Iowa finance authority on the effective date of this division of this Act. On such effective date, the Iowa finance authority shall be the successor in interest to the agreements in effect between the United States government and the agricultural development authority on behalf of this state.

Sec. 83. 2013 Iowa Acts, Senate File 427,[52] section 35, is amended to read as follows:

SEC. 35. ADMINISTRATIVE RULES. The department of public health shall adopt all initial rules, and amendments to existing rules, necessary for the implementation of this Act.

Sec. 84. 2013 Iowa Acts, Senate File 436,[53] section 5, if enacted, is amended to read as follows:

SEC. 5. APPLICABILITY. The following provision or provisions of this Act apply to eligible property to be placed in service on or after ~~the effective date of this Act~~ July 1, 2013:

1. The section of this Act amending section 404A.3.

Sec. 85. 2013 Iowa Acts, Senate File 447,[54] the following section, if enacted, is amended to read as follows:

SEC. ___. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION. There is appropriated from the general fund of the state to the criminal and juvenile justice planning division of the department of human rights for the fiscal year beginning July 1, ~~2013~~ 2014, and ending June 30, ~~2014~~ 2015, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 630,053

..... FTEs 10.81

The criminal and juvenile justice planning advisory council and the juvenile justice advisory council shall coordinate their efforts in carrying out their respective duties relative to juvenile justice.

Sec. 86. REPEAL. 2013 Iowa Acts, House File 417,[55] section 34, and 2013 Iowa Acts, House File 556,[56] section 27, if enacted, are repealed.

Sec. 87. REPEAL. 2013 Iowa Acts, House File 469,[57] sections 83 and 84, are repealed.

Sec. 88. CONTINGENT REPEAL. If 2013 Iowa Acts, House File 575,[58] section 12, is enacted, 2013 Iowa Acts, House File 417,[59] section 93, is repealed.

DIVISION V
SUPPLEMENTARY WEIGHTING FOR LIMITED ENGLISH PROFICIENT STUDENTS

Sec. 89. Section 257.31, subsection 5, paragraph j, Code 2013, is amended to read as follows:

j. Unusual need to continue providing a program or other special assistance to non-English speaking pupils after the expiration of the ~~four-year~~ five-year period specified in section 280.4.

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[51] Chapter 100 herein
[52] Chapter 77 herein
[53] Chapter 112 herein
[54] Chapter 139 herein
[55] Chapter 30 herein
[56] Chapter 90 herein
[57] Chapter 31 herein
[58] Chapter 70 herein
[59] Chapter 30 herein

Sec. 90. Section 280.4, subsection 3, Code 2013, is amended to read as follows:

3. *a.* In order to provide funds for the excess costs of instruction of limited English proficient students specified in paragraph "*b*" above the costs of instruction of pupils in a regular curriculum, students identified as limited English proficient shall be assigned an additional weighting of twenty-two hundredths, and that weighting shall be included in the weighted enrollment of the school district of residence for a period not exceeding ~~four~~ five years. However, the school budget review committee may grant supplemental aid or modified allowable growth to a school district to continue funding a program for students after the expiration of the ~~four-year~~ five-year period.

b. For students first determined to be limited English proficient for a budget year beginning on or after July 1, 2010, the additional weighting provided under paragraph "*a*" shall be included in the weighted enrollment of the school district of residence for a period not exceeding five years beginning with the budget year for which the student was first determined to be limited English proficient.

DIVISION VI
NEWBORN CRITICAL CONGENITAL HEART DISEASE SCREENING

Sec. 91. NEW SECTION. **136A.5A Newborn critical congenital heart disease screening.**

1. Each newborn born in this state shall receive a critical congenital heart disease screening by pulse oximetry or other means as determined by rule, in conjunction with the metabolic screening required pursuant to section 136A.5.

2. An attending health care provider shall ensure that every newborn under the provider's care receives the critical congenital heart disease screening.

3. This section does not apply if a parent objects to the screening. If a parent objects to the screening of a newborn, the attending health care provider shall document the refusal in the newborn's medical record and shall obtain a written refusal from the parent and report the refusal to the department.

4. Notwithstanding any provision to the contrary, the results of each newborn's critical congenital heart disease screening shall only be reported in a manner consistent with the reporting of the results of metabolic screenings pursuant to section 136A.5 if funding is available for implementation of the reporting requirement.

5. This section shall be administered in accordance with rules adopted pursuant to section 136A.8.

Sec. 92. NEWBORN CRITICAL CONGENITAL HEART DISEASE SCREENING. Notwithstanding any provision to the contrary relating to the newborn screening policy pursuant to 641 IAC 4.3(1), critical congenital heart disease screening shall be included in the state's newborn screening panel as included in the recommended uniform screening panel as approved by the United States secretary of health and human services. The center for congenital and inherited disorders advisory committee shall make recommendations regarding implementation of the screening and the center for congenital and inherited disorders shall adopt rules as necessary to implement the screening. However, reporting of the results of each newborn's critical congenital heart disease screening shall not be required unless funding is available for implementation of the reporting requirement.

DIVISION VII
RIGHT TO CURE — CLOSED CREDIT CARD ACCOUNTS

Sec. 93. Section 537.5110, subsection 4, paragraph c, Code 2013, is amended to read as follows:

c. Until the expiration of the minimum applicable period after the notice is given, the consumer may cure the default by tendering either the amount of all unpaid installments due at the time of the tender, without acceleration, plus any unpaid delinquency or deferral charges, or the amount stated in the notice of right to cure, whichever is less, or by tendering any performance necessary to cure any default other than nonpayment of amounts due, which is described in the notice of right to cure. The act of curing a default restores to the

consumer the consumer's rights under the agreement as though no default had occurred, except as provided in subsection 3. However, where the obligation in default is a credit card account that has been closed, the act of curing a default does not restore to the consumer the consumer's rights under the agreement as though no default had occurred.

Sec. 94. Section 537.5111, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. If the consumer credit transaction is a credit card account that has been closed, the notice shall conform to the requirements of subsection 2, and a notice in substantially the form specified in that subsection complies with this subsection except that the statement relating to continuation of the contract upon correction of the default as though the consumer did not default shall not be contained in the notice.

DIVISION VIII
NOTARY PUBLIC

Sec. 95. Section 9B.15, subsection 3, unnumbered paragraph 1, Code 2013, is amended to read as follows:

A certificate of a notarial act is sufficient if it meets the requirements of subsections 1 and 2 and ~~all~~ any of the following apply:

Sec. 96. Section 9B.17, subsection 1, paragraph a, Code 2013, is amended to read as follows:

a. Include the notary public's name, the words "Notarial Seal" and "Iowa", the words "Commission Number" followed by a number assigned to the notary public by the secretary of state, the words "My Commission Expires" followed either by the date that the notary public's term would ordinarily expire as provided in section 9B.21 or a blank line on which the notary public shall indicate the date of expiration, if any, of the notary public's commission, as required by and in satisfaction of section 9B.15, subsection 1, paragraph "*e*", and other information required by the secretary of state.

Sec. 97. Section 321I.31, subsection 3, Code 2013, is amended to read as follows:

3. An owner of an all-terrain vehicle shall apply to the county recorder for issuance of a certificate of title within thirty days after acquisition. The application shall be on forms the department prescribes and accompanied by the required fee. The application shall be signed and sworn to before a ~~notary public~~ notarial officer as provided in chapter 9B or other person who administers oaths, or shall include a certification signed in writing containing substantially the representation that statements made are true and correct to the best of the applicant's knowledge, information, and belief, under penalty of perjury. The application shall contain the date of sale and gross price of the all-terrain vehicle or the fair market value if no sale immediately preceded the transfer and any additional information the department requires. If the application is made for an all-terrain vehicle last previously registered or titled in another state or foreign country, the application shall contain this information and any other information the department requires.

Sec. 98. Section 462A.77, subsection 4, Code 2013, is amended to read as follows:

4. Every owner of a vessel subject to titling under this chapter shall apply to the county recorder for issuance of a certificate of title for the vessel within thirty days after acquisition. The application shall be on forms the department prescribes, and accompanied by the required fee. The application shall be signed and sworn to before a ~~notary public~~ notarial officer as provided in chapter 9B or other person who administers oaths, or shall include a certification signed in writing containing substantially the representation that statements made are true and correct to the best of the applicant's knowledge, information, and belief, under penalty of perjury. The application shall contain the date of sale and gross price of the vessel or the fair market value if no sale immediately preceded the transfer, and any additional information the department requires. If the application is made for a vessel last previously registered or titled in another state or foreign country, it shall contain this information and any other information the department requires.

Sec. 99. Section 554.3505, subsection 2, Code 2013, is amended to read as follows:

2. A protest is a certificate of dishonor made by a United States consul or vice consul, or a ~~notary public~~ notarial officer as provided in chapter 9B or other person authorized to administer oaths by the law of the place where dishonor occurs. It may be made upon information satisfactory to that person. The protest must identify the instrument and certify either that presentment has been made or, if not made, the reason why it was not made, and that the instrument has been dishonored by nonacceptance or nonpayment. The protest may also certify that notice of dishonor has been given to some or all parties.

Sec. 100. Section 589.4, Code 2013, is amended to read as follows:

589.4 Acknowledgments by corporation officers.

The acknowledgments of all deeds, mortgages, or other instruments in writing taken or certified more than ten years earlier, which instruments have been recorded in the recorder's office of any county of this state, including acknowledgments of instruments made by a corporation, or to which the corporation was a party, or under which the corporation was a beneficiary, and which have been acknowledged before or certified by a ~~notary public~~ notarial officer as provided in chapter 9B who was at the time of the acknowledgment or certifying a stockholder or officer in the corporation, are legal and valid official acts of the notaries public, and entitle the instruments to be recorded, anything in the laws of the state of Iowa in regard to acknowledgments to the contrary notwithstanding. This section does not affect pending litigation.

Sec. 101. Section 589.5, Code 2013, is amended to read as follows:

589.5 Acknowledgments by stockholders.

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

Sec. 102. Section 622.86, Code 2013, is amended to read as follows:

622.86 Foreign affidavits.

Those taken out of the state before any judge or clerk of a court of record, or before a ~~notary public~~ notarial officer as provided in chapter 9B, or a commissioner appointed by the governor of this state to take acknowledgment of deeds in the state where such affidavit is taken, are of the same credibility as if taken within the state.

DIVISION IX
CORN PROMOTION BOARD

Sec. 103. Section 185C.1, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. *"Director"* means a district elected director or a board elected director as provided in section 185C.6.

Sec. 104. Section 185C.1, subsection 5, Code 2013, is amended to read as follows:

5. *"District"* means an official crop reporting district formed by the United States department of agriculture for use on January 1, 2013, and set out in the annual farm census published in that year by the ~~Iowa~~ department of agriculture and land stewardship.

Sec. 105. Section 185C.3, Code 2013, is amended to read as follows:

185C.3 Establishment of corn promotion board.

If a majority of the producers voting in the referendum election approve the passage of

the promotional order, an Iowa corn promotion board shall be established. ~~The board shall consist of one director elected from each district in the state, except that a district producing more than an average of one hundred million bushels of corn in the three previous marketing years is entitled to two directors.~~

Sec. 106. Section 185C.6, Code 2013, is amended by striking the section and inserting in lieu thereof the following:

185C.6 Number and election of directors.

The Iowa corn promotion board established pursuant to section 185C.3 shall be composed of directors elected as provided in this chapter. The directors shall include all of the following:

1. Nine district elected directors. Each such director shall be elected from a district as provided in section 185C.5, this section, and sections 185C.7 and 185C.8. A candidate receiving the highest number of votes in each district shall be elected to represent that district.

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

Sec. 107. Section 185C.7, Code 2013, is amended to read as follows:

185C.7 Terms of directors.

1. ~~Director terms~~ A director's term of office shall be for three years ~~and no~~. A district elected director ~~of the board~~ shall not serve for more than three complete consecutive terms. A board elected director shall not serve for more than one complete term of office. A district elected director who is elected as board elected director shall not serve more than a total of four terms of office, regardless of whether any of the terms of office are complete or consecutive.

2. If the board is reconstituted pursuant to section 185C.8, the terms of the directors shall be controlled by this section. However, the initial terms of the reconstituted board shall be staggered. To the extent practicable, one-third of the elected directors shall serve an initial term of one year, one-third of the elected directors shall serve an initial term of two years, and one-third of the elected directors shall serve an initial term of three years. The initial terms of board elected directors shall be determined by board ~~members~~ directors drawing lots. ~~The board elected under this paragraph shall not contain two directors from the same district serving the same term.~~

Sec. 108. Section 185C.8, Code 2013, is amended to read as follows:

185C.8 ~~Elections~~ Administration of elections for directors.

1. The Iowa corn promotion board shall administer elections for district elected directors of the board with the assistance of the secretary. Prior to the expiration of a director's term of office, the board shall appoint a nominating committee for the district represented by that director. The nominating committee shall consist of five producers who are residents of the district from which a director must be elected. The nominating committee shall nominate two resident producers as candidates for each director position for which an election is to be held. Additional candidates may be nominated by a written petition of twenty-five producers. Procedures governing the time and place of filing shall be adopted and publicized by the board.

Following recommencement of the promotional order, or termination of the promotional order's suspension as provided in section 185C.24, the secretary shall order the reconstitution of the board. An election of district elected directors shall be held within thirty days from the date of the order. The secretary shall call for, provide for notice of, conduct, and certify the results of the election in a manner consistent with section 185C.5 through 185C.7. Directors shall serve terms as provided in section 185C.7. Rules or procedures adopted by the board and in effect at the date of suspension shall continue in effect upon reconstitution of the board. The Iowa corn growers association may nominate two resident producers as candidates for each director position. Additional candidates may be nominated by a written petition of at least twenty-five producers.

2. The Iowa corn promotion board shall administer elections for board elected directors. Prior to the expiration of a board elected director's term of office, the board may appoint a

nominating committee. In order to be eligible for nomination and election, a candidate must have previously served on the board as an elected director. An officer of the board shall certify the results of the election.

Sec. 109. Section 185C.10, subsection 3, Code 2013, is amended by striking the subsection.

Sec. 110. Section 185C.14, subsection 3, Code 2013, is amended to read as follows:

3. The board shall meet at least ~~once every~~ three ~~months~~ times each year, and at such other times as deemed necessary by the board.

Sec. 111. IMPLEMENTATION. The Iowa corn promotion board established pursuant to section 185C.3 shall implement this division of this Act.

1. During the implementation period all of the following shall apply:

a. The board shall provide for staggered terms of directors in the same manner as required for the initial terms of office of a reconstituted board pursuant to section 185C.7. However, the board is not required to draw lots as otherwise provided in that section.

b. The board is not required to fill a vacancy for an unexpired term as required in section 185C.9.

c. The board may reduce the number of years of a director's term in order to comply with this section.

2. The board shall complete implementation of this Act not later than July 1, 2014.

Sec. 112. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION X
APPORTIONMENT OF TRANSPORTATION FUNDS — APPROPRIATION

Sec. 113. Section 312.3, subsection 2, Code 2013, is amended by adding the following new paragraph:

NEW PARAGRAPH. *d.* For purposes of apportioning among the cities of the state the percentage of the road use tax fund to be credited to the street construction fund of the cities for each month beginning March 2011 and ending March 2021 pursuant to this subsection, the population of each city shall be determined by the greater of the population of the city as of the last preceding certified federal census or as of the April 1, 2010, population estimates base as determined by the United States census bureau.

Sec. 114. STREET CONSTRUCTION FUND — APPROPRIATION.

1. In a written application to the treasurer of state submitted by October 1, 2013, a city may request an additional distribution of moneys to be credited to the street construction fund of the city equal to that additional amount, calculated by the treasurer, that the city would have received if the funds were apportioned based upon the population of the city as determined by section 312.3, subsection 2, paragraph "d", as enacted in this division of this Act, for the months prior to the effective date of this division of this Act.

2. Upon determination by the treasurer of state that an additional amount should be credited to a city as provided by this section, there is appropriated from the general fund of the state to the department of transportation, for the fiscal year beginning July 1, 2013, and ending June 30, 2014, an amount sufficient to pay the additional amount which shall be distributed to the city for deposit in the street construction fund of the city.

Sec. 115. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 116. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to March 2011.

**DIVISION XI*
HISTORIC PRESERVATION AND CULTURAL AND ENTERTAINMENT DISTRICT TAX CREDITS

Sec. 117. Section 404A.4, subsection 2, paragraph d, Code 2013, is amended to read as follows:

d. For ~~the~~ a fiscal year beginning on or after July 1, 2012, ~~and for each fiscal year thereafter~~ but before July 1, 2014, the office shall reserve not more than forty-five million dollars worth of tax credits for any one taxable year.

Sec. 118. Section 404A.4, subsection 2, Code 2013, is amended by adding the following new paragraphs:

NEW PARAGRAPH. e. For the fiscal years beginning July 1, 2014, July 1, 2015, and July 1, 2016, the office shall reserve not more than fifty-five million dollars of tax credits for any one taxable year.

NEW PARAGRAPH. f. For the fiscal year beginning July 1, 2017, and for each fiscal year thereafter, the office shall reserve not more than fifty million dollars of tax credits for any one taxable year.

Sec. 119. Section 404A.4, subsection 4, paragraph a, Code 2013, is amended to read as follows:

*a. The total amount of tax credits that may be approved for a fiscal year prior to the fiscal year beginning July 1, 2012, under this chapter shall not exceed fifty million dollars. The total amount of tax credits that may be approved for a fiscal year beginning on or after July 1, 2012, but before July 1, 2014, shall not exceed forty-five million dollars. The total amount of tax credits that may be approved for a fiscal year beginning on or after July 1, 2014, but before July 1, 2017, shall not exceed fifty-five million dollars. The total amount of tax credits that may be approved for a fiscal year beginning on or after July 1, 2017, shall not exceed fifty million dollars.**

DIVISION XII
INCOME TAXES

Sec. 120. Section 422.5, subsection 1, paragraph j, subparagraph (2), subparagraph division (a), Code 2013, is amended to read as follows:

(a) The tax imposed upon the taxable income of a resident shareholder in an S corporation or of an estate or trust with a situs in Iowa that is a shareholder in an S corporation, which S corporation has in effect for the tax year an election under subchapter S of the Internal Revenue Code and carries on business within and without the state, may be computed by reducing the amount determined pursuant to paragraphs "*a*" through "*i*" by the amounts of nonrefundable credits under this division and by multiplying this resulting amount by a fraction of which the resident's or estate's or trust's net income allocated to Iowa, as determined in section 422.8, subsection 2, paragraph "*b*", is the numerator and the resident's or estate's or trust's total net income computed under section 422.7 is the denominator. If a resident shareholder, or an estate or trust with a situs in Iowa that is a shareholder, has elected to take advantage of this subparagraph (2), and for the next tax year elects not to take advantage of this subparagraph, the resident or estate or trust shareholder shall not reelect to take advantage of this subparagraph for the three tax years immediately following the first tax year for which the shareholder elected not to take advantage of this subparagraph, unless the director consents to the reelection. This subparagraph also applies to individuals who are residents of Iowa for less than the entire tax year.

Sec. 121. Section 422.8, subsection 2, paragraph b, unnumbered paragraph 1, Code 2013, is amended to read as follows:

A resident's income, or the income of an estate or trust with a situs in Iowa, allocable to Iowa is the income determined under section 422.7 reduced by items of income and expenses

* Item veto; see message at end of the Act

from an S corporation that carries on business within and without the state when those items of income and expenses pass directly to the shareholders under provisions of the Internal Revenue Code. These items of income and expenses are increased by the greater of the following:

Sec. 122. Section 422.15, subsection 2, Code 2013, is amended to read as follows:

2. Every partnership, including limited partnerships ~~organized under chapter 488, having a place of business in the state~~, doing business in this state, or deriving income from sources within this state as defined in section 422.33, subsection 1, shall make a return, stating specifically the net income and capital gains (or losses) reported on the federal partnership return, the names and addresses of the partners, and their respective shares in said amounts.

Sec. 123. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 124. RETROACTIVE APPLICABILITY. The following provision or provisions of this division of this Act apply retroactively to January 1, 2013, for tax years beginning on or after that date:

1. The section amending section 422.5.
2. The section amending section 422.8.
3. The section amending section 422.15.

DIVISION XIII
SALES AND USE TAXES

Sec. 125. Section 423.1, subsection 5, Code 2013, is amended to read as follows:

5. *"Agricultural production"* includes the production of flowering, ornamental, or vegetable plants in commercial greenhouses or otherwise, and production from aquaculture, and production from silvicultural activities. *"Agricultural products"* includes flowering, ornamental, or vegetable plants and those products of aquaculture and silviculture.

Sec. 126. Section 423.2, subsection 6, paragraph a, Code 2013, is amended to read as follows:

a. The sales price of any of the following enumerated services is subject to the tax imposed by subsection 5: alteration and garment repair; armored car; vehicle repair; battery, tire, and allied; investment counseling; service charges of all financial institutions; barber and beauty; boat repair; vehicle wash and wax; campgrounds; carpentry; roof, shingle, and glass repair; dance schools and dance studios; dating services; dry cleaning, pressing, dyeing, and laundering; electrical and electronic repair and installation; excavating and grading; farm implement repair of all kinds; flying service; furniture, rug, carpet, and upholstery repair and cleaning; fur storage and repair; golf and country clubs and all commercial recreation; gun and camera repair; house and building moving; household appliance, television, and radio repair; janitorial and building maintenance or cleaning; jewelry and watch repair; lawn care, landscaping, and tree trimming and removal; limousine service, including driver; machine operator; machine repair of all kinds; motor repair; motorcycle, scooter, and bicycle repair; oilers and lubricators; office and business machine repair; painting, papering, and interior decorating; parking facilities; pay television; pet grooming; pipe fitting and plumbing; wood preparation; executive search agencies; private employment agencies, excluding services for placing a person in employment where the principal place of employment of that person is to be located outside of the state; reflexology; security and detective services, excluding private security and detective services furnished by a peace officer with the knowledge and consent of the chief executive officer of the peace officer's law enforcement agency; sewage services for nonresidential commercial operations; sewing and stitching; shoe repair and shoeshine; sign construction and installation; storage of household goods, mini-storage, and warehousing of raw agricultural products; swimming pool cleaning and maintenance; tanning beds or salons; taxidermy services; telephone answering service; test laboratories, including mobile testing laboratories and field testing by testing laboratories, and excluding tests on humans or animals; termite, bug, roach, and pest eradicators; tin and sheet metal repair; transportation

service consisting of the rental of recreational vehicles or recreational boats, or the rental of motor vehicles subject to registration which are registered for a gross weight of thirteen tons or less for a period of sixty days or less, or the rental of aircraft for a period of sixty days or less; Turkish baths, massage, and reducing salons, excluding services provided by massage therapists licensed under chapter 152C; water conditioning and softening; weighing; welding; well drilling; wrapping, packing, and packaging of merchandise other than processed meat, fish, fowl, and vegetables; wrecking service; wrecker and towing.

Sec. 127. Section 423.3, subsection 47, paragraph d, subparagraph (4), Code 2013, is amended to read as follows:

(4) *"Manufacturer"* means ~~as defined in section 428.20~~ a person who purchases, receives, or holds personal property of any description for the purpose of adding to its value by a process of manufacturing, refining, purifying, combining of different materials, or by the packing of meats, with a view to selling the property for gain or profit, but also includes contract manufacturers. A contract manufacturer is a manufacturer that otherwise falls within the definition of manufacturer ~~under section 428.20~~, except that a contract manufacturer does not sell the tangible personal property the contract manufacturer processes on behalf of other manufacturers. A business engaged in activities subsequent to the extractive process of quarrying or mining, such as crushing, washing, sizing, or blending of aggregate materials, is a manufacturer with respect to these activities. This subparagraph (4) shall not be construed to require that a person be primarily engaged in an activity listed in this subparagraph in order to qualify as a manufacturer for purposes of this subsection.

Sec. 128. Section 423.3, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 99. The sales price from services furnished by forestry consultants and forestry vendors engaged in forestry practices on private or public land.

DIVISION XIV
IOWA FUND OF FUNDS

Sec. 129. Section 15E.62, Code 2013, is amended by adding the following new subsections:

NEW SUBSECTION. 03. *"Creditor"* means a person, including an assignee of or successor to such person, who extends credit or makes a loan to the Iowa fund of funds or to a designated investor, and includes any person who refinances such credit or loan.

NEW SUBSECTION. 04. *"Fund documents"* means all agreements relating to matters under the purview of this division VII entered into prior to the effective date of this division of this Act between or among the state, the Iowa fund of funds, a fund allocation manager or similar manager, the Iowa capital investment corporation, the board, a creditor, a designated investor, and a private seed or venture capital partnership, and includes other documents having the same force and effect between or among such parties, as any of the foregoing may be amended, modified, restated, or replaced from time to time.

Sec. 130. Section 15E.65, subsection 2, paragraph h, Code 2013, is amended to read as follows:

h. ~~Fifty years after the organization of the Iowa fund of funds~~ As soon as practicable after the effective date of this division of this Act, the Iowa capital investment corporation, in conjunction with the department of revenue, the board, and the attorney general, shall wind up the Iowa fund of funds pursuant to section 15E.72 and shall cause the Iowa fund of funds to be liquidated with all of its assets distributed to its owners in accordance with the provisions of its organizational documents and in accordance with the fund documents. In liquidating such assets, the capital investment corporation, the department of revenue, the board, and the attorney general shall act with prudence and caution in order to minimize costs and fees and to preserve investment assets to the extent reasonably possible.

Sec. 131. NEW SECTION. **15E.72 Program wind-up and future repeal.**

1. *Organization of additional funds prohibited.* Notwithstanding section 15E.65, an Iowa fund of funds shall not be organized on or after the effective date of this division of this Act.

2. *New investments by the fund of funds prohibited.* Notwithstanding section 15E.65, the Iowa fund of funds shall not make new investments in private seed and venture capital partnerships or entities on or after the effective date of this division of this Act except as required by the fund documents.

3. *New investments by designated investors prohibited.*

a. Except as provided in paragraph *"b"*, and notwithstanding any other provision in this division VII, a designated investor shall not invest in the Iowa fund of funds on or after the effective date of this division of this Act.

b. Notwithstanding the prohibition in paragraph *"a"*, a designated investor may invest in the Iowa fund of funds on or after the effective date of this division of this Act to the extent such investment is required by the fund documents. In addition, the director of revenue, with the approval of the attorney general, may authorize additional investment in the Iowa fund of funds but only if such an investment is necessary to preserve fund assets, repay creditors, pay taxes, or otherwise effectuate an orderly wind-up of the program pursuant to this section.

4. *Issuance, verification, and redemption of new certificates prohibited.*

a. Except as provided in paragraph *"b"*, and notwithstanding any other provision in this division VII, the board shall not issue, verify, or redeem a certificate or a related tax credit on or after the effective date of this division of this Act.

b. Notwithstanding the prohibition in paragraph *"a"*, the board may issue, redeem, or verify a certificate or a related tax credit under any of the following conditions:

(1) The board is required to do so under the terms of the fund documents.

(2) The issuance, redemption, or verification is deemed necessary by the director of revenue and the attorney general in order to arrange new financing terms with a creditor.

(3) The issuance, redemption, or verification is deemed necessary by the director of revenue and the attorney general to preserve fund assets, repay creditors, or otherwise effectuate an orderly wind-up of the program pursuant to this section.

5. *New fund allocation managers prohibited.*

a. Notwithstanding any other provision in this division VII, the Iowa capital investment corporation shall not have authority to solicit, select, terminate, or change a fund allocation manager or similar manager on or after the effective date of this division of this Act.

b. On or after the effective date of this division of this Act, all decisions pertaining to relationships with a fund allocation manager or similar manager selected prior to the effective date of this division of this Act shall be made by the director of revenue with the approval of the attorney general. This subsection shall not be construed to impair the terms of the fund documents.

6. *Pledging of certificates prohibited.*

a. Except as provided in paragraph *"b"*, and notwithstanding any other provision of law to the contrary, a certificate and a related tax credit or verified tax credit issued by the board shall not be pledged by a designated investor as security for a loan or an extension of credit on or after the effective date of this division of this Act.

b. Notwithstanding the prohibition in paragraph *"a"*, a certificate and related tax credit or verified tax credit issued by the board may be pledged by a designated investor as security for a loan or an extension of credit to the extent such pledge is required by the fund documents. In addition, the board, with the approval of the director of revenue and the attorney general, may authorize a certificate and related tax credit to be pledged as security for a loan or an extension of credit, but only if such a pledge is necessary to arrange new financing terms with a creditor or to repay creditors for moneys loaned or credit extended to a designated investor.

7. *Rural and small business loan guarantees prohibited.* Notwithstanding any other provision in this division VII to the contrary, the Iowa capital investment corporation shall not make rural and small business loan guarantees or otherwise administer a program to provide loan guarantees and other related credit enhancements on loans to rural and small business borrowers within the state of Iowa on or after the effective date of this division of this Act.

8. *Iowa capital investment corporation purposes amended.* Notwithstanding section 15E.64, on or after the effective date of this division of this Act, the purposes of the Iowa capital investment corporation shall be to comply with its obligations under the fund documents and to assist the board, the director of revenue, and the attorney general in effectuating the orderly wind-up of the Iowa fund of funds. In effectuating such a wind-up,

the Iowa capital investment corporation shall comply with all reasonable requests by the board, the director of revenue, the attorney general, or the auditor of state.

9. *Use of revolving fund prohibited.*

a. Notwithstanding section 15E.65, subsection 2, paragraph "*a*", on or after the effective date of this division of this Act, all investment returns received by the Iowa capital investment corporation that are in excess of those payable to designated investors shall be deposited in the general fund of the state.

b. This subsection shall not be construed to impair the terms of the fund documents. It is the intent of the general assembly that this subsection only applies in the event that there are investment returns in excess of those necessary to repay creditors and designated investors under the terms of the fund documents.

10. *Preservation of existing rights.* This section is not intended to and shall not limit, modify, or otherwise adversely affect the fund documents, including any certificate, verified tax credit, or related tax credit issued before the effective date of this division of this Act or limit, modify, or otherwise adversely affect the redemption of any tax credit, verified tax credit, or certificate.

11. *Future repeal.* This division VII is repealed upon the occurrence of one of the following, whichever is earlier:

a. The expiration or termination of all fund documents. The director of revenue shall notify the Iowa Code editor upon the occurrence of this condition.

b. December 31, 2027.

Sec. 132. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XV
STUDY REPORT

Sec. 133. ADMINISTRATIVE APPEALS PROCESS FOR TAX MATTERS AND NEW TAX APPEAL BOARD — REPORT. The department of revenue, in consultation with the department of management and other interested stakeholders, shall study the independence, effectiveness, and fairness of the state's current administrative appeals processes for tax matters and shall make recommendations for changes, if necessary, and shall additionally study the desirability, practicality, and feasibility of replacing components of these processes with a new consolidated and independent administrative appeals board for tax matters within the executive branch to resolve disputes between the department of revenue and taxpayers. The department of revenue shall prepare and file a report detailing its findings and recommendations with the chairpersons and ranking members of the ways and means committees of the senate and the house of representatives and with the legislative services agency by January 8, 2014. This section of this Act shall not be construed to provide the department of revenue with the power or authority to eliminate or in any way modify the property assessment appeals board created pursuant to section 421.1A.

DIVISION XVI
SECURE AN ADVANCED VISION FOR EDUCATION FUND

Sec. 134. Section 423F.2, subsection 1, paragraph b, Code 2013, is amended to read as follows:

b. The increase in the state sales, services, and use taxes under chapter 423, subchapters II and III, from five percent to six percent shall replace the repeal of the county's local sales and services tax for school infrastructure purposes. The distribution of moneys in the secure an advanced vision for education fund and the use of the moneys for infrastructure purposes or property tax relief shall be as provided in this chapter. ~~However, the formula for the distribution of the moneys in the fund shall be based upon amounts that would have been received if the local sales and services taxes under former chapter 423E, Code and Code Supplement 2007, continued in existence.~~

Sec. 135. Section 423F.2, subsection 3, Code 2013, is amended to read as follows:

3. The moneys available in a fiscal year in the secure an advanced vision for education fund shall be distributed by the department of revenue to each school district ~~in an amount equal to the amount the school district would have received pursuant to the formula in section 423E.4 as if the local sales and services tax for school infrastructure purposes was imposed~~ on a per pupil basis calculated using each school district's budget enrollment, as defined in section 257.6, for that fiscal year. ~~Moneys in a fiscal year that are in excess of that needed to provide each school district with its formula amount~~ Prior to distribution of moneys in the secure an advanced vision for education fund to school districts, two and one-tenths percent of the moneys available in a fiscal year shall be distributed and credited to the property tax equity and relief fund created in section 257.16A.

Sec. 136. APPLICABILITY. This division of this Act applies to fiscal years beginning on or after July 1, 2014.

DIVISION XVII
SCHOOL EMPLOYEES — BACKGROUND INVESTIGATIONS

Sec. 137. NEW SECTION. **279.69 School employees — background investigations.**

1. Prior to hiring an applicant for a school employee position, a school district shall have access to and shall review the information in the Iowa court information system available to the general public, the sex offender registry information under section 692A.121 available to the general public, the central registry for child abuse information established under section 235A.14, and the central registry for dependent adult abuse information established under section 235B.5 for information regarding the applicant. A school district shall follow the same procedure by June 30, 2014, for each school employee employed by the school district as of July 1, 2013. A school district shall implement a consistent policy to follow the same procedure for each school employee employed by the school district on or after July 1, 2013, at least every five years after the school employee's initial date of hire. A school district shall not charge an employee for the cost of the registry checks conducted pursuant to this subsection. A school district shall maintain documentation demonstrating compliance with this subsection.

2. Being listed in the sex offender registry established under chapter 692A, the central registry for child abuse information established under section 235A.14, or the central registry for dependent adult abuse information established under section 235B.5 shall constitute grounds for the immediate suspension from duties of a school employee, pending a termination hearing by the board of directors of a school district. A termination hearing conducted pursuant to this subsection shall be limited to the question of whether the school employee was incorrectly listed in the registry.

3. For purposes of this section, *"school employee"* means an individual employed by a school district, including a part-time, substitute, or contract employee. *"School employee"* does not include an individual subject to a background investigation pursuant to section 272.2, subsection 17, section 279.13, subsection 1, paragraph *"b"*, or section 321.375, subsection 2.

Sec. 138. STATE MANDATE FUNDING SPECIFIED. In accordance with section 25B.2, subsection 3, the state cost of requiring compliance with any state mandate included in this division of this Act shall be paid by a school district from state school foundation aid received by the school district under section 257.16. This specification of the payment of the state cost shall be deemed to meet all of the state funding-related requirements of section 25B.2, subsection 3, and no additional state funding shall be necessary for the full implementation of this division of this Act by and enforcement of this division of this Act against all affected school districts.

DIVISION XVIII
FROM FARM TO FOOD DONATION TAX CREDIT

Sec. 139. NEW SECTION. **190B.301 Definitions.**

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

1. *"Department"* means the department of revenue.

2. *"Tax credit"* means the from farm to food donation tax credit as established in this chapter.

Sec. 140. NEW SECTION. **190B.302 Department of revenue — cooperation with other departments.**

1. This chapter shall be administered by the department of revenue.

2. The department shall adopt all rules necessary to administer this chapter.

3. The department of agriculture and land stewardship, the department of public health, the department of human services, and the department of inspections and appeals shall cooperate with the department of revenue to administer this chapter.

Sec. 141. NEW SECTION. **190B.303 From farm to food donation tax credit.**

A from farm to food donation tax credit is allowed against the taxes imposed in chapter 422, divisions II and III, as provided in this chapter.

Sec. 142. NEW SECTION. **190B.304 From farm to food donation tax credit — eligibility.**

In order to qualify for a from farm to food donation tax credit, all of the following must apply:

1. The taxpayer must produce the donated food commodity.

2. The taxpayer must transfer title to the donated food commodity to an Iowa food bank, or an Iowa emergency feeding organization, recognized by the department. The taxpayer shall not receive remuneration for the transfer.

3. The donated food commodity cannot be damaged or out-of-condition and declared to be unfit for human consumption by a federal, state, or local health official. A food commodity that meets the requirements for donated foods pursuant to the federal emergency food assistance program satisfies this requirement.

4. A taxpayer claiming the tax credit shall provide documentation supporting the tax credit claim in a form and manner prescribed by the department by rule.

Sec. 143. NEW SECTION. **190B.305 From farm to food donation tax credit — claims filed by individuals who belong to business entities.**

An individual may claim a from farm to food donation tax credit of a partnership, limited liability company, S corporation, estate, or trust electing to have income taxed directly to the individual. The amount claimed by the individual shall be based upon the pro rata share of the individual's earnings from the partnership, limited liability company, S corporation, estate, or trust.

Sec. 144. NEW SECTION. **190B.306 From farm to food donation tax credit — limits on claims.**

A from farm to food donation tax credit is subject to all of the following limitations:

1. The tax credit shall not exceed a qualifying amount for the tax year that the tax credit is claimed. The qualifying amount is the lesser of the following:

a. Fifteen percent of the value of the commodities donated during the tax year for which the credit is claimed. The value of the commodities shall be determined in the same manner as a charitable contribution of food for federal tax purposes under section 170(e)(3)(C) of the Internal Revenue Code.

b. Five thousand dollars.

2. A tax credit in excess of the taxpayer's liability for the tax year is not refundable but may be credited to the tax liability for the following five years or until depleted, whichever is earlier.

3. If a tax credit is allowed, the amount of the contribution for which the tax credit is claimed shall not be deductible in determining taxable income for state tax purposes.

4. A tax credit shall not be carried back to a tax year prior to the tax year in which the taxpayer claims the tax credit.

Sec. 145. NEW SECTION. **422.11E From farm to food donation tax credit.**
The taxes imposed under this division, less the credits allowed under section 422.12, shall be reduced by a from farm to food donation tax credit as allowed under chapter 190B.

Sec. 146. Section 422.33, Code 2013, is amended by adding the following new subsection:
NEW SUBSECTION. 30. The taxes imposed under this division shall be reduced by a from farm to food donation tax credit as allowed under chapter 190B.

Sec. 147. APPLICABILITY. The provisions of this division of this Act providing for a from farm to food donation tax credit applies to tax years beginning on or after January 1, 2014.

DIVISION XIX
CITY FRANCHISE FEES

Sec. 148. Section 364.2, subsection 4, paragraph f, Code 2013, is amended to read as follows:
f. (1) (a) A franchise fee assessed by a city may be based upon a percentage of gross revenues generated from sales of the franchisee within the city not to exceed five percent except as provided in subparagraph division (b), without regard to the city's cost of inspecting, supervising, and otherwise regulating the franchise.
(b) For franchise fees assessed and collected during fiscal years beginning on or after July 1, 2013, but before July 1, 2030, by a city that is the subject of a judgment, court-approved settlement, or court-approved compromise providing for payment of restitution, a refund, or a return described in section 384.3A, subsection 3, paragraph *"j"*, the rate of the franchise fee shall not exceed seven and one-half percent of gross revenues generated from sales of the franchisee in the city, and franchise fee amounts assessed and collected during such fiscal years in excess of five percent of gross revenues generated from sales shall be used solely for the purpose specified in section 384.3A, subsection 3, paragraph *"j"*. A city may assess and collect a franchise fee in excess of five percent of gross revenues generated from the sales of the franchisee pursuant to this subparagraph division (b) for a period not to exceed seven consecutive fiscal years once the franchise fee is first imposed at a rate in excess of five percent. An ordinance increasing the franchise fee rate to greater than five percent pursuant to this subparagraph division (b) shall not become effective unless approved at an election. After passage of the ordinance, the council shall submit the proposal at a special election held on a date specified in section 39.2, subsection 4, paragraph *"b"*. If a majority of those voting on the proposal approves the proposal, the city may proceed as proposed. The complete text of the ordinance shall be included on the ballot and the full text of the ordinance posted for the voters pursuant to section 52.25. All absentee voters shall receive the full text of the ordinance along with the absentee ballot. This subparagraph division (b) is repealed July 1, 2030.
(2) Franchise fees collected pursuant to an ordinance in effect on May 26, 2009, shall be deposited in the city's general fund and such fees collected in excess of the amounts necessary to inspect, supervise, and otherwise regulate the franchise may be used by the city for any other purpose authorized by law. Franchise fees collected pursuant to an ordinance that is adopted or amended on or after May 26, 2009, to increase the percentage rate at which franchise fees are assessed shall be credited to the franchise fee account within the city's general fund and used pursuant to section 384.3A. If a city franchise fee is assessed to customers of a franchise, the fee shall not be assessed to the city as a customer. Before a city adopts or amends a franchise fee rate ordinance or franchise ordinance to increase the percentage rate at which franchise fees are assessed, a revenue purpose statement shall be prepared specifying the purpose or purposes for which the revenue collected from the increased rate will be expended. If property tax relief is listed as a purpose, the revenue purpose statement shall also include information regarding the amount of the property tax relief to be provided with revenue collected from the increased rate. The revenue purpose statement shall be published as provided in section 362.3.
~~(2)~~ (3) If a city adopts, amends, or repeals an ordinance imposing a franchise fee, the city shall promptly notify the director of revenue of such action.

Sec. 149. Section 384.3A, subsection 3, Code 2013, is amended by adding the following new paragraph:

NEW PARAGRAPH. *j.* For franchise fees assessed and collected by a city in excess of five percent of gross revenues generated from sales of the franchisee within the city pursuant to section 364.2, subsection 4, paragraph *"f"*, subparagraph (1), subparagraph division (b), during fiscal years beginning on or after July 1, 2013, but before July 1, 2030, the adjustment, renewal, or extension of any part or all of the legal indebtedness of a city, whether evidenced by bonds, warrants, court-approved settlements, court-approved compromises, or judgments, or the funding or refunding of the same, if such legal indebtedness relates to restitution, a refund, or a return ordered by a court of competent jurisdiction for franchise fees assessed and collected by the city before the effective date of this division of this Act. This paragraph *"j"* is repealed July 1, 2030.

Sec. 150. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XX
TUITION GRANT AMOUNTS

Sec. 151. Section 261.12, subsection 1, paragraph b, Code 2013, is amended by striking the paragraph and inserting in lieu thereof the following:

b. For the fiscal year beginning July 1, 2013, and for each following fiscal year, five thousand dollars.

**DIVISION XXI*
GENERAL AND SPECIAL EDUCATION

Sec. 152. GENERAL AND SPECIAL EDUCATION INSTRUCTIONAL PROGRAMS — PRIVATE AGENCY RESIDENTIAL SERVICES.

1. For purposes of this section, "private agency" means a residential facility licensed under chapter 135H or 237. "Private agency" does not include an institution listed in section 218.1.

2. If a private agency contracted with a school district on or before July 1, 2010, to provide general education or special education instructional programs, for the school years beginning July 1, 2012, and July 1, 2013, the private agency may bill the school district for the subsequent costs of such programs, in accordance with billing practices in place on July 1, 2010. Such school district may in turn bill a child's school district of residence for such costs. Such costs include, if necessary to meet the special needs of children requiring general education or special education, the costs of general administration, health service, attendance officers, plant operation, and plant maintenance, instructional costs, and the costs of purchase of equipment, transportation, and property, casualty, and liability insurance. Such costs do not include the costs of services otherwise funded pursuant to chapter 135H or 237.

3. An auditor conducting an annual audit of a school district pursuant to section 11.6 shall review and verify the information contained in any cost reports submitted to the school district by a private agency contracting with the school district as described in this section.

Sec. 153. GENERAL AND SPECIAL EDUCATION COSTS — LEGISLATIVE STUDY.

1. For purposes of this section, "private agency" means a residential facility licensed under chapter 135H or 237. "Private agency" does not include an institution listed in section 218.1.

2. The legislative council is requested to establish an interim study committee during the 2013 interim to examine the payment of general education and special education costs associated with student services provided by private agencies and whether the planning for and costs of such services would be more appropriately administered by the department of education or the department of human services. The study committee shall consist of legislator members of both political parties from both houses of the general assembly and representatives of the office of the governor, the department of education, the department of human services, and private agencies.

* Item veto; see message at end of the Act

*Sec. 154. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.**

DIVISION XXII
PRACTICE BY BUSINESS ENTITIES

Sec. 155. REPEAL. 2013 Iowa Acts, Senate File 181,[60] section 29, is repealed.

Sec. 156. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to March 28, 2013.

Sec. 157. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XXIII
SPEED DETECTION JAMMING DEVICES

Sec. 158. Section 321.232, Code 2013, is amended to read as follows:

321.232 ~~Radar~~ Speed detection jamming devices — penalty.

1. A person shall not sell, operate, or possess a ~~radar~~ speed detection jamming device, except as otherwise provided in this section, when the device is in a vehicle operated on the highways of this state or the device is held for sale in this state.

2. This section does not apply to ~~radar~~ speed measuring devices purchased by, held for purchase for, or operated by peace officers using the devices in performance of their official duties.

3. A ~~radar~~ speed detection jamming device sold, operated, or possessed in violation of subsection 1 may be seized by a peace officer and is subject to forfeiture as provided by chapter 809 or 809A.

4. For the purposes of this section ~~*"radar jamming device"*~~:

a. "Speed detection jamming device" means any ~~mechanism designed or used to transmit radio waves in the electromagnetic wave spectrum to interfere with the reception of those emitted from a device used by peace officers of this state to measure the speed of motor vehicles on the highways of this state and which is not designed for two-way transmission and cannot transmit in plain language~~ active or passive device, instrument, mechanism, or equipment that is designed or intended to interfere with, disrupt, or scramble the radar or laser that is used by a peace officer to measure the speed of motor vehicles. *"Speed detection jamming device"* does not include equipment that is legal under federal communications commission regulations, such as a citizens' band radio, a ham radio, or other similar electronic equipment.

b. "Speed measuring device" includes but is not limited to devices commonly known as radar speed meters or laser speed meters.

Sec. 159. Section 805.8A, subsection 14, paragraph g, Code 2013, is amended to read as follows:

g. ~~Radar jamming~~ Speed detection jamming devices. For a violation under section 321.232, the scheduled fine is one hundred dollars.

DIVISION XXIV
MOTOR VEHICLE REGISTRATION FEE EQUITY

Sec. 160. Section 321.55, Code 2013, is amended to read as follows:

321.55 Registration and financial liability coverage required for certain vehicles owned or operated by nonresidents.

1. A nonresident owner or operator engaged in remunerative employment within ~~the~~ this state or carrying on business within ~~the~~ this state and owning or operating a motor vehicle, trailer, or semitrailer within ~~the~~ this state shall register and maintain financial

* Item veto; see message at end of the Act
[60] Chapter 5 herein

liability coverage as required under section 321.20B for each vehicle and pay the same fees for registration as are paid for like vehicles owned by residents of this state. However, this ~~paragraph~~ subsection does not apply to a person commuting from the person's residence in another state or whose employment is seasonal or temporary, not exceeding ninety days.

2. *a.* A nonresident owner of a motor vehicle operated within ~~the~~ this state by a resident of ~~the~~ this state shall register the vehicle and shall maintain financial liability coverage as required under section 321.20B for the vehicle. The nonresident owner shall pay the same fees for registration as are paid for like vehicles owned by residents of this state. However, registration under this paragraph is not required for vehicles being operated by residents temporarily~~, not exceeding~~ for not more than ninety days. For purposes of this paragraph, a vehicle is not operated in the state temporarily, and is therefore subject to registration and the owner is required to pay the applicable fees, if the vehicle is located in Iowa for more than ninety consecutive or nonconsecutive days and is operated on an Iowa highway by an Iowa resident during that time. It is unlawful for a resident to operate within the state an unregistered motor vehicle required to be registered under this paragraph. The ninety-day temporary period of operation provided for under this paragraph does not apply to a vehicle owned by a shell business as provided in paragraph *"b"*.

b. On or after July 1, 2013, if the department, in consultation with the department of revenue, determines that the nonresident owner of a vehicle is a partnership, limited liability company, or corporation that is a shell business, it shall be rebuttably presumed that the Iowa resident in control of the vehicle is the actual owner of the vehicle, that the vehicle is subject to registration in this state, and that payment of the fee for new registration for the vehicle is owed by the Iowa resident.

(1) Factors which indicate that a partnership, limited liability company, or corporation is a shell business include but are not limited to the following:

(a) The partnership, limited liability company, or corporation lacks a specific business activity or purpose.

(b) The partnership, limited liability company, or corporation fails to maintain a physical location in the foreign state.

(c) The partnership, limited liability company, or corporation fails to employ individual persons and provide those persons with internal revenue service form W-2 wage and tax statements.

(d) The partnership, limited liability company, or corporation fails to file federal tax returns, or fails to file a required state tax return in the foreign state.

(2) Factors which indicate that a person is in control of a vehicle include but are not limited to the following:

(a) The person was the initial purchaser of the vehicle.

(b) The person operated or stored the vehicle in Iowa for any period of time.

(c) The person is a partner, member, or shareholder of the nonresident partnership, limited liability company, or corporation that purports to be the owner of the vehicle.

(d) The person is insured to drive the vehicle.

(3) If the department determines that the nonresident owner of a vehicle is a shell business, the department shall notify the Iowa resident in control of the vehicle in writing that the Iowa resident is required to obtain an Iowa certificate of title and registration for the vehicle and pay the fee for new registration owed for the vehicle not later than thirty days from the date of the notice.

Sec. 161. Section 321.105A, subsection 7, Code 2013, is amended to read as follows:

7. *Penalty for false statement or evasion of fee.*

a. A person who willfully makes a false statement in regard to the purchase price of a vehicle subject to a fee for new registration or willfully attempts in any manner to evade payment of the fee required by this section is guilty of a fraudulent practice. A person who willfully makes a false statement in regard to the purchase price of such a vehicle with the intent to evade payment of the fee for new registration or willfully attempts in any manner to evade payment of the fee required by this section shall be assessed a penalty of seventy-five percent of the amount of the fee unpaid and required to be paid on the actual purchase price less trade-in allowance.

b. An Iowa resident found to be in control of a vehicle which is owned by a shell business and for which the fee for new registration has not been paid, as provided in section 321.55, subsection 2, is guilty of a fraudulent practice. An Iowa resident found to be in control of a vehicle which is owned by a shell business and for which the fee for new registration has not been paid, as provided in section 321.55, subsection 2, shall be assessed a penalty of seventy-five percent of the amount of the fee unpaid and required to be paid on the actual purchase price less trade-in allowance.

Sec. 162. REPEAL. Section 321.116, Code 2013, is repealed.

Sec. 163. APPLICABILITY — PRIOR ELECTRIC VEHICLE REGISTRATIONS.

1. Except as provided in subsection 2, the section of this division of this Act that repeals section 321.116 applies to the registration of electric motor vehicles for registration years beginning on or after January 1, 2014.

2. For an annual renewal of registration for an electric motor vehicle which was registered to the same owner for a registration year beginning prior to January 1, 2014, the annual registration fee shall be according to the terms of section 321.116, Code 2013.

DIVISION XXV
IOWACARE

IOWACARE ACCOUNT APPROPRIATIONS — UNIVERSITY OF IOWA HOSPITALS AND CLINICS

Sec. 164. 2011 Iowa Acts, chapter 129, section 146, subsection 1, paragraph c, as amended by 2012 Iowa Acts, chapter 1133, section 40, is amended to read as follows:

c. The university of Iowa hospitals and clinics shall certify public expenditures in an amount equal to provide the nonfederal share on total expenditures not to exceed ~~$32,000,000~~ $26,000,000.

Sec. 165. 2011 Iowa Acts, chapter 129, section 146, subsection 2, unnumbered paragraph 2, as amended by 2012 Iowa Acts, chapter 1133, section 41, is amended to read as follows:

For salaries, support, maintenance, equipment, and miscellaneous purposes, for the provision of medical and surgical treatment of indigent patients, for provision of services to members of the expansion population pursuant to chapter 249J, and for medical education:
..... $ ~~45,654,133~~
52,569,199

Sec. 166. 2011 Iowa Acts, chapter 129, section 146, subsection 3, is amended to read as follows:

3. There is appropriated from the IowaCare account created in section 249J.24, to the state board of regents for distribution to university of Iowa physicians for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary to be used for the purposes designated:

For salaries, support, maintenance, equipment, and miscellaneous purposes for the provision of medical and surgical treatment of indigent patients, for provision of services to members of the expansion population pursuant to chapter 249J, and for medical education:
..... $ ~~16,277,753~~
19,806,365

Notwithstanding any provision of law to the contrary, the amount appropriated in this subsection shall be distributed based on claims submitted, adjudicated, and paid by the Iowa Medicaid enterprise. Once the entire amount appropriated in this subsection has been distributed, claims shall continue to be submitted and adjudicated by the Iowa Medicaid enterprise; however, no payment shall be made based upon such claims.

Sec. 167. 2011 Iowa Acts, chapter 129, section 146, subsection 6, unnumbered paragraphs 1 and 2, are amended to read as follows:

There is appropriated from the IowaCare account created in section 249J.24 to the

department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary to be used for the purposes designated:

For a care coordination pool to pay the expansion population providers consisting of the university of Iowa hospitals and clinics, the publicly owned acute care teaching hospital as specified in section 249J.7, and current medical assistance program providers that are not expansion population network providers pursuant to section 249J.7, for services covered by the full benefit medical assistance program but not under the IowaCare program pursuant to section 249J.6, that are provided to expansion population members:

..... $ ~~1,500,000~~
2,500,000

Sec. 168. 2011 Iowa Acts, chapter 129, section 146, is amended by adding the following new subsection:

NEW SUBSECTION. 8. For the fiscal year beginning July 1, 2012, and ending June 30, 2013, the state board of regents shall transfer $1,275,577 to the IowaCare account created in section 249J.24, to provide the nonfederal share for distribution to university of Iowa physicians under the IowaCare program.

Sec. 169. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XXVI
MH/DS SYSTEM REDESIGN — IMPLEMENTATION

REGIONAL FORMATION REQUIREMENTS

Sec. 170. Section 331.389, subsection 3, paragraph a, Code 2013, is amended to read as follows:

a. The counties comprising the region are contiguous except that a region may include a county that is not contiguous with any of the other counties in the region, if the county that is not contiguous has had a formal relationship for two years or longer with one or more of the other counties in the region for the provision of mental health and disability services.

ELIGIBILITY MAINTENANCE

Sec. 171. Section 331.396, subsection 1, Code 2013, is amended by adding the following new paragraph:

NEW PARAGRAPH. *0d.* Notwithstanding paragraphs *"a"* through *"c"*, if funds are available without limiting or reducing core services and it is approved as part of the regional service system management plan, eligibility may be provided for a person who is less than eighteen years of age and a resident of this state for those mental health services made available to all or a portion of the residents of the region of the same age and eligibility class under the county management plan of one or more counties of the region applicable prior to formation of the region.

Sec. 172. Section 331.396, subsection 2, Code 2013, is amended by adding the following new paragraph:

NEW PARAGRAPH. *0d.* Notwithstanding paragraphs *"a"* through *"c"*, if funds are available without limiting or reducing core services and it is approved as part of the regional service system management plan, eligibility may be provided for a person who is less than eighteen years of age and a resident of this state for those intellectual disability services made available to all or a portion of the residents of the region of the same age and eligibility class under the county management plan of one or more counties of the region applicable prior to formation of the region.

Sec. 173. Section 331.397, subsection 2, paragraph b, Code 2013, is amended to read as follows:

b. Until funding is designated for other service populations, eligibility for the service domains listed in this section shall be limited to such persons who are in need of mental health or intellectual disability services. However, if a county in a region was providing services to an ~~individual person~~ eligibility class of persons with a developmental disability other than intellectual disability or a brain injury prior to formation of the region, the ~~individual person~~ class of persons shall remain eligible for the services provided when the region is formed, provided that funds are available to continue such services without limiting or reducing core services.

RESEARCH-BASED PRACTICES

Sec. 174. Section 331.397, subsection 7, unnumbered paragraph 1, Code 2013, is amended to read as follows:

A regional service system may provide funding for other appropriate services or other support and may implement demonstration projects for an initial period of up to three years to model the use of research-based practices. In considering whether to provide such funding, a region may consider the following criteria for research-based practices:

CRISIS STABILIZATION PILOT

Sec. 175. 2012 Iowa Acts, chapter 1120, section 60, is amended to read as follows:

SEC. 60. CRISIS STABILIZATION PROGRAM PILOT PROJECT.

1. The department of human services shall authorize a facility-based, crisis stabilization program pilot project implemented by the regional service network initiated pursuant to 2008 Iowa Acts, chapter 1187, section 59, subsection 9. The facility operated by the program shall not be required to be licensed under chapter 135B, 135C, or 231C. The purpose of the pilot project is to provide a prototype for the departments of human services, inspections and appeals, and public health to develop regulatory standards for such programs and facilities. The pilot project shall comply with appropriate standards associated with funding of the services provided by the project that are identified by the department of human services. The facility shall be limited to not more than 10 beds and shall be authorized to operate through June 30, ~~2013~~ 2014.

2. The network, in cooperation with the departments of human services, inspections and appeals, and public health, shall report to the governor, the general assembly, and the legislative services agency concerning the pilot project on or before December 14, 2012, and shall submit a report update on or before December 16, 2013, providing findings and recommendations. The report and report update shall include recommendations for criteria concerning admissions, staff qualifications, staffing levels, exclusion and inclusion of service recipients, lengths of stays, transition between services, and facility requirements, and for goals and objectives for such programs and facilities.

REDESIGN TECHNICAL ASSISTANCE CARRYFORWARD

Sec. 176. 2012 Iowa Acts, chapter 1133, section 50, subsection 1, is amended to read as follows:

1. For mental health and disability services redesign technical assistance services:
..... $ 500,000

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

STATE PAYMENTS TO REGION

Sec. 177. Section 426B.3, subsection 4, as enacted by 2012 Iowa Acts, chapter 1120, section 137, is amended to read as follows:

4. *a.* For the fiscal years beginning July 1, 2013, and July 1, 2014, a county with a county population expenditure target amount that exceeds the amount of the county's base year expenditures for mental health and disabilities services shall receive an equalization payment for the difference.

b. The equalization payments determined in accordance with this subsection shall be made by the department of human services for each fiscal year as provided in appropriations made from the property tax relief fund for this purpose. If the county is part of a region that has been approved by the department in accordance with section 331.389, to commence partial or full operations, the county's equalization payment shall be remitted to the region or the county, as appropriate, for expenditure as approved by the region's governing board or in accordance with the county's service management plan, as appropriate. The payment for a county that has been approved by the department to operate as an individual county region shall be remitted to the county for expenditure as approved by the county board of supervisors. For the fiscal year beginning July 1, 2013, and succeeding fiscal years, the payment shall be remitted on or before December 31 only for those counties approved to operate as an individual county region or to be part of a region. Remittance of the payment for a county without such approval shall be deferred until such approval is granted.

STRATEGIC PLAN REQUIREMENT FOR FY 2013-2014

Sec. 178. 2012 Iowa Acts, chapter 1128, section 8, is amended to read as follows:

SEC. 8. COUNTY MENTAL HEALTH, ~~MENTAL RETARDATION~~ INTELLECTUAL DISABILITY, AND DEVELOPMENTAL DISABILITIES SERVICES MANAGEMENT PLAN — STRATEGIC PLAN. Notwithstanding section 331.439, subsection 1, paragraph "b", subparagraph (3), counties are not required to submit a three-year strategic plan by April 1, 2012, to the department of human services. A county's strategic plan in effect as of the effective date of this section shall remain in effect until the regional service system management plan for the region to which the county belongs is approved in accordance with section 331.393, subject to modification before that date as necessary to conform with statutory changes affecting the plan and any amendments to the plan that are adopted in accordance with law.

TRANSITION FUND — SERVICES MAINTENANCE

Sec. 179. TRANSITION FUND — SERVICES MAINTENANCE. A county receiving an allocation of funding from the mental health and disability services redesign transition fund created in 2012 Iowa Acts, chapter 1120, section 23, shall utilize the funding received by the county as necessary for the services covered in accordance with the county's approved management plan in effect as of June 30, 2012, for the fiscal year beginning July 1, 2012, and ending June 30, 2013.

REDESIGN EQUALIZATION PAYMENT APPROPRIATION

Sec. 180. MENTAL HEALTH AND DISABILITY SERVICES — EQUALIZATION PAYMENTS TRANSFER AND APPROPRIATION.

1. There is transferred from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For deposit in the property tax relief fund created in section 426B.1, for distribution as provided in this section:

..... $ 29,820,478

2. The moneys credited to the property tax relief fund in accordance with this section are appropriated to the department of human services for distribution of equalization payments for counties in the amounts specified in section 426B.3, subsection 4, as enacted by 2012 Iowa

Acts, chapter 1120, section 137, for the fiscal year beginning July 1, 2013. If the county is part of a region that has been approved by the department in accordance with section 331.389, to commence partial or full operations, the county's equalization payment shall be remitted to the region for expenditure as approved by the region's governing board.

3. a. For the purposes of this subsection, "payment obligation" means an outstanding obligation for payment to the department of human services for the undisputed cost of services provided under the medical assistance program prior to July 1, 2012, or for the undisputed cost of non-Medicaid services provided prior to July 1, 2013.

b. Unless a county has entered into an agreement as provided in paragraph "c", if a county receiving an equalization payment under this section has a payment obligation, the county shall remit to the department any unpaid portion of the payment obligation prior to June 30, 2013, from moneys available to the county that meet federal match requirements for the medical assistance program and for the child enrollment contingency fund under the federal Children's Health Insurance Program Reauthorization Act of 2009.

c. A county that has not paid the county's payment obligation in full as provided in paragraph "b" shall enter into an agreement with the department for remittance of any unpaid portion of the county's payment obligation. An agreement entered into under this lettered paragraph shall provide for remittance of any unpaid portion by the end of the fiscal year beginning July 1, 2013. The equalization payment for a county subject to this lettered paragraph shall be remitted as provided by the county's agreement with the department.

d. The equalization payment for a county that is not subject to paragraph "c" shall be remitted on or before July 15, 2013.

MEDICAID OBLIGATION COST SETTLEMENT

Sec. 181. COUNTY MEDICAL ASSISTANCE NONFEDERAL SHARE — COST SETTLEMENT. Any county obligation for payment to the department of human services of the nonfederal share of the cost of services provided under the medical assistance program prior to July 1, 2012, pursuant to sections 249A.12 and 249A.26, shall remain at the amount billed through the period ending June 30, 2013. The final monthly billings for the obligations shall be remitted to counties on or before August 1, 2013. Any adjustments to the final amounts billed for such services that occur on or after July 1, 2013, shall be applied to the appropriation made to the department of human services from the general fund of the state for the medical assistance program for the fiscal year beginning July 1, 2013.

STATE PAYMENT PROGRAM

Sec. 182. STATE PAYMENT PROGRAM REMITTANCE. The moneys transferred to the property tax relief fund for the fiscal year beginning July 1, 2013, from the federal social services block grant pursuant to 2013 Iowa Acts, House File 614,[61] or any other 2013 Iowa Acts, if enacted, and from the federal temporary assistance for needy families block grant, totaling at least $11,774,275, are appropriated to the department of human services for the fiscal year beginning July 1, 2013, to be used for distribution of state payment program remittances to counties for the fiscal year in accordance with this section. The state payment program remittance shall be an amount equal to the amount paid to a county of residence under the program for state case services known as the state payment program, implemented pursuant to section 331.440, subsection 5, during the most recently available twelve-month period. The department shall draw upon the appropriation made from the general fund of the state for the medical assistance program for the fiscal year as necessary for cash flow purposes in order to distribute the state payment program remittances to counties on or before July 15, 2013, and to distribute at least the amount specified in this section.* *If the procedure for reduced federal funds specified in 2013 Iowa Acts, House File 614, or any other 2013 Iowa Acts, if enacted, reduces the amount of block grant funding available for the purposes of this section, the amount drawn from the medical assistance appropriation shall be increased to replace the amount of the reduction.**

[61] Chapter 136 herein

* Item veto; see message at end of the Act

COUNTY MENTAL HEALTH AND DISABILITY
SERVICES FUND — FY 2013-2014

Sec. 183. SERVICES FUND — MANAGEMENT PLAN. For the fiscal year beginning July 1, 2013, and ending June 30, 2014, the appropriations made by the county board of supervisors for payment for mental health and disability services pursuant to section 331.424A, subsection 3, as enacted by 2012 Iowa Acts, chapter 1120, section 132, shall be made in accordance with the county's service management plan approved under section 331.439, Code 2013, until the county management plan is replaced by a regional service system management plan approved under section 331.393.

Sec. 184. CONTINUATION OF MENTAL HEALTH AND DISABILITY SERVICES REDESIGN FISCAL VIABILITY STUDY COMMITTEE. The legislative council is requested to continue for the 2013 legislative interim the mental health and disability services redesign fiscal viability study committee initially created by the legislative council in 2012. In addition to monitoring implementation of the mental health and disability services redesign and receiving reports from stakeholder groups engaged in implementation of the redesign, the study committee shall be directed to propose a permanent approach for state, county, and regional financing of the redesign and to identify potential cost savings and service improvements that may be realized by working with community-based corrections services and other programs and services that address common needs or populations.

CHILDREN'S SERVICES

Sec. 185. CHILDREN'S SERVICES. The department of human services shall reconvene the children's services workgroup initially created by the department of human services pursuant to 2011 Iowa Acts, chapter 121, section 1, and continued pursuant to 2012 Iowa Acts, chapter 1120, section 26. The workgroup shall complete its deliberations to develop a proposal for publicly funded children's disability services and make a report with recommendations and findings to the general assembly on or before November 15, 2013. The workgroup, in consultation with affected stakeholders, shall consider options for appropriately consolidating or eliminating state councils or bodies that oversee, monitor, or provide input into policy involving publicly funded children's services.

Sec. 186. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XXVII
DATA AND STATISTICAL INFORMATION AND OUTCOME AND PERFORMANCE MEASURES

Sec. 187. Section 225C.4, subsection 1, paragraph j, Code 2013, is amended to read as follows:

j. Establish and maintain a data collection and management information system oriented to the needs of patients, providers, the department, and other programs or facilities in accordance with section 225C.6A. The system shall be used to identify, collect, and analyze service outcome and performance measures data in order to assess the effects of the services on the persons utilizing the services. The administrator shall annually submit to the commission information collected by the department indicating the changes and trends in the disability services system. The administrator shall make the outcome data available to the public.

Sec. 188. Section 225C.6A, Code 2013, is amended to read as follows:

225C.6A Disability services system ~~redesign~~ central data repository.

1. The ~~commission~~ department shall do the following relating to ~~redesign of~~ data concerning the disability services system in the state:

~~1. Identify sources of revenue to support statewide delivery of core disability services to eligible disability populations.~~

~~2. Ensure there is a continuous improvement process for development and maintenance of the disability services system for adults and children. The process shall include but is not limited to data collection and reporting provisions.~~

~~3.~~ *a.* Plan, collect, and analyze data as necessary to issue cost estimates for serving additional populations and providing core disability services statewide. The department shall maintain compliance with applicable federal and state privacy laws to ensure the confidentiality and integrity of individually identifiable disability services data. The department ~~shall regularly~~ may periodically assess the status of the compliance in order to assure that data security is protected.

b. ~~In implementing~~ Implement a ~~system~~ central data repository under this ~~subsection~~ section for collecting and analyzing state, county and region, and private contractor data~~, the~~. The department shall establish a client identifier for the individuals receiving services. ~~The client identifier shall be used in lieu of the individual's name or social security number. The client identifier shall consist of the last four digits of an individual's social security number, the first three letters of the individual's last name, the individual's date of birth, and the individual's gender in an order determined by the department.~~

c. Consult on an ongoing basis with regional administrators, service providers, and other stakeholders in implementing the central data repository and operations of the repository. The consultation shall focus on minimizing the state and local costs associated with operating the repository.

d. Engage with other state and local government and nongovernmental entities operating the Iowa health information network under chapter 135 and other data systems that maintain information relating to individuals with information in the central data repository in order to integrate data concerning individuals.

~~*c.*~~ 2. A county or region shall not be required to utilize a uniform data operational or transactional system. However, the system utilized shall have the capacity to exchange information with the department, counties and regions, contractors, and others involved with services to persons with a disability who have authorized access to the central data repository. The information exchanged shall be labeled consistently and share the same definitions. Each ~~county~~ regional administrator shall regularly report to the department ~~annually on or before December 1, for the preceding fiscal year~~ the following information for each individual served: demographic information, expenditure data, and data concerning the services and other support provided to each individual, as specified ~~in administrative rule adopted by the commission~~ by the department.

~~4. Work with county representatives and other qualified persons to develop an implementation plan for replacing the county of legal settlement approach to determining service system funding responsibilities with an approach based upon residency. The plan shall address a statewide standard for proof of residency, outline a plan for establishing a data system for identifying residency of eligible individuals, address residency issues for individuals who began residing in a county due to a court order or criminal sentence or to obtain services in that county, recommend an approach for contesting a residency determination, and address other implementation issues.~~

3. The outcome and performance measures applied to the regional service system shall utilize measurement domains. The department may identify other measurement domains in consultation with system stakeholders to be utilized in addition to the following initial set of measurement domains:

a. Access to services.

b. Life in the community.

c. Person-centeredness.

d. Health and wellness.

e. Quality of life and safety.

f. Family and natural supports.

4. *a.* The processes used for collecting outcome and performance measures data shall include but are not limited to direct surveys of the individuals and families receiving services and the providers of the services. The department shall involve a workgroup of persons who are knowledgeable about both the regional service system and survey techniques to implement and maintain the processes. The workgroup shall conduct an ongoing evaluation

for the purpose of eliminating the collection of information that is not utilized. The surveys shall be conducted with a conflict-free approach in which someone other than a provider of services surveys an individual receiving the services.

b. The outcome and performance measures data shall encompass and provide a means to evaluate both the regional services and the services funded by the medical assistance program provided to the same service populations.

c. The department shall develop and implement an internet-based approach with graphical display of information to provide outcome and performance measures data to the public and those engaged with the regional service system.

d. The department shall include any significant costs for collecting and interpreting outcome and performance measures and other data in the department's operating budget.

Sec. 189. REPEAL. The amendment to section 225C.4, subsection 1, paragraph j, in 2012 Iowa Acts, chapter 1120, section 2, is repealed.

Sec. 190. REPEAL. The amendments to section 225C.6A, in 2012 Iowa Acts, chapter 1120, sections 6, 7, and 95, are repealed.

Approved June 20, 2013, with exceptions noted.

TERRY E. BRANSTAD, *Governor*

Dear Mr. Secretary:

I hereby transmit Senate File 452, an Act relating to state and local finances by making appropriations, providing for fees, providing for legal responsibilities, providing for certain employee benefits, and providing for properly related matters, and including penalties and effective date and retroactive and other applicability provisions.

Senate File 452 is approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated as Section 30 in its entirety. This item allocates $200,000 for the chronic care consortium. The strategic planning work is duplicative of efforts already taking place within Medicaid. Additionally, the revenue from the Clinical Health Coach training program will eventually allow the Iowa Chronic Care Consortium Board to become a self-sustaining enterprise.

I am unable to approve the item designated as Section 31 in its entirety. This language restricts the Department from fulfilling its mission. It is not appropriate to direct departments to treat employees differently solely based on an employee's classification. Additionally, departments are best equipped to manage their own budgets. This does not affect the $1.7 million appropriation approved in Senate File 447.

I am unable to approve the item designated as Section 32 in its entirety. This language unnecessarily restricts the Department from fulfilling its mission. It is not appropriate to direct departments to treat employees differently solely based on an employee's classification. Additionally, departments are best equipped to manage their own budgets. This does not affect the $850,000 approved in Senate File 447.

I am unable to approve the item designated as Section 33 in its entirety. This language unnecessarily restricts the Department from fulfilling its mission. It is not appropriate to direct departments to treat employees differently solely based on an employee's classification. Additionally, departments are best equipped to manage their own budgets. This does not affect the $2,571,309 approved in Senate File 447.

I am unable to approve the item designated as Section 34 in its entirety. This language unnecessarily restricts the Department from fulfilling its mission. It is not appropriate to direct departments to treat employees differently solely based on an employee's classification. Additionally, departments are best equipped to manage their own budgets. This does not affect the $1,285,655 approved in Senate File 447.

I am unable to approve the item designated as Division XI in its entirety. This item increases the annual tax credit cap on the Historical Preservation and Cultural and Entertainment District Tax Credits. Currently, there is an Executive Order 80 Stakeholder group reviewing this tax credit program. It is my plan to approach Historical Preservation tax credits in a comprehensive and thoughtful manner. As such, I look forward to continuing to work with members of the House and Senate as this program is reviewed.

I am unable to approve the item designated as Division XXI in its entirety. This language is an attempt to provide financial relief to certain private providers of services to students related to compliance with special and general education billing requirements. The nature of the issue centers on what is and is not allowable as an educational expense in these facilities. This item would legalize what are currently non-permissive expenditures for educational funding to include a long list of expenditures that are non-educational, including expenditures related to administration, facilities, and mental health costs. This would cause an expansion of allowable expenditures and many of these facilities were complying with current law and therefore not billing for these expenses; therefore, the State would see an increase in spending as a result of these provisions. Due to the fact many school districts already operate at a deficit related to education expenditures, this increase would be directly passed on to local property taxes.

I am unable to approve the designated portion of the item designated as Section 182. Currently, the State passes federal funds through to the counties. This item requires the State to cover any reduction of funds for the counties should the federal government fail to live up to its funding promises. The federal government has not passed a budget in more than four years and has amassed more than $16 trillion in debt. I believe the federal financial picture is unsustainable in the long-term, and, therefore, obligating State taxpayer funds in such an unpredictable manner is not in the best interest of hardworking Iowa taxpayers.

For the above reasons, I respectfully disapprove the designated items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 452 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, *Governor*

CHAPTER 141

APPROPRIATIONS — EDUCATION

H.F. 604

AN ACT relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, the economic development authority, the department of workforce development, and the state board of regents, and providing for related matters.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I
FY 2013-2014 APPROPRIATIONS — STATUTORY CHANGES

DEPARTMENT FOR THE BLIND

Section 1. ADMINISTRATION. There is appropriated from the general fund of the state to the department for the blind for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

1. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 2,041,815
..... FTEs 88.00

2. For costs associated with universal access to audio information for blind and print handicapped Iowans:

..... $ 50,000

COLLEGE STUDENT AID COMMISSION

Sec. 2. There is appropriated from the general fund of the state to the college student aid commission for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. GENERAL ADMINISTRATION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 232,943
..... FTEs 3.95

2. STUDENT AID PROGRAMS

For payments to students for the Iowa grant program established in section 261.93:

..... $ 791,177

3. HEALTH CARE PROFESSIONAL RECRUITMENT PROGRAM

For the loan repayment program for health care professionals established pursuant to section 261.19:

..... $ 400,973

4. NATIONAL GUARD EDUCATIONAL ASSISTANCE PROGRAM

For purposes of providing national guard educational assistance under the program established in section 261.86:

..... $ 5,100,233

5. TEACHER SHORTAGE LOAN FORGIVENESS PROGRAM

For the teacher shortage loan forgiveness program established in section 261.112:

..... $ 392,452

6. ALL IOWA OPPORTUNITY FOSTER CARE GRANT PROGRAM

For purposes of the all Iowa opportunity foster care grant program established pursuant to section 261.6:

..... $ 554,057

7. ALL IOWA OPPORTUNITY SCHOLARSHIP PROGRAM

a. For purposes of the all Iowa opportunity scholarship program established pursuant to section 261.87:

..... $ 2,240,854

b. If the moneys appropriated by the general assembly to the college student aid commission for fiscal year 2013-2014 for purposes of the all Iowa opportunity scholarship program exceed $500,000, "eligible institution" as defined in section 261.87, shall, during fiscal year 2013-2014, include accredited private institutions as defined in section 261.9, subsection 1.

8. REGISTERED NURSE AND NURSE EDUCATOR LOAN FORGIVENESS PROGRAM

For purposes of the registered nurse and nurse educator loan forgiveness program established pursuant to section 261.23:

..... $ 80,852

9. BARBER AND COSMETOLOGY ARTS AND SCIENCES TUITION GRANT PROGRAM
For purposes of the barber and cosmetology arts and sciences tuition grant program established pursuant to section 261.18:
..... $ 36,938

10. RURAL IOWA PRIMARY CARE LOAN REPAYMENT PROGRAM
For purposes of the rural Iowa primary care loan repayment program established pursuant to section 261.113:
..... $ 1,600,000

11. RURAL IOWA ADVANCED REGISTERED NURSE PRACTITIONER AND PHYSICIAN ASSISTANT LOAN REPAYMENT PROGRAM
For purposes of the rural Iowa advanced registered nurse practitioner and physician assistant program established pursuant to section 261.114, if enacted:
..... $ 400,000

Sec. 3. IOWA TUITION GRANT APPROPRIATIONS FOR FY 2013-2014. Notwithstanding the standing appropriations in the following designated sections for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the amounts appropriated from the general fund of the state to the college student aid commission pursuant to these sections for the following designated purposes shall not exceed the following amounts:

1. For Iowa tuition grants under section 261.25, subsection 1:
..... $ 46,513,448

2. For tuition grants for students attending for-profit accredited private institutions located in Iowa under section 261.25, subsection 2:
..... $ 2,500,000

Sec. 4. CHIROPRACTIC LOAN FUNDS. Notwithstanding section 261.72, the moneys deposited in the chiropractic loan revolving fund created pursuant to section 261.72 may be used for purposes of the chiropractic loan forgiveness program established in section 261.73.

Sec. 5. WORK-STUDY APPROPRIATION FOR FY 2013-2014. Notwithstanding section 261.85, for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the amount appropriated from the general fund of the state to the college student aid commission for the work-study program under section 261.85 shall be zero.

DEPARTMENT OF EDUCATION

Sec. 6. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. GENERAL ADMINISTRATION
For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... $ 6,088,812
..... FTEs 81.67

2. VOCATIONAL EDUCATION ADMINISTRATION
For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... $ 598,197
..... FTEs 11.50

3. VOCATIONAL REHABILITATION SERVICES DIVISION
a. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... $ 5,113,168
..... FTEs 255.00
For purposes of optimizing the job placement of individuals with disabilities, the division shall make its best efforts to work with community rehabilitation program providers for job placement and retention services for individuals with significant disabilities and most

significant disabilities. By January 15, 2014, the division shall submit a written report to the general assembly on the division's outreach efforts with community rehabilitation program providers.

b. For matching funds for programs to enable persons with severe physical or mental disabilities to function more independently, including salaries and support, and for not more than the following full-time equivalent position:

..... $ 39,128
..... FTEs 1.00

c. For the entrepreneurs with disabilities program established pursuant to section 259.4, subsection 9:

..... $ 145,535

d. For costs associated with centers for independent living:

..... $ 40,294

4. STATE LIBRARY

a. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 2,715,063
..... FTEs 29.00

b. For the enrich Iowa program established under section 256.57:

..... $ 2,524,228

5. PUBLIC BROADCASTING DIVISION

For salaries, support, maintenance, capital expenditures, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 7,443,096
..... FTEs 82.00

6. VOCATIONAL EDUCATION TO SECONDARY SCHOOLS

For reimbursement for vocational education expenditures made by secondary schools:

..... $ 2,630,134

Moneys appropriated in this subsection shall be used to reimburse school districts for vocational education expenditures made by secondary schools to meet the standards set in sections 256.11, 258.4, and 260C.14.

7. SCHOOL FOOD SERVICE

For use as state matching funds for federal programs that shall be disbursed according to federal regulations, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 2,176,797
..... FTEs 20.58

8. EARLY CHILDHOOD IOWA FUND — GENERAL AID

For deposit in the school ready children grants account of the early childhood Iowa fund created in section 256I.11:

..... $ 5,386,113

a. From the moneys deposited in the school ready children grants account for the fiscal year beginning July 1, 2013, and ending June 30, 2014, not more than $265,950 is allocated for the early childhood Iowa office and other technical assistance activities. The early childhood Iowa state board shall direct staff to work with the early childhood stakeholders alliance created in section 256I.12 to inventory technical assistance needs. Moneys allocated under this lettered paragraph may be used by the early childhood Iowa state board for the purpose of skills development and support for ongoing training of staff. However, except as otherwise provided in this subsection, moneys shall not be used for additional staff or for the reimbursement of staff.

b. As a condition of receiving moneys appropriated in this subsection, each early childhood Iowa area board shall report to the early childhood Iowa state board progress on each of the local indicators approved by the area board. Each early childhood Iowa area board must also submit an annual budget for the area's comprehensive school ready children grant developed for providing services for children from birth through five years of age, and provide other information specified by the early childhood Iowa state board, including budget amendments as needed. The early childhood Iowa state board shall establish a submission deadline for

the annual budget and any budget amendments that allow a reasonable period of time for preparation by the early childhood Iowa area boards and for review and approval or request for modification of the materials by the early childhood Iowa state board. In addition, each early childhood Iowa area board must continue to comply with reporting provisions and other requirements adopted by the early childhood Iowa state board in implementing section 256I.9.

c. Of the amount appropriated in this subsection for deposit in the school ready children grants account of the early childhood Iowa fund, $2,318,018 shall be used for efforts to improve the quality of early care, health, and education programs. Moneys allocated pursuant to this paragraph may be used for additional staff and for the reimbursement of staff. The early childhood Iowa state board may reserve a portion of the allocation, not to exceed $88,650, for the technical assistance expenses of the early childhood Iowa state office, including the reimbursement of staff, and shall distribute the remainder to early childhood Iowa areas for local quality improvement efforts through a methodology identified by the early childhood Iowa state board to make the most productive use of the funding, which may include use of the distribution formula, grants, or other means.

d. Of the amount appropriated in this subsection for deposit in the school ready children grants account of the early childhood Iowa fund, $825,030 shall be used for support of professional development and training activities for persons working in early care, health, and education by the early childhood Iowa state board in collaboration with the professional development component group of the early childhood Iowa stakeholders alliance maintained pursuant to section 256I.12, subsection 7, paragraph "b", and the early childhood Iowa area boards. Expenditures shall be limited to professional development and training activities agreed upon by the parties participating in the collaboration.

9. EARLY CHILDHOOD IOWA FUND — PRESCHOOL TUITION ASSISTANCE

a. For deposit in the school ready children grants account of the early childhood Iowa fund created in section 256I.11:

..... $ 5,428,877

b. The amount appropriated in this subsection shall be used for early care, health, and education programs to assist low-income parents with tuition for preschool and other supportive services for children ages three, four, and five who are not attending kindergarten in order to increase the basic family income eligibility requirement to not more than 200 percent of the federal poverty level. In addition, if sufficient funding is available after addressing the needs of those who meet the basic income eligibility requirement, an early childhood Iowa area board may provide for eligibility for those with a family income in excess of the basic income eligibility requirement through use of a sliding scale or other copayment provisions.

10. EARLY CHILDHOOD IOWA FUND — FAMILY SUPPORT AND PARENT EDUCATION

a. For deposit in the school ready children grants account of the early childhood Iowa fund created in section 256I.11:

..... $ 12,364,434

b. The amount appropriated in this subsection shall be used for family support services and parent education programs targeted to families expecting a child or with newborn and infant children through age five and shall be distributed using the distribution formula approved by the early childhood Iowa state board and shall be used by an early childhood Iowa area board only for family support services and parent education programs targeted to families expecting a child or with newborn and infant children through age five.

11. BIRTH TO AGE THREE SERVICES

For expansion of the federal Individuals with Disabilities Education Improvement Act of 2004, Pub. L. No. 108-446, as amended to January 1, 2013, birth through age three services due to increased numbers of children qualifying for those services:

..... $ 1,721,400

From the moneys appropriated in this subsection, $383,769 shall be allocated to the child health specialty clinic at the state university of Iowa to provide additional support for infants and toddlers who are born prematurely, drug-exposed, or medically fragile.

12. EARLY HEAD START PROJECTS

For early head start projects:

..... $ 400,000

The moneys appropriated in this subsection shall be used for implementation and expansion of early head start pilot projects addressing the comprehensive cognitive, social, emotional, and developmental needs of children from birth to age three, including prenatal support for qualified families. The projects shall promote healthy prenatal outcomes and healthy family functioning, and strengthen the development of infants and toddlers in low-income families. Priority shall be given to those organizations that have previously qualified for and received state funding to administer an early head start project.

13. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS

To provide moneys for costs of providing textbooks to each resident pupil who attends a nonpublic school as authorized by section 301.1:

..... $ 600,214

Funding under this subsection is limited to $20 per pupil and shall not exceed the comparable services offered to resident public school pupils.

14. CORE CURRICULUM AND CAREER INFORMATION AND DECISION-MAKING SYSTEM

For purposes of implementing the statewide core curriculum for school districts and accredited nonpublic schools and a state-designated career information and decision-making system:

..... $ 1,000,000

15. STUDENT ACHIEVEMENT AND TEACHER QUALITY PROGRAM

For purposes of the student achievement and teacher quality program established pursuant to chapter 284, and for not more than the following full-time equivalent positions:

..... $ 6,307,351

..... FTEs 2.00

16. JOBS FOR AMERICA'S GRADUATES

For school districts to provide direct services to the most at-risk senior high school students enrolled in school districts through direct intervention by a jobs for America's graduates specialist:

..... $ 670,000

17. EDUCATION REFORM

For implementation of the education reform provisions pursuant to 2013 Iowa Acts, House File 215, [1] if enacted:

..... $ 6,840,000

18. SUCCESSFUL PROGRESSION FOR EARLY READERS

For school districts to provide intensive instructional services, curricula, initiatives, programs, and supports in accordance with section 279.68, subsection 2:

..... $ 8,000,000

19. IOWA READING RESEARCH CENTER

For the Iowa reading research center established pursuant to section 256.9, subsection 53, paragraph "c":

..... $ 1,331,000

20. COMPETENCY-BASED EDUCATION

For implementation of certain recommendations of the competency-based education task force established pursuant to 2012 Iowa Acts, chapter 1119, section 2:

..... $ 425,000

a. From the moneys appropriated in this subsection, not less than $100,000 shall be used to provide grants under a competency-based education grant program. Notwithstanding section 8.33, moneys received by the department pursuant to this lettered paragraph that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes specified in this lettered paragraph for the following fiscal year.

b. From the moneys appropriated in this subsection, not less than $100,000 shall be used for writing model competencies, not less than $25,000 shall be used for plans and templates, not less than $100,000 shall be used to develop the assessment validation rubric and model

[1] Chapter 121 herein

assessments, and not less than $100,000 shall be used to design professional development in accordance with the recommendations of the competency-based education task force.

21. MIDWESTERN HIGHER EDUCATION COMPACT

For distribution to the midwestern higher education compact to pay Iowa's member state annual obligation:

..... $ 100,000

Notwithstanding section 8.33, moneys appropriated for distribution to the midwestern higher education compact pursuant to this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purpose designated until the close of the succeeding fiscal year.

22. COMMUNITY COLLEGES

a. For general state financial aid to merged areas as defined in section 260C.2 in accordance with chapters 258 and 260C:

..... $ 193,274,647

Notwithstanding the allocation formula in section 260C.18C, the funds appropriated in this subsection shall be allocated as follows:

(1) Merged Area I	$	9,572,490
(2) Merged Area II	$	9,772,970
(3) Merged Area III	$	9,035,001
(4) Merged Area IV	$	4,443,196
(5) Merged Area V	$	10,865,853
(6) Merged Area VI	$	8,657,389
(7) Merged Area VII	$	13,121,235
(8) Merged Area IX	$	16,582,059
(9) Merged Area X	$	30,143,212
(10) Merged Area XI	$	31,835,539
(11) Merged Area XII	$	10,781,694
(12) Merged Area XIII	$	11,522,373
(13) Merged Area XIV	$	4,527,071
(14) Merged Area XV	$	14,202,552
(15) Merged Area XVI	$	8,212,013

b. For distribution to community colleges to supplement faculty salaries:

..... $ 500,000

Sec. 7. ONLINE CURRICULUM FOR UNIFORM TRANSFER OF ACADEMIC CREDIT — STUDY AND REPORT.

1. The department of education shall conduct a study regarding the establishment of an online curriculum to facilitate the transfer of academic credits earned by students residing in child foster care facilities licensed under section 237.4, and in institutions controlled by the department of human services and listed in section 218.1, between those facilities and institutions and public and accredited nonpublic schools. The goal of the curriculum shall be to minimize wherever possible the loss of academic credit for coursework completed by such students.

2. Instruction provided through the online curriculum shall be taught by teachers licensed under chapter 272. All courses in the online curriculum shall meet existing accreditation standards.

3. The department shall submit a report of its findings and recommendations to the general assembly by January 3, 2014.

STATE BOARD OF REGENTS

Sec. 8. There is appropriated from the general fund of the state to the state board of regents for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. OFFICE OF STATE BOARD OF REGENTS

a. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 1,065,005
..... FTEs 15.00

The state board of regents shall submit a monthly financial report in a format agreed upon by the state board of regents office and the legislative services agency. The report submitted in December 2013 shall include the five-year graduation rates for the regents universities.

b. For moneys to be allocated to the southwest Iowa regents resource center in Council Bluffs:

..... $ 182,734

c. For moneys to be allocated to the northwest Iowa regents resource center in Sioux City under section 262.9, subsection 22:

..... $ 66,601

d. For moneys to be allocated to the quad-cities graduate studies center:

..... $ 34,513

The board may transfer moneys appropriated under paragraph "b", "c", or "d", of this subsection to any of the other centers specified in paragraph "b", "c", or "d", if the board notifies, in writing, the general assembly and the legislative services agency of the amount, the date, and the purpose of the transfer.

e. For moneys to be distributed to Iowa public radio for public radio operations:

..... $ 391,568

2. STATE UNIVERSITY OF IOWA

a. General university, including lakeside laboratory

For salaries, support, maintenance, equipment, financial aid, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 222,041,351
..... FTEs 5,058.55

b. Oakdale campus

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 2,186,558
..... FTEs 38.25

c. State hygienic laboratory

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 4,402,615
..... FTEs 102.50

d. Family practice program

For allocation by the dean of the college of medicine, with approval of the advisory board, to qualified participants to carry out the provisions of chapter 148D for the family practice program, including salaries and support, and for not more than the following full-time equivalent positions:

..... $ 1,788,265
..... FTEs 190.40

e. Child health care services

For specialized child health care services, including childhood cancer diagnostic and treatment network programs, rural comprehensive care for hemophilia patients, and the Iowa high-risk infant follow-up program, including salaries and support, and for not more than the following full-time equivalent positions:

..... $ 659,456
..... FTEs 57.97

f. Statewide cancer registry

For the statewide cancer registry, and for not more than the following full-time equivalent positions:

..... $ 149,051
..... FTEs 2.10

g. Substance abuse consortium

For moneys to be allocated to the Iowa consortium for substance abuse research and evaluation, and for not more than the following full-time equivalent position:

..... $ 55,529
..... FTEs 1.00

h. Center for biocatalysis

For the center for biocatalysis, and for not more than the following full-time equivalent positions:

..... $ 723,727
..... FTEs 6.28

i. Primary health care initiative

For the primary health care initiative in the college of medicine, and for not more than the following full-time equivalent positions:

..... $ 648,930
..... FTEs 5.89

From the moneys appropriated in this lettered paragraph, $254,889 shall be allocated to the department of family practice at the state university of Iowa college of medicine for family practice faculty and support staff.

j. Birth defects registry

For the birth defects registry, and for not more than the following full-time equivalent position:

..... $ 38,288
..... FTEs 1.00

k. Larned A. Waterman Iowa nonprofit resource center

For the Larned A. Waterman Iowa nonprofit resource center, and for not more than the following full-time equivalent positions:

..... $ 162,539
..... FTEs 2.75

l. Iowa online advanced placement academy science, technology, engineering, and mathematics initiative

For the establishment of the Iowa online advanced placement academy science, technology, engineering, and mathematics initiative:

..... $ 481,849

m. For the Iowa flood center for use by the university's college of engineering pursuant to section 466C.1:

..... $ 1,500,000

3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY

a. General university

For salaries, support, maintenance, equipment, financial aid, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 173,986,353
..... FTEs 3,647.42

b. Agricultural experiment station

For the agricultural experiment station salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 28,111,877
..... FTEs 546.98

c. Cooperative extension service in agriculture and home economics

For the cooperative extension service in agriculture and home economics salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 18,266,722
..... FTEs 383.34

d. Leopold center

For agricultural research grants at Iowa state university of science and technology under section 266.39B, and for not more than the following full-time equivalent positions:

..... $ 397,417
..... FTEs 11.25

e. Livestock disease research

For deposit in and the use of the livestock disease research fund under section 267.8:

..... $ 172,844

4. UNIVERSITY OF NORTHERN IOWA

a. General university

For salaries, support, maintenance, equipment, financial aid, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 83,222,819

..... FTEs 1,447.50

b. Recycling and reuse center

For purposes of the recycling and reuse center, and for not more than the following full-time equivalent positions:

..... $ 175,256

..... FTEs 3.00

c. Science, technology, engineering, and mathematics (STEM) collaborative initiative

For purposes of the science, technology, engineering, and mathematics (STEM) collaborative initiative established pursuant to section 268.7, and for not more than the following full-time equivalent positions:

..... $ 5,200,000

..... FTEs 6.20

(1) Except as otherwise provided in this lettered paragraph, the moneys appropriated in this lettered paragraph shall be expended for salaries, staffing, institutional support, activities directly related to recruitment of kindergarten through grade 12 mathematics and science teachers, and for ongoing mathematics and science programming for students enrolled in kindergarten through grade 12.

(2) The university of northern Iowa shall work with the community colleges to develop STEM professional development programs for community college instructors and STEM curriculum development.

(3) From the moneys appropriated in this lettered paragraph, not less than $500,000 nor more than $1,000,000 shall be used to provide technology education opportunities to high school, career academy, and community college students through a public-private partnership, as well as opportunities for students and faculties at these institutions to secure broad-based information technology certification. The Iowa governor's STEM advisory council shall utilize a request for proposals process for contracts to make available, through the regional STEM network hubs, at high schools, career academies, and community colleges, instruction on skills and competencies that are essential for the workplace and which are requested by Iowa's employers. Such a contract shall include the following components:

(a) A research-based curriculum.

(b) Online access to the curriculum.

(c) Instructional software for classroom and student use.

(d) Certification of skills and competencies in a broad base of information technology-related skill areas.

(e) Professional development for teachers.

(f) Deployment and program support, including but not limited to integration with current curriculum standards.

d. Real estate education program

For purposes of the real estate education program, and for not more than the following full-time equivalent position:

..... $ 125,302

..... FTEs 1.00

5. STATE SCHOOL FOR THE DEAF

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 9,030,634

..... FTEs 126.60

6. IOWA BRAILLE AND SIGHT SAVING SCHOOL

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 3,765,136
..... FTEs 62.87

7. TUITION AND TRANSPORTATION COSTS

For payment to local school boards for the tuition and transportation costs of students residing in the Iowa braille and sight saving school and the state school for the deaf pursuant to section 262.43 and for payment of certain clothing, prescription, and transportation costs for students at these schools pursuant to section 270.5:

..... $ 11,763

8. LICENSED CLASSROOM TEACHERS

For distribution at the Iowa braille and sight saving school and the Iowa school for the deaf based upon the average yearly enrollment at each school as determined by the state board of regents:

..... $ 82,049

Sec. 9. ENERGY COST-SAVINGS PROJECTS — FINANCING. For the fiscal year beginning July 1, 2013, and ending June 30, 2014, the state board of regents may use notes, bonds, or other evidences of indebtedness issued under section 262.48 to finance projects that will result in energy cost savings in an amount that will cause the state board to recover the cost of the projects within an average of six years.

Sec. 10. PRESCRIPTION DRUG COSTS. Notwithstanding section 270.7, the department of administrative services shall pay the state school for the deaf and the Iowa braille and sight saving school the moneys collected from the counties during the fiscal year beginning July 1, 2013, for expenses relating to prescription drug costs for students attending the state school for the deaf and the Iowa braille and sight saving school.

Sec. 11. Section 256I.7, subsection 1, paragraph a, Code 2013, is amended to read as follows:

a. The early childhood Iowa functions for an area shall be performed under the authority of an early childhood Iowa area board. The members of an area board shall be elected officials or members of the public who are not employed by a provider of services to or for the area board. In addition, the membership of an area board shall include representation from early care, education, health, human services, business, and faith interests, and at least one parent, grandparent, or guardian of a child from zero through age five. However, not more than one member shall represent the same entity or interest.

Sec. 12. Section 256I.8, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 3. An area board shall not be a provider of services to or for the area board.

Sec. 13. NEW SECTION. **256I.13 Home visitation program — funding intent.**

1. In order to implement the legislative intent stated in sections 135.106 and 256I.9, that priority for home visitation program funding be given to programs using evidence-based or promising models for home visitation, it is the intent of the general assembly to phase in the funding priority as follows:

a. By July 1, 2013, twenty-five percent of state funds expended for home visiting programs are for evidence-based or promising program models.

b. By July 1, 2014, fifty percent of state funds expended for home visiting programs are for evidence-based or promising program models.

c. By July 1, 2015, seventy-five percent of state funds expended for home visiting programs are for evidence-based or promising program models.

d. By July 1, 2016, ninety percent of state funds expended for home visiting programs are for evidence-based or promising program models. The remaining ten percent of funds may be used for innovative program models that do not yet meet the definition of evidence-based or promising programs.

2. For the purposes of this section, unless the context otherwise requires or unless otherwise provided under federal law:

a. "Evidence-based program" means a program that is based on scientific evidence demonstrating that the program model is effective. An evidence-based program shall be reviewed on site and compared to program model standards by the model developer or the developer's designee at least every five years to ensure that the program continues to maintain fidelity with the program model. The program model shall have had demonstrated significant and sustained positive outcomes in an evaluation utilizing a well-designed and rigorous randomized controlled research design or a quasi-experimental research design, and the evaluation results shall have been published in a peer-reviewed journal.

b. "Family support programs" includes group-based parent education or home visiting programs that are designed to strengthen protective factors, including parenting skills, increasing parental knowledge of child development, and increasing family functioning and problem solving skills. A family support program may be used as an early intervention strategy to improve birth outcomes, parental knowledge, family economic success, the home learning environment, family and child involvement with others, and coordination with other community resources. A family support program may have a specific focus on preventing child maltreatment or ensuring children are safe, healthy, and ready to succeed in school.

c. "Promising program" means a program that meets all of the following requirements:

(1) The program conforms to a clear, consistent family support model that has been in existence for at least three years.

(2) The program is grounded in relevant empirically based knowledge.

(3) The program is linked to program-determined outcomes.

(4) The program is associated with a national or state organization that either has comprehensive program standards that ensure high-quality service delivery and continuous program quality improvement or the program model has demonstrated through the program's benchmark outcomes that the program has achieved significant positive outcomes equivalent to those achieved by program models with published significant and sustained results in a peer-reviewed journal.

(5) The program has been awarded the Iowa family support credential and has been reviewed on site at least every five years to ensure the program's adherence to the Iowa family support standards approved by the state board or a comparable set of standards. The on-site review is completed by an independent review team that is not associated with the program or the organization administering the program.

3. *a.* The data reporting requirements adopted by the state board pursuant to section 256I.4 for the family support programs targeted to families expecting a child or with newborn and infant children through age five and funded through the state board shall require the programs to participate in a state-administered internet-based data collection system. The data reporting requirements shall be developed in a manner to provide for compatibility with local data collection systems. The state board's annual report submitted each January to the governor and general assembly under section 256I.4 shall include family support program outcomes beginning with the January 2015 report.

b. The data on families served that is collected by the family support programs funded through the early childhood Iowa initiative shall include but is not limited to basic demographic information, services received, funding utilized, and program outcomes for the children and families served. The state board shall adopt performance benchmarks for the family support programs and shall revise the Iowa family support credential to incorporate the performance benchmarks on or before January 1, 2014.

c. The state board shall identify minimum competency standards for the employees and supervisors of family support programs funded through the early childhood Iowa initiative. The state board shall submit recommendations concerning the standards to the governor and general assembly on or before January 1, 2014.

d. The state board shall adopt criminal and child abuse record check requirements for the employees and supervisors of family support programs funded through the early childhood Iowa initiative.

e. The state board shall develop a plan to implement a coordinated intake and referral process for publicly funded family support programs in order to engage the families expecting a child or with newborn and infant children through age five in all communities in the state by July 1, 2015.

Sec. 14. Section 261.113, subsection 5, paragraph a, Code 2013, is amended to read as follows:

a. The amount of loan repayment an eligible student who enters into an agreement pursuant to subsection 3 shall receive ~~upon fulfilling the requirements of subsection 3~~ if in compliance with obligations under the agreement shall ~~be~~ not ~~more than~~ exceed fifty thousand dollars annually for an eligible loan. Payments under this section ~~are limited to~~ may be made for each year of eligible practice during a ~~four-year~~ consecutive five-year period and shall not exceed a total of two hundred thousand dollars.

Sec. 15. Section 261.113, subsection 9, Code 2013, is amended by adding the following new paragraph:

NEW PARAGRAPH. *d.* If a loan repayment recipient fails to fulfill the obligation to engage in practice in accordance with subsection 3, the recipient shall be subject to repayment to the commission of the loan amount plus interest as specified by rule. A loan repayment recipient who fails to meet the requirements of the obligation to engage in practice in accordance with subsection 3 may also be subject to repayment of moneys advanced by the service commitment area as provided in any agreement with the service commitment area.

Sec. 16. NEW SECTION. **261.114 Rural Iowa advanced registered nurse practitioner and physician assistant loan repayment program — fund — appropriations.**

1. *Program established.* A rural Iowa advanced registered nurse practitioner and physician assistant loan repayment program is established to be administered by the college student aid commission for purposes of providing loan repayments for advanced registered nurse practitioner students and physician assistant students who agree to practice as advanced registered nurse practitioners or physician assistants in service commitment areas for five years and meet the requirements of this section.

2. *Eligibility.* An individual is eligible to apply to enter into a program agreement with the commission if the individual is enrolled full-time in and receives a recommendation from an eligible university in a curriculum leading to a doctorate of nursing practice degree or a masters of physician assistant studies degree.

3. *Program agreements.* A program agreement shall be entered into by an eligible student and the commission when the eligible student begins the curriculum leading to a doctorate of nursing practice degree or a masters of physician assistant studies degree. Under the agreement, to receive loan repayments pursuant to subsection 5, an eligible student shall agree to and shall fulfill all of the following requirements:

a. Receive a doctorate of nursing practice degree or a masters of physician assistant studies degree from an eligible university and obtain a license to practice as an advanced registered nurse practitioner pursuant to chapter 152 or physician assistant pursuant to chapter 148C.

b. Within nine months of receiving a degree and obtaining a license in accordance with paragraph "*a*", engage in the full-time practice as an advanced registered nurse practitioner or physician assistant for a period of sixty consecutive months in the service commitment area specified under subsection 6, unless the loan repayment recipient receives a waiver from the commission to complete the months of practice required under the agreement in another service commitment area pursuant to subsection 6.

4. *Priority to Iowa residents.* The commission shall give priority to eligible students who are residents of Iowa upon enrolling in the eligible university.

5. *Loan repayment amounts.*

a. The amount of loan repayment an eligible student who enters into an agreement pursuant to subsection 3 shall receive upon fulfilling the requirements of subsection 3 shall be not more than five thousand dollars annually for an eligible loan. Payments under this section are limited to a four-year period and shall not exceed a total of twenty thousand dollars.

b. The commission shall not enter into more than fifteen program agreements annually.

6. *Selection of service commitment area.* A loan repayment recipient shall notify the commission of the recipient's service commitment area prior to beginning practice in the area in accordance with subsection 3. The commission may waive the requirement that the loan repayment recipient practice in the same service commitment area for all sixty months.

7. *Rules for additional loan repayment.* The commission shall adopt rules to provide, in addition to loan repayment provided to eligible students pursuant to this section and subject to the availability of surplus funds, loan repayment to an advanced registered nurse practitioner or physician assistant who, as provided in subsection 3, received a degree from an eligible university, obtained a license to practice in this state, and is engaged in full-time practice as an advanced registered nurse practitioner or physician assistant in a service commitment area.

8. *Part-time practice — agreement amended.* A person who entered into an agreement pursuant to subsection 3 may apply to the commission to amend the agreement to allow the person to engage in less than the full-time practice specified in the agreement and under subsection 3. If the commission determines exceptional circumstances exist, the commission and the person may consent to amend the agreement under which the person shall engage in less than full-time practice as an advanced registered nurse practitioner or physician assistant in a service commitment area for an extended period of part-time practice determined by the commission to be proportional to the amount of full-time practice remaining under the original agreement.

9. *Postponement and satisfaction of service obligation.*

a. The obligation to engage in practice in accordance with subsection 3 shall be postponed for the following purposes:

(1) Active duty status in the armed forces, the armed forces military reserve, or the national guard.

(2) Service in volunteers in service to America.

(3) Service in the federal peace corps.

(4) A period of service commitment to the United States public health service commissioned corps.

(5) A period of religious missionary work conducted by an organization exempt from federal income taxation pursuant to section 501(c)(3) of the Internal Revenue Code.

(6) Any period of temporary medical incapacity during which the person obligated is unable, due to a medical condition, to engage in full-time practice as required under subsection 3.

b. Except for a postponement under paragraph "*a*", subparagraph (6), an obligation to engage in practice under an agreement entered into pursuant to subsection 3, shall not be postponed for more than two years from the time the full-time practice was to have commenced under the agreement.

c. An obligation to engage in full-time practice under an agreement entered into pursuant to subsection 3 shall be considered satisfied when any of the following conditions are met:

(1) The terms of the agreement are completed.

(2) The person who entered into the agreement dies.

(3) The person who entered into the agreement, due to a permanent disability, is unable to practice as an advanced registered nurse practitioner or physician assistant.

d. If a loan repayment recipient fails to fulfill the obligation to engage in practice in accordance with subsection 3, the recipient shall be subject to repayment to the commission of the loan amount plus interest as specified by rule. A loan repayment recipient who fails to meet the requirements of the obligation to engage in practice in accordance with subsection 3 may also be subject to repayment of moneys advanced by the service commitment area as provided in any agreement with the service commitment area.

10. *Trust fund established.* A rural Iowa advanced registered nurse practitioner and physician assistant trust fund is created in the state treasury as a separate fund under the control of the commission. The commission shall remit all repayments made pursuant to this section to the rural Iowa advanced registered nurse practitioner and physician assistant trust fund. All moneys deposited or paid into the trust fund are appropriated and made available to the commission to be used for meeting the requirements of this section. Moneys in the fund up to the total amount that an eligible student may receive for an eligible loan in accordance with this section and upon fulfilling the requirements of subsection 3 shall be considered encumbered for the duration of the agreement entered into pursuant to subsection 3. Notwithstanding section 8.33, any balance in the fund on June 30 of each fiscal year shall not revert to the general fund of the state, but shall be available for purposes of this section in subsequent fiscal years.

11. *Definitions*. For purposes of this section:

a. *"Eligible loan"* means the loan repayment recipient's total federally guaranteed Stafford loan amount under the federal family education loan program or the federal direct loan program, including principal and interest.

b. *"Eligible university"* means either the state university of Iowa college of medicine or Des Moines university — osteopathic medical center.

c. *"Service commitment area"* means a city in Iowa with a population of less than twenty-six thousand that is located more than twenty miles from a city with a population of fifty thousand or more and which provides a two thousand dollar contribution for deposit in the rural Iowa advanced registered nurse practitioner and physician assistant trust fund for each advanced registered nurse practitioner or physician assistant in the community who is participating in the rural Iowa advanced registered nurse practitioner and physician assistant loan repayment program.

Sec. 17. Section 262.9, subsection 19, Code 2013, is amended by adding the following new paragraph:

NEW PARAGRAPH. *c*. Prohibit the designation of a portion of the tuition moneys collected from resident undergraduate students by institutions of higher education governed by the board for use for student aid purposes. However, such institutions may designate that a portion of the tuition moneys collected from nonresident students be used for such purposes.

Sec. 18. Section 262.9, subsection 22, Code 2013, is amended to read as follows:

22. Assist a nonprofit organization located in Sioux City in the creation of a ~~tristate graduate~~ northwest Iowa regents resource center~~,~~ comparable to the ~~quad cities graduate~~ southwest Iowa regents resource center~~,~~ located in ~~the quad cities in Iowa~~ Council Bluffs. The purpose of the Sioux City ~~graduate~~ regents resource center shall be to create ~~graduate~~ postsecondary education opportunities for students living in northwest Iowa.

Sec. 19. Section 273.3, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 24. Be authorized to sell software and support services, professional development programs and materials, online professional development, and online training to entities other than school districts within the state and to school districts and other public agencies located outside of the state. The board may also sell to school districts within this state software and support services, professional development programs and materials, online professional development, and online training which the area education agency is not otherwise required to provide to a school district under this chapter or chapter 256B or 257.

Sec. 20. Section 284.13, subsection 1, paragraphs a, b, c, and d, Code 2013, are amended to read as follows:

a. For the fiscal year beginning July 1, ~~2012~~ 2013, and ending June 30, ~~2013~~ 2014, to the department of education, the amount of ~~five~~ eight hundred ~~eighty-five~~ forty-six thousand two hundred fifty dollars for the issuance of national board certification awards in accordance with section 256.44. Of the amount allocated under this paragraph, not less than eighty-five thousand dollars shall be used to administer the ambassador to education position in accordance with section 256.45.

b. For the fiscal year beginning July 1, ~~2012~~ 2013, and ending June 30, ~~2013~~ 2014, an amount up to ~~two~~ three million ~~four~~ five hundred ~~sixty-three~~ thirty-seven thousand ~~five~~ eight hundred ~~ninety~~ seventy-five dollars for first-year and second-year beginning teachers, to the department of education for distribution to school districts and area education agencies for purposes of the beginning teacher mentoring and induction programs. A school district or area education agency shall receive one thousand three hundred dollars per beginning teacher participating in the program. If the funds appropriated for the program are insufficient to pay mentors, school districts, and area education agencies as provided in this paragraph, the department shall prorate the amount distributed to school districts and area education agencies based upon the amount appropriated. Moneys received by a school district or area education agency pursuant to this paragraph shall be expended to provide each mentor with an award of five hundred dollars per semester, at a minimum, for participation in the school district's or area education agency's beginning teacher mentoring

and induction program; to implement the plan; and to pay any applicable costs of the employer's share of contributions to federal social security and the Iowa public employees' retirement system or a pension and annuity retirement system established under chapter 294, for such amounts paid by the district or area education agency.

c. For the fiscal year beginning July 1, ~~2012~~ 2013, and ending June 30, ~~2013~~ 2014, up to ~~six~~ seven hundred eighty-six thousand eight hundred sixteen dollars to the department for purposes of implementing the professional development program requirements of section 284.6, assistance in developing model evidence for teacher quality committees established pursuant to section 284.4, subsection 1, paragraph "*c*", and the evaluator training program in section 284.10. A portion of the funds allocated to the department for purposes of this paragraph may be used by the department for administrative purposes and for not more than four full-time equivalent positions.

d. For the fiscal year beginning July 1, ~~2012~~ 2013, and ending June 30, ~~2013~~ 2014, an amount up to one million one hundred thirty-six thousand four hundred ten dollars to the department for the establishment of teacher development academies in accordance with section 284.6, subsection 10. A portion of the funds allocated to the department for purposes of this paragraph may be used for administrative purposes.

DIVISION II
FY 2014-2015 APPROPRIATIONS

DEPARTMENT FOR THE BLIND

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

1. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 1,020,908
..... FTEs 88.00

2. For costs associated with universal access to audio information for blind and print handicapped Iowans:

..... $ 25,000

COLLEGE STUDENT AID COMMISSION

Sec. 22. There is appropriated from the general fund of the state to the college student aid commission for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. GENERAL ADMINISTRATION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 116,472
..... FTEs 3.95

2. STUDENT AID PROGRAMS

For payments to students for the Iowa grant program established in section 261.93:

..... $ 395,588

3. HEALTH CARE PROFESSIONAL RECRUITMENT PROGRAM

For the loan repayment program for health care professionals established pursuant to section 261.19:

..... $ 200,487

4. NATIONAL GUARD EDUCATIONAL ASSISTANCE PROGRAM

For purposes of providing national guard educational assistance under the program established in section 261.86:

..... $ 2,550,116

5. TEACHER SHORTAGE LOAN FORGIVENESS PROGRAM

For the teacher shortage loan forgiveness program established in section 261.112:

..... $ 196,226

6. ALL IOWA OPPORTUNITY FOSTER CARE GRANT PROGRAM

For purposes of the all Iowa opportunity foster care grant program established pursuant to section 261.6:

..... $ 277,029

7. ALL IOWA OPPORTUNITY SCHOLARSHIP PROGRAM

a. For purposes of the all Iowa opportunity scholarship program established pursuant to section 261.87:

..... $ 1,120,427

b. If the moneys appropriated by the general assembly to the college student aid commission for fiscal year 2014-2015 for purposes of the all Iowa opportunity scholarship program exceed $250,000, "eligible institution" as defined in section 261.87, shall, during fiscal year 2014-2015, include accredited private institutions as defined in section 261.9, subsection 1.

8. REGISTERED NURSE AND NURSE EDUCATOR LOAN FORGIVENESS PROGRAM

For purposes of the registered nurse and nurse educator loan forgiveness program established pursuant to section 261.23:

..... $ 40,426

9. BARBER AND COSMETOLOGY ARTS AND SCIENCES TUITION GRANT PROGRAM

For purposes of the barber and cosmetology arts and sciences tuition grant program established pursuant to section 261.18:

..... $ 18,469

10. RURAL IOWA PRIMARY CARE LOAN REPAYMENT PROGRAM

For purposes of the rural Iowa primary care loan repayment program established pursuant to section 261.113:

..... $ 800,000

11. RURAL IOWA ADVANCED REGISTERED NURSE PRACTITIONER AND PHYSICIAN ASSISTANT LOAN REPAYMENT PROGRAM

For purposes of the rural Iowa advanced registered nurse practitioner and physician assistant loan repayment program established pursuant to section 261.114, if enacted:

..... $ 200,000

Sec. 23. IOWA TUITION AND VOCATIONAL TECHNICAL GRANT APPROPRIATIONS FOR FY 2014-2015. Notwithstanding the standing appropriations in the following designated sections for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the amounts appropriated from the general fund of the state to the college student aid commission pursuant to these sections for the following designated purposes shall not exceed the following amounts:

1. For Iowa tuition grants under section 261.25, subsection 1:

..... $ 23,256,724

2. For tuition grants for students attending for-profit accredited private institutions located in Iowa under section 261.25, subsection 2:

..... $ 1,250,000

3. For vocational-technical tuition grants under section 261.25, subsection 3:

..... $ 1,125,092

Sec. 24. CHIROPRACTIC LOAN FUNDS. Notwithstanding section 261.72, the moneys deposited in the chiropractic loan revolving fund created pursuant to section 261.72 may be used for purposes of the chiropractic loan forgiveness program established in section 261.73.

Sec. 25. WORK-STUDY APPROPRIATION FOR FY 2014-2015. Notwithstanding section 261.85, for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the amount appropriated from the general fund of the state to the college student aid commission for the work-study program under section 261.85 shall be zero.

DEPARTMENT OF EDUCATION

Sec. 26. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. GENERAL ADMINISTRATION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 3,044,406
..... FTEs 81.67

2. VOCATIONAL EDUCATION ADMINISTRATION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 299,099
..... FTEs 11.50

3. VOCATIONAL REHABILITATION SERVICES DIVISION

a. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 2,556,584
..... FTEs 255.00

For purposes of optimizing the job placement of individuals with disabilities, the division shall make its best efforts to work with community rehabilitation program providers for job placement and retention services for individuals with significant disabilities and most significant disabilities. By January 15, 2015, the division shall submit a written report to the general assembly on the division's outreach efforts with community rehabilitation program providers.

b. For matching funds for programs to enable persons with severe physical or mental disabilities to function more independently, including salaries and support, and for not more than the following full-time equivalent position:

..... $ 19,564
..... FTEs 1.00

c. For the entrepreneurs with disabilities program established pursuant to section 259.4, subsection 9:

..... $ 72,768

d. For costs associated with centers for independent living:

..... $ 20,147

4. STATE LIBRARY

a. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 1,357,532
..... FTEs 29.00

b. For the enrich Iowa program established under section 256.57:

..... $ 1,262,114

5. PUBLIC BROADCASTING DIVISION

For salaries, support, maintenance, capital expenditures, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 3,721,548
..... FTEs 82.00

6. VOCATIONAL EDUCATION TO SECONDARY SCHOOLS

For reimbursement for vocational education expenditures made by secondary schools:

..... $ 1,315,067

Moneys appropriated in this subsection shall be used to reimburse school districts for vocational education expenditures made by secondary schools to meet the standards set in sections 256.11, 258.4, and 260C.14.

7. SCHOOL FOOD SERVICE

For use as state matching funds for federal programs that shall be disbursed according to federal regulations, including salaries, support, maintenance, miscellaneous purposes, and

for not more than the following full-time equivalent positions:

..... $ 1,088,399

..... FTEs 20.58

8. EARLY CHILDHOOD IOWA FUND — GENERAL AID

For deposit in the school ready children grants account of the early childhood Iowa fund created in section 256I.11:

..... $ 2,693,056

a. From the moneys deposited in the school ready children grants account for the fiscal year beginning July 1, 2014, and ending June 30, 2015, not more than $132,975 is allocated for the early childhood Iowa office and other technical assistance activities. The early childhood Iowa state board shall direct staff to work with the early childhood stakeholders alliance created in section 256I.12 to inventory technical assistance needs. Moneys allocated under this lettered paragraph may be used by the early childhood Iowa state board for the purpose of skills development and support for ongoing training of staff. However, except as otherwise provided in this subsection, moneys shall not be used for additional staff or for the reimbursement of staff.

b. As a condition of receiving moneys appropriated in this subsection, each early childhood Iowa area board shall report to the early childhood Iowa state board progress on each of the local indicators approved by the area board. Each early childhood Iowa area board must also submit an annual budget for the area's comprehensive school ready children grant developed for providing services for children from birth through five years of age, and provide other information specified by the early childhood Iowa state board, including budget amendments as needed. The early childhood Iowa state board shall establish a submission deadline for the annual budget and any budget amendments that allow a reasonable period of time for preparation by the early childhood Iowa area boards and for review and approval or request for modification of the materials by the early childhood Iowa state board. In addition, each early childhood Iowa area board must continue to comply with reporting provisions and other requirements adopted by the early childhood Iowa state board in implementing section 256I.9.

c. Of the amount appropriated in this subsection for deposit in the school ready children grants account of the early childhood Iowa fund, $1,159,009 shall be used for efforts to improve the quality of early care, health, and education programs. Moneys allocated pursuant to this paragraph may be used for additional staff and for the reimbursement of staff. The early childhood Iowa state board may reserve a portion of the allocation, not to exceed $44,325, for the technical assistance expenses of the early childhood Iowa state office, including the reimbursement of staff, and shall distribute the remainder to early childhood Iowa areas for local quality improvement efforts through a methodology identified by the early childhood Iowa state board to make the most productive use of the funding, which may include use of the distribution formula, grants, or other means.

d. Of the amount appropriated in this subsection for deposit in the school ready children grants account of the early childhood Iowa fund, $412,515 shall be used for support of professional development and training activities for persons working in early care, health, and education by the early childhood Iowa state board in collaboration with the professional development component group of the early childhood Iowa stakeholders alliance maintained pursuant to section 256I.12, subsection 7, paragraph "b", and the early childhood Iowa area boards. Expenditures shall be limited to professional development and training activities agreed upon by the parties participating in the collaboration.

9. EARLY CHILDHOOD IOWA FUND — PRESCHOOL TUITION ASSISTANCE

a. For deposit in the school ready children grants account of the early childhood Iowa fund created in section 256I.11:

..... $ 2,714,438

b. The amount appropriated in this subsection shall be used for early care, health, and education programs to assist low-income parents with tuition for preschool and other supportive services for children ages three, four, and five who are not attending kindergarten in order to increase the basic family income eligibility requirement to not more than 200 percent of the federal poverty level. In addition, if sufficient funding is available after addressing the needs of those who meet the basic income eligibility requirement, an early childhood Iowa area board may provide for eligibility for those with a family income in

excess of the basic income eligibility requirement through use of a sliding scale or other copayment provisions.

10. EARLY CHILDHOOD IOWA FUND — FAMILY SUPPORT AND PARENT EDUCATION

a. For deposit in the school ready children grants account of the early childhood Iowa fund created in section 256I.11:

..... $ 6,182,217

b. The amount appropriated in this subsection shall be used for family support services and parent education programs targeted to families expecting a child or with newborn and infant children through age five and shall be distributed using the distribution formula approved by the early childhood Iowa state board and shall be used by an early childhood Iowa area board only for family support services and parent education programs targeted to families expecting a child or with newborn and infant children through age five.

11. BIRTH TO AGE THREE SERVICES

For expansion of the federal Individuals with Disabilities Education Improvement Act of 2004, Pub. L. No. 108-446, as amended to January 1, 2013, birth through age three services due to increased numbers of children qualifying for those services:

..... $ 860,700

From the moneys appropriated in this subsection, $191,885 shall be allocated to the child health specialty clinic at the state university of Iowa to provide additional support for infants and toddlers who are born prematurely, drug-exposed, or medically fragile.

12. EARLY HEAD START PROJECTS

For early head start projects:

..... $ 200,000

The moneys appropriated in this subsection shall be used for implementation and expansion of early head start pilot projects addressing the comprehensive cognitive, social, emotional, and developmental needs of children from birth to age three, including prenatal support for qualified families. The projects shall promote healthy prenatal outcomes and healthy family functioning, and strengthen the development of infants and toddlers in low-income families. Priority shall be given to those organizations that have previously qualified for and received state funding to administer an early head start project.

13. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS

To provide moneys for costs of providing textbooks to each resident pupil who attends a nonpublic school as authorized by section 301.1:

..... $ 300,107

Funding under this subsection is limited to $20 per pupil and shall not exceed the comparable services offered to resident public school pupils.

14. CORE CURRICULUM AND CAREER INFORMATION AND DECISION-MAKING SYSTEM

For purposes of implementing the statewide core curriculum for school districts and accredited nonpublic schools and a state-designated career information and decision-making system:

..... $ 500,000

15. STUDENT ACHIEVEMENT AND TEACHER QUALITY PROGRAM

For purposes of the student achievement and teacher quality program established pursuant to chapter 284, and for not more than the following full-time equivalent positions:

..... $ 3,153,675

..... FTEs 2.00

16. JOBS FOR AMERICA'S GRADUATES

For school districts to provide direct services to the most at-risk senior high school students enrolled in school districts through direct intervention by a jobs for America's graduates specialist:

..... $ 335,000

17. EDUCATION REFORM

For implementation of the education reform provisions pursuant to 2013 Iowa Acts, House File 215,[2] if enacted:

[2] Chapter 121 herein

..... $ 3,420,000

18. SUCCESSFUL PROGRESSION FOR EARLY READERS

For school districts to provide intensive instructional services, curricula, initiatives, programs, and supports in accordance with section 279.68, subsection 2:

..... $ 4,000,000

19. IOWA READING RESEARCH CENTER

For the Iowa reading research center established pursuant to section 256.9, subsection 53, paragraph "c":

..... $ 665,500

20. COMPETENCY-BASED EDUCATION

For implementation of certain recommendations of the competency-based education task force established pursuant to 2012 Iowa Acts, chapter 1119, section 2:

..... $ 212,500

a. From the moneys appropriated in this subsection, not less than $50,000 shall be used to provide grants under a competency-based education grant program. Notwithstanding section 8.33, moneys received by the department pursuant to this lettered paragraph that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes specified in this lettered paragraph for the following fiscal year.

b. From the moneys appropriated in this subsection, not less than $50,000 shall be used for writing model competencies, not less than $12,500 shall be used for plans and templates, not less than $50,000 shall be used to develop the assessment validation rubric and model assessments, and not less than $50,000 shall be used to design professional development in accordance with the recommendations of the competency-based education task force.

21. MIDWESTERN HIGHER EDUCATION COMPACT

For distribution to the midwestern higher education compact to pay Iowa's member state annual obligation:

..... $ 50,000

Notwithstanding section 8.33, moneys appropriated for distribution to the midwestern higher education compact pursuant to this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purpose designated until the close of the succeeding fiscal year.

22. COMMUNITY COLLEGES

a. For general state financial aid to merged areas as defined in section 260C.2 in accordance with chapters 258 and 260C:

..... $ 96,637,323

The funds appropriated in this subsection shall be allocated pursuant to the formula established in section 260C.18C.

b. For distribution to community colleges to supplement faculty salaries:

..... $ 250,000

STATE BOARD OF REGENTS

Sec. 27. There is appropriated from the general fund of the state to the state board of regents for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. OFFICE OF STATE BOARD OF REGENTS

a. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 532,502

..... FTEs 15.00

The state board of regents shall submit a monthly financial report in a format agreed upon by the state board of regents office and the legislative services agency. The report submitted in December 2014 shall include the five-year graduation rates for the regents universities.

b. For moneys to be allocated to the southwest Iowa regents resource center in Council Bluffs:

..... $ 91,367

c. For moneys to be allocated to the northwest Iowa regents resource center in Sioux City under section 262.9, subsection 22:
..... $ 33,301

d. For moneys to be allocated to the quad-cities graduate studies center:
..... $ 17,257

The board may transfer moneys appropriated under paragraph "b", "c", or "d", of this subsection to any of the other centers specified in paragraph "b", "c", or "d", if the board notifies, in writing, the general assembly and the legislative services agency of the amount, the date, and the purpose of the transfer.

e. For moneys to be distributed to Iowa public radio for public radio operations:
..... $ 195,784

2. STATE UNIVERSITY OF IOWA

a. General university, including lakeside laboratory

For salaries, support, maintenance, equipment, financial aid, miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... $ 111,020,675
..... FTEs 5,058.55

b. Oakdale campus

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... $ 1,093,279
..... FTEs 38.25

c. State hygienic laboratory

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... $ 2,201,307
..... FTEs 102.50

d. Family practice program

For allocation by the dean of the college of medicine, with approval of the advisory board, to qualified participants to carry out the provisions of chapter 148D for the family practice program, including salaries and support, and for not more than the following full-time equivalent positions:
..... $ 894,132
..... FTEs 190.40

e. Child health care services

For specialized child health care services, including childhood cancer diagnostic and treatment network programs, rural comprehensive care for hemophilia patients, and the Iowa high-risk infant follow-up program, including salaries and support, and for not more than the following full-time equivalent positions:
..... $ 329,728
..... FTEs 57.97

f. Statewide cancer registry

For the statewide cancer registry, and for not more than the following full-time equivalent positions:
..... $ 74,526
..... FTEs 2.10

g. Substance abuse consortium

For moneys to be allocated to the Iowa consortium for substance abuse research and evaluation, and for not more than the following full-time equivalent position:
..... $ 27,765
..... FTEs 1.00

h. Center for biocatalysis

For the center for biocatalysis, and for not more than the following full-time equivalent positions:
..... $ 361,863
..... FTEs 6.28

i. Primary health care initiative

For the primary health care initiative in the college of medicine, and for not more than the following full-time equivalent positions:

..... $ 324,465
..... FTEs 5.89

From the moneys appropriated in this lettered paragraph, $127,445 shall be allocated to the department of family practice at the state university of Iowa college of medicine for family practice faculty and support staff.

j. Birth defects registry

For the birth defects registry, and for not more than the following full-time equivalent position:

..... $ 19,144
..... FTEs 1.00

k. Larned A. Waterman Iowa nonprofit resource center

For the Larned A. Waterman Iowa nonprofit resource center, and for not more than the following full-time equivalent positions:

..... $ 81,270
..... FTEs 2.75

l. Iowa online advanced placement academy science, technology, engineering, and mathematics initiative

For the establishment of the Iowa online advanced placement academy science, technology, engineering, and mathematics initiative:

..... $ 240,924

m. For the Iowa flood center for use by the university's college of engineering pursuant to section 466C.1:

..... $ 750,000

3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY

a. General university

For salaries, support, maintenance, equipment, financial aid, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 86,993,176
..... FTEs 3,647.42

b. Agricultural experiment station

For the agricultural experiment station salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 14,055,938
..... FTEs 546.98

c. Cooperative extension service in agriculture and home economics

For the cooperative extension service in agriculture and home economics salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 9,133,361
..... FTEs 383.34

d. Leopold center

For agricultural research grants at Iowa state university of science and technology under section 266.39B, and for not more than the following full-time equivalent positions:

..... $ 198,709
..... FTEs 11.25

e. Livestock disease research

For deposit in and the use of the livestock disease research fund under section 267.8:

..... $ 86,422

4. UNIVERSITY OF NORTHERN IOWA

a. General university

For salaries, support, maintenance, equipment, financial aid, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 41,611,409
..... FTEs 1,447.50

b. Recycling and reuse center

For purposes of the recycling and reuse center, and for not more than the following full-time equivalent positions:

..... $ 87,628
..... FTEs 3.00

c. Science, technology, engineering, and mathematics (STEM) collaborative initiative

For purposes of the science, technology, engineering, and mathematics (STEM) collaborative initiative established pursuant to section 268.7, and for not more than the following full-time equivalent positions:

..... $ 2,600,000
..... FTEs 6.20

(1) Except as otherwise provided in this lettered paragraph, the moneys appropriated in this lettered paragraph shall be expended for salaries, staffing, institutional support, activities directly related to recruitment of kindergarten through grade 12 mathematics and science teachers, and for ongoing mathematics and science programming for students enrolled in kindergarten through grade 12.

(2) The university of northern Iowa shall work with the community colleges to develop STEM professional development programs for community college instructors and STEM curriculum development.

(3) From the moneys appropriated in this lettered paragraph, not less than $250,000 nor more than $500,000 shall be used to provide technology education opportunities to high school, career academy, and community college students through a public-private partnership, as well as opportunities for students and faculties at these institutions to secure broad-based information technology certification. The Iowa governor's STEM advisory council shall utilize a request for proposals process for contracts to make available, through the regional STEM network hubs, at high schools, career academies, and community colleges, instruction on skills and competencies that are essential for the workplace and which are requested by Iowa's employers. Such a contract shall include the following components:

(a) A research-based curriculum.

(b) Online access to the curriculum.

(c) Instructional software for classroom and student use.

(d) Certification of skills and competencies in a broad base of information technology-related skill areas.

(e) Professional development for teachers.

(f) Deployment and program support, including but not limited to integration with current curriculum standards.

d. Real estate education program

For purposes of the real estate education program, and for not more than the following full-time equivalent position:

..... $ 62,651
..... FTEs 1.00

5. STATE SCHOOL FOR THE DEAF

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 4,515,317
..... FTEs 126.60

6. IOWA BRAILLE AND SIGHT SAVING SCHOOL

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 1,882,568
..... FTEs 62.87

7. TUITION AND TRANSPORTATION COSTS

For payment to local school boards for the tuition and transportation costs of students residing in the Iowa braille and sight saving school and the state school for the deaf pursuant to section 262.43 and for payment of certain clothing, prescription, and transportation costs for students at these schools pursuant to section 270.5:

..... $ 5,882

8. LICENSED CLASSROOM TEACHERS

For distribution at the Iowa braille and sight saving school and the Iowa school for the deaf based upon the average yearly enrollment at each school as determined by the state board of regents:

..... $ 41,025

Sec. 28. ENERGY COST-SAVINGS PROJECTS — FINANCING. For the fiscal year beginning July 1, 2014, and ending June 30, 2015, the state board of regents may use notes, bonds, or other evidences of indebtedness issued under section 262.48 to finance projects that will result in energy cost savings in an amount that will cause the state board to recover the cost of the projects within an average of six years.

Sec. 29. PRESCRIPTION DRUG COSTS. Notwithstanding section 270.7, the department of administrative services shall pay the state school for the deaf and the Iowa braille and sight saving school the moneys collected from the counties during the fiscal year beginning July 1, 2014, for expenses relating to prescription drug costs for students attending the state school for the deaf and the Iowa braille and sight saving school.

DIVISION III
WORKFORCE TRAINING PROGRAMS — APPROPRIATIONS FY 2013-2014

Sec. 30. There is appropriated from the Iowa skilled worker and job creation fund created in section 8.75 to the following departments, agencies, and institutions for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF EDUCATION

a. For deposit in the workforce training and economic development funds created pursuant to section 260C.18A:

..... $ 15,300,000

From the moneys appropriated in this paragraph, not more than $100,000 shall be used by the department for administration of the workforce training and economic development funds created pursuant to section 260C.18A.

b. For distribution to community colleges for the purposes of implementing adult education and literacy programs pursuant to section 260C.50:

..... $ 5,500,000

(1) From the moneys appropriated in this paragraph, $3,883,000 shall be allocated pursuant to the formula established in section 260C.18C.

(2) From the moneys appropriated in this paragraph, not more than $150,000 shall be used by the department for implementation of adult education and literacy programs pursuant to section 260C.50.

(3) From the moneys appropriated in this paragraph, not more than $1,467,000 shall be distributed as grants to community colleges for the purpose of adult basic education programs for students requiring instruction in English as a second language. The department shall establish an application process and criteria to award grants pursuant to this subparagraph to community colleges. The criteria shall be based on need for instruction in English as a second language in the region served by each community college as determined by factors including data from the latest federal decennial census and outreach efforts to determine regional needs.

(4) From the moneys appropriated in this paragraph, $210,000 shall be transferred to the department of human services for purposes of administering a pilot project to provide access to international resources to Iowans and new Iowans to provide economic and leadership development resulting in Iowa being a more inclusive and welcoming place to live, work, and raise a family. The pilot project shall provide supplemental support services for international refugees to improve learning, literacy, cultural competencies, and assimilation in 10 locations within a county with a population over 350,000 as determined by the 2010 federal decennial census. The department of human services shall utilize a request for proposals process to

identify the entity best qualified to implement the pilot project. **The request for proposals shall specify that a qualified entity must be utilizing more than 100 interpreters and translators fluent in over 50 languages and dialects to help medical clinics, government agencies, nonprofit organizations, businesses, and individuals overcome language barriers so that limited English proficient individuals can receive essential services; working with the United States department of state, the United States agency for international development, and a family foundation center for international visitors that facilitates visits from international leaders to build personal and lasting connections between Iowans and professionals from around the world; partnering with business and industry, foundations, and accredited postsecondary educational institutions and other entities located in the state to offer monthly public forums by leading experts and engage youth in global leadership conferences; and leading the state in providing resources to immigrants and refugees through a multilingual guide to the state, a comprehensive resource website, and emergency interpretation services.**

c. For accelerated career education program capital projects at community colleges that are authorized under chapter 260G and that meet the definition of the term "vertical infrastructure" in section 8.57, subsection 5, paragraph "c":

..... $ 6,000,000

As a condition of receiving moneys appropriated under this paragraph, an entity shall testify upon the request of the joint appropriations subcommittee on economic development regarding the expenditure of such moneys.

d. For deposit in the pathways for academic career and employment fund established pursuant to section 260H.2, subsection 2:

..... $ 5,000,000

e. For deposit in the gap tuition assistance fund established pursuant to section 260I.2, subsection 2:

..... $ 2,000,000

f. For deposit in the statewide work-based learning intermediary network fund created pursuant to section 256.40, subsection 1:

..... $ 1,500,000

From the moneys appropriated in this paragraph, not more than $50,000 shall be used by the department for expenses associated with the activities of the secondary career and technical programming task force convened pursuant to this Act.

2. ECONOMIC DEVELOPMENT AUTHORITY

For the purposes of providing assistance under the high quality jobs program as described in section 15.335B:

..... $ 16,900,000

As a condition of receiving moneys appropriated in this subsection, an entity shall testify upon the request of the joint appropriations subcommittee on economic development regarding the expenditure of such moneys.

3. REGENTS INSTITUTIONS

a. To the state board of regents for capacity building infrastructure in areas related to technology commercialization, marketing and business development efforts in areas related to technology commercialization, entrepreneurship, and business growth, and infrastructure projects and programs needed to assist in implementation of activities under chapter 262B:

..... $ 3,000,000

Of the moneys appropriated pursuant to this paragraph, 35 percent shall be allocated for Iowa state university, 35 percent shall be allocated for the university of Iowa, and 30 percent shall be allocated for the university of northern Iowa.

(1) The institutions shall provide a one-to-one match of additional moneys for the activities funded with moneys appropriated under this paragraph.

(2) The state board of regents shall annually submit a report by January 15 of each year to the governor, the general assembly, and the legislative services agency regarding the activities, projects, and programs funded with moneys allocated under this paragraph. The report shall be provided in an electronic format and shall include a list of metrics and criteria mutually agreed to in advance by the board of regents and the economic development

* Item veto; see message at end of the Act

authority. The metrics and criteria shall allow the governor's office and the general assembly to quantify and evaluate the progress of the board of regents institutions with regard to their activities, projects, and programs in the areas of technology commercialization, entrepreneurship, regional development, and market research.

b. To Iowa state university of science and technology for small business development centers, the science and technology research park, and the institute for physical research and technology, and for not more than the following full-time equivalent positions:

..... $ 2,424,302
..... FTEs 56.63

(1) Of the moneys appropriated in this paragraph, Iowa state university of science and technology shall allocate at least $735,728 for purposes of funding small business development centers. Iowa state university of science and technology may allocate moneys appropriated in this paragraph to the various small business development centers in any manner necessary to achieve the purposes of this paragraph.

(2) Iowa state university of science and technology shall do all of the following:

(a) Direct expenditures for research toward projects that will provide economic stimulus for Iowa.

(b) Provide emphasis to providing services to Iowa-based companies.

(3) It is the intent of the general assembly that the industrial incentive program focus on Iowa industrial sectors and seek contributions and in-kind donations from businesses, industrial foundations, and trade associations, and that moneys for the institute for physical research and technology industrial incentive program shall be allocated only for projects which are matched by private sector moneys for directed contract research or for nondirected research. The match required of small businesses as defined in section 15.102, subsection 10, for directed contract research or for nondirected research shall be $1 for each $3 of state funds. The match required for other businesses for directed contract research or for nondirected research shall be $1 for each $1 of state funds. The match required of industrial foundations or trade associations shall be $1 for each $1 of state funds.

Iowa state university of science and technology shall report annually to the joint appropriations subcommittee on economic development and the legislative services agency the total amount of private contributions, the proportion of contributions from small businesses and other businesses, and the proportion for directed contract research and nondirected research of benefit to Iowa businesses and industrial sectors.

c. To the state university of Iowa for the state university of Iowa research park and for the advanced drug development program at the Oakdale research park, including salaries, support, maintenance, equipment, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 209,279
..... FTEs 6.00

The state university of Iowa shall do all of the following:

(1) Direct expenditures for research toward projects that will provide economic stimulus for Iowa.

(2) Provide emphasis to providing services to Iowa-based companies.

d. To the state university of Iowa for the purpose of implementing the entrepreneurship and economic growth initiative, and for not more than the following full-time equivalent positions:

..... $ 2,000,000
..... FTEs 8.00

e. To the university of northern Iowa for the metal casting institute, the MyEntreNet internet application, and the institute of decision making, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 1,066,419
..... FTEs 9.75

(1) Of the moneys appropriated pursuant to this paragraph, the university of northern Iowa shall allocate at least $617,639 for purposes of support of entrepreneurs through the university's regional business center and economic gardening program.

(2) The university of northern Iowa shall do all of the following:

(a) Direct expenditures for research toward projects that will provide economic stimulus for Iowa.

(b) Provide emphasis to providing services to Iowa-based companies.

f. As a condition of receiving moneys appropriated in this subsection, an entity shall testify upon the request of the joint appropriations subcommittee on economic development regarding the expenditure of such moneys.

4. COLLEGE STUDENT AID COMMISSION

For purposes of providing skilled workforce shortage tuition grants in accordance with section 261.130:

..... $ 5,000,000

5. DEPARTMENT OF WORKFORCE DEVELOPMENT

To develop a long-term sustained program to train unemployed and underemployed central Iowans with skills necessary to advance to higher-paying jobs with full benefits:

..... $ 100,000

As a condition of receiving moneys appropriated under this subsection, an entity shall testify upon the request of the joint appropriations subcommittee on economic development regarding the expenditure of such moneys.

6. Notwithstanding section 8.33, moneys appropriated in this section of this Act that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 31. NEW SECTION. **8.75 Iowa skilled worker and job creation fund.**

1. An Iowa skilled worker and job creation fund is created in the state treasury. The fund shall consist of appropriations made to the fund, moneys transferred to the fund, and moneys deposited in the fund as provided by law.

2. The Iowa skilled worker and job creation fund shall be separate from the general fund of the state and the balance in the Iowa skilled worker and job creation fund shall not be considered part of the balance of the general fund of the state. However, the Iowa skilled worker and job creation fund shall be considered a special account for the purposes of section 8.53, relating to generally accepted accounting principles. Moneys in the fund may be used for cash flow purposes during a fiscal year provided that any moneys so allocated are returned to the fund by the end of that fiscal year. Notwithstanding section 8.33, moneys in the fund at the end of each fiscal year shall not revert to any other fund but shall remain in the fund for expenditure in subsequent fiscal years.

Sec. 32. Section 15.343, subsection 2, paragraphs a and d, Code 2013, are amended by striking the paragraphs.

Sec. 33. Section 256.9, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 63. Administer the workforce training and economic development funds created pursuant to section 260C.18A.

Sec. 34. Section 256.40, Code 2013, is amended to read as follows:

256.40 Statewide work-based learning intermediary network — fund — steering committee — regional networks.

1. A statewide work-based learning intermediary network program is established in the department and shall be administered by the department. A separate, statewide work-based learning intermediary network fund is created in the state treasury under the control of the department. The fund shall consist of all moneys deposited in the fund, including any moneys appropriated by the general assembly and any other moneys available to and obtained or accepted by the department from federal or private sources for purposes of the program. Notwithstanding section 8.33, moneys in the fund at the end of a fiscal year shall not revert to the general fund of the state. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

2. The purpose of the program shall be to ~~build a seamless career, future workforce, and economic development system in Iowa to accomplish all of the following~~ prepare students

for the workforce by connecting business and the education system and offering relevant, work-based learning activities to students and teachers. The program shall:

a. Better prepare students to make informed postsecondary education and career decisions.

b. Provide communication and coordination in order to build and sustain relationships between employers and local youth, the education system, and the community at large.

c. Connect students to local career opportunities, creating economic capital for the region using a skilled and available workforce.

~~*d.* Facilitate the sharing of best practices statewide by business and education leaders.~~

~~*e.*~~ *d.* Provide a one-stop contact point for information useful to both educators and employers, including ~~a state-level clearinghouse for~~ information on internships, job shadowing experiences, and other workplace learning opportunities for ~~students that are linked to the state's economic goals~~ students, particularly related to science, technology, engineering, or mathematics occupations, occupations related to critical infrastructure and commercial and residential construction, or targeted industries as defined in section 15.102.

~~*f.* Implement services for all students, staff, and districts within the region and integrate workplace skills into the curriculum.~~

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

f. Facilitate the attainment of portable credentials of value to employers such as the national career readiness certificate, where appropriate.

g. Develop work-based capacity with employers.

~~*h.* Improve the skills of Iowa's future workforce.~~

~~*i.*~~ *h.* Provide core services, which may include student job shadowing, student internships, and teacher or student tours.

3. The department shall establish and facilitate a steering committee comprised of representatives from the department of workforce development, the economic development authority, the community colleges, the institutions under the control of the state board of regents, accredited private institutions, area education agencies, school districts, and the workplace learning connection. The steering committee shall be responsible for the development and implementation of the statewide work-based learning intermediary network.

4. The steering committee shall develop a design for a statewide network comprised of fifteen regional work-based learning intermediary networks. The design shall include network specifications, strategic functions, and desired outcomes. The steering committee shall recommend program parameters and reporting requirements to the department.

5. Each regional network shall establish an advisory council to ~~develop and implement~~ provide advice and assistance to the regional network. The advisory council shall include representatives of business and industry, including construction trade industry professionals, and shall meet at least annually.

6. Each regional network or consortium of networks shall annually submit a work-based learning plan to the department. Each plan shall include provisions to provide core services referred to in subsection 2, paragraph "*h*", to all school districts within the region and for the integration of job shadowing and other work-based learning activities into secondary career and technical education programs.

~~6.~~ 7. *a.* ~~Funds~~ Moneys deposited in the statewide work-based learning intermediary network fund created in subsection 1 shall be distributed annually to each region for the implementation of the statewide work-based learning intermediary network ~~based upon the distribution of the kindergarten through grade twelve student enrollments in each region. The amount shall not exceed three dollars per student~~ upon approval by the department of the region's work-based learning plan submitted pursuant to subsection 6.

b. If the balance in the statewide work-based learning intermediary network fund on July 1 of a fiscal year is one million five hundred thousand dollars or less, the department shall distribute moneys in the fund to regions or consortium of regions on a competitive basis. If the balance in the statewide work-based learning intermediary network fund on July 1 of a

fiscal year is greater than one million five hundred thousand dollars, the department shall distribute one hundred thousand dollars to each region and distribute the remaining moneys pursuant to the formula established in section 260C.18C.

~~7.~~ 8. The department shall provide oversight of the statewide work-based learning intermediary network ~~and shall annually evaluate the statewide and regional network progress toward the outcomes identified by the steering committee pursuant to subsection~~ 4. The department shall require each region to submit an annual report on its ongoing implementation of the statewide work-based learning intermediary network program to the department.

~~8.~~ 9. Each regional network shall match the ~~funds~~ moneys received pursuant to subsection ~~6~~ 7 with financial resources equal to at least twenty-five percent of the amount of the ~~funds~~ moneys received pursuant to subsection ~~6~~ 7. The financial resources used to provide the match may include private donations, in-kind contributions, or public ~~funds~~ moneys other than the ~~funds~~ moneys received pursuant to subsection ~~6~~ 7.

10. The state board of education shall adopt rules under chapter 17A for the administration of this section.

Sec. 35. Section 260C.18A, subsection 1, paragraph b, Code 2013, is amended to read as follows:

b. Moneys in the funds shall consist of any moneys appropriated by the general assembly and any other moneys available to and obtained or accepted by the ~~economic development authority~~ department from federal sources or private sources for placement in the funds. Notwithstanding section 8.33, moneys in the funds at the end of each fiscal year shall not revert to any other fund but shall remain in the funds for expenditure in subsequent fiscal years.

Sec. 36. Section 260C.18A, subsection 2, paragraph c, Code 2013, is amended to read as follows:

c. For the development and implementation of career academies designed to provide new career preparation opportunities for high school students that are formally linked with postsecondary career and technical education programs. For purposes of this section, "*career academy*" means a program of study that combines a minimum of two years of secondary education with an associate degree, or the equivalent, career preparatory program in a nonduplicative, sequential course of study that is standards based, integrates academic and technical instruction, utilizes work-based and worksite learning where appropriate and available, utilizes an individual career planning process with parent involvement, and leads to an associate degree or postsecondary diploma or certificate in a career field that prepares an individual for entry and advancement in a high-skill and reward career field and further education. The ~~economic development authority~~ state board, in conjunction with the ~~state board of education and the~~ division of community colleges and workforce preparation of the department of education, shall adopt administrative rules for the development and implementation of such career academies pursuant to section 256.11, subsection 5, paragraph "*h*", section 260C.1, and Tit. II of Pub. L. No. 105-332, Carl D. Perkins Vocational and Technical Education Act of 1998.

Sec. 37. Section 260C.18A, subsection 2, paragraph e, Code 2013, is amended by striking the paragraph.

Sec. 38. Section 260C.18A, subsection 3, Code 2013, is amended to read as follows:

3. The ~~economic development authority~~ department shall allocate the moneys appropriated pursuant to this section to the community college workforce training and economic development funds utilizing the same distribution formula used for the allocation of state general aid to the community colleges.

Sec. 39. Section 260C.18A, subsection 4, paragraph d, Code 2013, is amended to read as follows:

d. Annually submit the two-year plan and progress report to the ~~economic development authority~~ department in a manner prescribed by rules adopted by the department pursuant to chapter 17A.

Sec. 40. NEW SECTION. **260C.50 Adult education and literacy programs.**

1. For purposes of this section, *"adult education and literacy programs"* means adult basic education, adult education leading to a high school equivalency diploma under chapter 259A, English as a second language instruction, workplace and family literacy instruction, or integrated basic education and technical skills instruction.

2. The department and the community colleges shall jointly implement adult education and literacy programs to assist adults and youths sixteen years of age and older who are not in school in obtaining the knowledge and skills necessary for further education, work, and community involvement.

3. The state board, in consultation with the community colleges, shall prescribe standards for adult education and literacy programs including but not limited to contextualized and integrated instruction, assessments, instructor qualification and professional development, data collection and reporting, and performance benchmarks.

4. The state board, in consultation with the community colleges, shall adopt rules pursuant to chapter 17A to administer this section.

Sec. 41. Section 260F.6, subsection 2, Code 2013, is amended to read as follows:

2. To provide funds for the present payment of the costs of a training program by the business, the community college may provide to the business an advance of the moneys to be used to pay for the program costs as provided in the agreement. To receive the funds for this advance from the job training fund established in subsection 1, the community college shall submit an application to the economic development authority. The amount of the advance shall not exceed ~~twenty-five~~ fifty thousand dollars for any business site, or ~~fifty~~ one hundred thousand dollars within a three-fiscal-year period for any business site. If the project involves a consortium of businesses, the maximum award per project shall not exceed ~~fifty~~ one hundred thousand dollars. Participation in a consortium does not affect a business site's eligibility for individual project assistance. Prior to approval a business shall agree to match program amounts in accordance with criteria established by the authority.

Sec. 42. Section 260H.2, Code 2013, is amended to read as follows:

260H.2 Pathways for academic career and employment program — fund.

1. A pathways for academic career and employment program is established to provide funding to community colleges for the development of projects in coordination with the economic development authority, the department of education, the department of workforce development, regional advisory boards established pursuant to section 84A.4, and community partners to implement a simplified, streamlined, and comprehensive process, along with customized support services, to enable eligible participants to acquire effective academic and employment training to secure gainful, quality, in-state employment.

2. *a.* A pathways for academic career and employment fund is created for the community colleges in the state treasury to be administered by the department of education. The moneys in the pathways for academic career and employment fund are appropriated to the department of education for the pathways for academic career and employment program.

b. The aggregate total of grants awarded from the pathways for academic career and employment fund during a fiscal year shall not be more than five million dollars.

c. Moneys in the fund shall be allocated pursuant to the formula established in section 260C.18C. Notwithstanding section 8.33, moneys in the fund at the close of the fiscal year shall not revert to the general fund of the state but shall remain available for expenditure for the purpose designated for subsequent fiscal years. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

Sec. 43. Section 260H.3, subsection 1, paragraph b, Code 2013, is amended to read as follows:

b. Persons earning incomes at or below two hundred fifty percent of the federal poverty level as defined by the most recently revised poverty income guidelines published by the United States department of health and human services.

Sec. 44. Section 260H.4, subsection 2, paragraph b, Code 2013, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (5) Any other industry designated as in-demand by a regional advisory board established pursuant to section 84A.4.

Sec. 45. Section 260H.4, subsection 2, paragraph c, Code 2013, is amended by striking the paragraph.

Sec. 46. NEW SECTION. **260H.7A Pathway navigators.**

1. A community college may use moneys for the pathways for academic career and employment program to employ pathway navigators to assist students applying for or enrolled in eligible pathways for academic career and employment projects.

2. Pathway navigators shall provide services and support to aid students in selecting pathways for academic career and employment projects that will result in gainful, quality, in-state employment and to ensuring students are successful once enrolled in pathways for academic career and employment projects. Services the pathway navigators may provide include but are not limited to the following:

a. Interviewing and selecting students for enrollment in pathways for academic career and employment projects.

b. Assessing students' skills, interests, and previous academic and work experience for purposes of placement in pathways for academic career and employment projects.

c. Working with students to develop academic and career plans and to adjust such plans as needed.

d. Assisting students in applying for and receiving resources for financial aid and other forms of tuition assistance.

e. Assisting students with the admissions process, remedial education, academic credit transfer, meeting assessment requirements, course registration, and other procedures necessary for successful completion of pathways for academic career and employment projects.

f. Assisting in identifying and resolving obstacles to students' successful completion of pathways for academic career and employment projects.

g. Connecting students with useful college resources or outside support services such as access to child care, transportation, and tutorial assistance, as needed.

h. Maintaining ongoing contact with students enrolled in pathways for academic career and employment projects and ensuring students are making satisfactory progress toward the successful completion of projects.

i. Providing support to students transitioning from remedial education, short-term training, and classroom experience to employment.

j. Coordinating activities with community-based organizations that serve as key recruiters for pathways for academic career and employment projects and assisting students throughout the recruitment process.

k. Coordinating adult basic education services.

Sec. 47. NEW SECTION. **260H.7B Regional industry sector partnerships.**

1. A community college may use moneys for the pathways for academic career and employment program to provide staff and support for the development and implementation of regional industry sector partnerships within the region served by the community college.

2. Regional, industry sector partnerships may include but are not limited to the following activities:

a. Bringing together representatives from industry sectors, government, education, local workforce boards, community-based organizations, labor, economic development organizations, and other stakeholders within the regional labor market to determine how

pathways for academic career and employment projects should address workforce skills gaps, occupational shortages, and wage gaps.

b. Integrating pathways for academic career and employment projects and other existing supply-side strategies with workforce needs within the region served by the community college.

c. Developing pathways for academic career and employment projects that focus on the workforce skills, from entry level to advanced, required by industry sectors within the region served by the community college.

d. Structuring pathways so that instruction and learning of workforce skills are aligned with industry-recognized standards where such standards exist.

Sec. 48. Section 260I.4, subsection 6, Code 2013, is amended to read as follows:

6. Eligibility for tuition assistance under this chapter shall be limited to persons earning incomes at or below two hundred fifty percent of the federal poverty level as defined by the most recently revised poverty income guidelines published by the United States department of health and human services.

Sec. 49. Section 260I.5, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 5. Costs of providing direct staff support services including but not limited to marketing, outreach, application, interview, and assessment processes. Eligible costs for this purpose shall be limited to twenty percent of any allocation of moneys to the two smallest community colleges, ten percent of any allocation of moneys to the two largest community colleges, and fifteen percent of any allocation of moneys to the remaining eleven community colleges. Community college size shall be determined based on the most recent three-year rolling average full-time equivalent enrollment.

Sec. 50. Section 423F.3, subsection 3, Code 2013, is amended by adding the following new paragraph:

NEW PARAGRAPH. *0c.* The board of directors may use funds received under the operation of this chapter for a joint infrastructure project with one or more school districts or one or more school districts and a community college established under chapter 260C, for which buildings or facilities are constructed or leased for the purpose of offering classes under a district-to-community college sharing agreement or concurrent enrollment program that meets the requirements for funding under section 257.11, subsection 3. If the board intends to use funds received under the operation of this chapter for such a joint infrastructure project, the board shall adopt a revenue purpose statement or amend an existing revenue purpose statement, subject to approval of the electors, stating the proposed use of the funds.

Sec. 51. Section 423F.3, subsection 3, paragraph c, Code 2013, is amended to read as follows:

c. The board secretary shall notify the county commissioner of elections of the intent to take ~~the~~ an issue to the voters pursuant to paragraph *"b"* or *"0c"*. The county commissioner of elections shall publish the notices required by law for special or general elections, and the election shall be held on a date specified in section 39.2, subsection 4, paragraph "c". A majority of those voting on the question must favor approval of the revenue purpose statement. If the proposal is not approved, the school district shall not submit the same or new revenue purpose statement to the electors for a period of six months from the date of the previous election.

Sec. 52. SECONDARY CAREER AND TECHNICAL PROGRAMMING TASK FORCE.

1. The director of the department of education, or the director's designee, shall convene a task force that includes secondary and postsecondary education stakeholders, including representatives from business, industry, construction trade industry professionals, and labor, to review current secondary career and technical programming offered by community colleges and make recommendations for programming that reduces skill shortages, enhances the state's economic growth, and ensures that all students statewide have access to high quality globally competitive career and technical education programs.

2. The task force shall review appropriate provisions of the Iowa Code, including but not limited to Code chapter 258, relating to vocational education, and section 256.11, subsection 5, paragraph "h", relating to vocational service area requirements in the core curriculum standards for grades nine through 12, and related provisions of the Iowa administrative code. The task force shall consider measures to ensure rigorous standards, consistency in program quality statewide, alignment with postsecondary programs leading to middle-skill occupations with family-sustaining wages, curricula that align workforce skills with industry-recognized standards where such standards exist, responsiveness to labor market needs, robust business and industry participation, including participation on advisory committees, and efficient statewide delivery of programming. The task force shall also review the definition of "career academy" for purposes of Code sections 260C.18A and 261E.10, and review and recommend core components of career academies and regional centers.

3. The task force shall recommend specific changes in policy or statute to ensure that all students statewide have access to high-quality, globally competitive career and technical education programs. The task force shall submit an interim progress report by January 15, 2014, and a final report with its findings and recommendations by November 1, 2015, to the state board of education, the governor, and the general assembly.

Sec. 53. BOARD OF REGENTS REPORT. By January 15, 2014, the state board of regents shall submit a report on the progress of regents institutions in meeting the strategic plan for technology transfer and economic development to the secretary of the senate, the chief clerk of the house of representatives, and the legislative services agency.

DIVISION IV
WORKFORCE TRAINING PROGRAMS — APPROPRIATIONS FY 2014-2015

Sec. 54. There is appropriated from the Iowa skilled worker and job creation fund created in section 8.75 to the following departments, agencies, and institutions for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF EDUCATION

a. For deposit in the workforce training and economic development funds created pursuant to section 260C.18A:

..... $ 7,650,000

From the moneys appropriated in this paragraph, not more than $50,000 shall be used by the department for administration of the workforce training and economic development funds created pursuant to section 260C.18A.

b. For distribution to community colleges for the purposes of implementing adult education and literacy programs pursuant to section 260C.50:

..... $ 2,750,000

(1) From the moneys appropriated in this paragraph, $1,941,500 shall be allocated pursuant to the formula established in section 260C.18C.

(2) From the moneys appropriated in this paragraph, not more than $75,000 shall be used by the department for implementation of adult education and literacy programs pursuant to section 260C.50.

(3) From the moneys appropriated in this paragraph, not more than $733,500 shall be distributed as grants to community colleges for the purpose of adult basic education programs for students requiring instruction in English as a second language. The department shall establish an application process and criteria to award grants pursuant to this subparagraph to community colleges. The criteria shall be based on need for instruction in English as a second language in the region served by each community college as determined by factors including data from the latest federal decennial census and outreach efforts to determine regional needs.

(4) From the moneys appropriated in this paragraph, $105,000 shall be transferred to the department of human services for purposes of administering a pilot project to provide access to international resources to Iowans and new Iowans to provide economic and leadership development resulting in Iowa being a more inclusive and welcoming place to live, work, and

raise a family. The pilot project shall provide supplemental support services for international refugees to improve learning, literacy, cultural competencies, and assimilation in 10 locations within a county with a population over 350,000 as determined by the 2010 federal decennial census. The department of human services shall utilize a request for proposals process to identify the entity best qualified to implement the pilot project. **The request for proposals shall specify that a qualified entity must be utilizing more than 100 interpreters and translators fluent in over 50 languages and dialects to help medical clinics, government agencies, nonprofit organizations, businesses, and individuals overcome language barriers so that limited English proficient individuals can receive essential services; working with the United States department of state, the United States agency for international development, and a family foundation center for international visitors that facilitates visits from international leaders to build personal and lasting connections between Iowans and professionals from around the world; partnering with business and industry, foundations, and accredited postsecondary educational institutions and other entities located in the state to offer monthly public forums by leading experts and engage youth in global leadership conferences; and leading the state in providing resources to immigrants and refugees through a multilingual guide to the state, a comprehensive resource website, and emergency interpretation services.**

c. For accelerated career education program capital projects at community colleges that are authorized under chapter 260G and that meet the definition of the term "vertical infrastructure" in section 8.57, subsection 5, paragraph "c":

..... $ 3,000,000

As a condition of receiving moneys appropriated under this paragraph, an entity shall testify upon the request of the joint appropriations subcommittee on economic development regarding the expenditure of such moneys.

d. For deposit in the pathways for academic career and employment fund established pursuant to section 260H.2, subsection 2:

..... $ 2,500,000

e. For deposit in the gap tuition assistance fund established pursuant to section 260I.2, subsection 2:

..... $ 1,000,000

f. For deposit in the statewide work-based learning intermediary network fund created pursuant to section 256.40, subsection 1:

..... $ 750,000

From the moneys appropriated in this paragraph, not more than $25,000 shall be used by the department for expenses associated with the activities of the secondary career and technical programming task force convened pursuant to this Act.

2. ECONOMIC DEVELOPMENT AUTHORITY

For the purposes of providing assistance under the high quality jobs program as described in section 15.335B:

..... $ 8,450,000

As a condition of receiving moneys appropriated in this subsection, an entity shall testify upon the request of the joint appropriations subcommittee on economic development regarding the expenditure of such moneys.

3. REGENTS INSTITUTIONS

a. To the state board of regents for capacity building infrastructure in areas related to technology commercialization, marketing and business development efforts in areas related to technology commercialization, entrepreneurship, and business growth, and infrastructure projects and programs needed to assist in implementation of activities under chapter 262B:

..... $ 1,500,000

Of the moneys appropriated pursuant to this paragraph, 35 percent shall be allocated for Iowa state university, 35 percent shall be allocated for the university of Iowa, and 30 percent shall be allocated for the university of northern Iowa.

(1) The institutions shall provide a one-to-one match of additional moneys for the activities funded with moneys appropriated under this paragraph.

* Item veto; see message at end of the Act

(2) The state board of regents shall annually submit a report by January 15 of each year to the governor, the general assembly, and the legislative services agency regarding the activities, projects, and programs funded with moneys allocated under this paragraph. The report shall be provided in an electronic format and shall include a list of metrics and criteria mutually agreed to in advance by the board of regents and the economic development authority. The metrics and criteria shall allow the governor's office and the general assembly to quantify and evaluate the progress of the board of regents institutions with regard to their activities, projects, and programs in the areas of technology commercialization, entrepreneurship, regional development, and market research.

b. To Iowa state university of science and technology for small business development centers, the science and technology research park, and the institute for physical research and technology, and for not more than the following full-time equivalent positions:

..... $ 1,212,151
..... FTEs 56.63

(1) Of the moneys appropriated in this paragraph, Iowa state university of science and technology shall allocate at least $367,864 for purposes of funding small business development centers. Iowa state university of science and technology may allocate moneys appropriated in this paragraph to the various small business development centers in any manner necessary to achieve the purposes of this paragraph.

(2) Iowa state university of science and technology shall do all of the following:

(a) Direct expenditures for research toward projects that will provide economic stimulus for Iowa.

(b) Provide emphasis to providing services to Iowa-based companies.

(3) It is the intent of the general assembly that the industrial incentive program focus on Iowa industrial sectors and seek contributions and in-kind donations from businesses, industrial foundations, and trade associations, and that moneys for the institute for physical research and technology industrial incentive program shall be allocated only for projects which are matched by private sector moneys for directed contract research or for nondirected research. The match required of small businesses as defined in section 15.102, subsection 10, for directed contract research or for nondirected research shall be $1 for each $3 of state funds. The match required for other businesses for directed contract research or for nondirected research shall be $1 for each $1 of state funds. The match required of industrial foundations or trade associations shall be $1 for each $1 of state funds.

Iowa state university of science and technology shall report annually to the joint appropriations subcommittee on economic development and the legislative services agency the total amount of private contributions, the proportion of contributions from small businesses and other businesses, and the proportion for directed contract research and nondirected research of benefit to Iowa businesses and industrial sectors.

c. To the state university of Iowa for the state university of Iowa research park and for the advanced drug development program at the Oakdale research park, including salaries, support, maintenance, equipment, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 104,640
..... FTEs 6.00

The state university of Iowa shall do all of the following:

(1) Direct expenditures for research toward projects that will provide economic stimulus for Iowa.

(2) Provide emphasis to providing services to Iowa-based companies.

d. To the state university of Iowa for the purpose of implementing the entrepreneurship and economic growth initiative, and for not more than the following full-time equivalent positions:

..... $ 1,000,000
..... FTEs 8.00

e. To the university of northern Iowa for the metal casting institute, the MyEntreNet internet application, and the institute of decision making, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 533,209

..... FTEs 9.75

(1) Of the moneys appropriated pursuant to this paragraph, the university of northern Iowa shall allocate at least $308,819 for purposes of support of entrepreneurs through the university's regional business center and economic gardening program.

(2) The university of northern Iowa shall do all of the following:

(a) Direct expenditures for research toward projects that will provide economic stimulus for Iowa.

(b) Provide emphasis to providing services to Iowa-based companies.

f. As a condition of receiving moneys appropriated in this subsection, an entity shall testify upon the request of the joint appropriations subcommittee on economic development regarding the expenditure of such moneys.

4. COLLEGE STUDENT AID COMMISSION

For purposes of providing skilled workforce shortage tuition grants in accordance with section 261.130:

..... $ 2,500,000

5. DEPARTMENT OF WORKFORCE DEVELOPMENT

To develop a long-term sustained program to train unemployed and underemployed central Iowans with skills necessary to advance to higher-paying jobs with full benefits:

..... $ 50,000

As a condition of receiving moneys appropriated under this subsection, an entity shall testify upon the request of the joint appropriations subcommittee on economic development regarding the expenditure of such moneys.

6. Notwithstanding section 8.33, moneys appropriated in this section of this Act that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Approved June 20, 2013, with exceptions noted.

TERRY E. BRANSTAD, *Governor*

Dear Mr. Secretary:

I hereby transmit House File 604, an Act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, the economic development authority, the department of workforce development, and the state board of regents, and providing for related matters.

House File 604 is approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the designated portion of the item designated as Section 30, subsection 1, lettered paragraph b, subparagraph 4. This item allocates funds for an organization to provide resources and support services for international refugees for fiscal year 2014. This potentially creates a sole-source appropriation. It is important for the State to receive competitive requests for proposals (RFPs) from all qualified organizations in order to protect Iowa taxpayers' interests and best serves the needs of refugees.

I am unable to approve the designated portion of the item designated as Section 54, subsection 1, lettered paragraph b, subparagraph 4. This item allocates funds for an organization to provide resources and support services for international refugees for fiscal year 2015. This potentially creates a sole-source appropriation. It is important for the State to receive competitive requests for proposals (RFPs) from all qualified organizations in order to protect Iowa taxpayers' interests and best serves the needs of refugees.

For the above reasons, I respectfully disapprove the designated items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 604 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, *Governor*

CHAPTER 142

APPROPRIATIONS — INFRASTRUCTURE AND CAPITAL PROJECTS

H.F. 638

AN ACT relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund and the technology reinvestment fund, providing for related matters, and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I
REBUILD IOWA INFRASTRUCTURE FUND

Section 1. There is appropriated from the rebuild Iowa infrastructure fund to the following departments and agencies for the following fiscal years, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF ADMINISTRATIVE SERVICES

a. For projects related to major repairs and major maintenance for state buildings and facilities:

FY 2013-2014:

..... $ 4,000,000 [1]

Of the amount appropriated in this lettered paragraph for the fiscal year beginning July 1, 2013, $250,000 shall be allocated for the disposition and relocation of structures located at 707 east locust and 709 east locust, Des Moines, Iowa.

Of the amount appropriated in this lettered paragraph for the fiscal year beginning July 1, 2013, $1,800,000 shall be allocated for relocation costs for moving employees out of the Wallace building including moving costs and lease adjustments. As a condition of this allocation, all employees currently located in the Wallace building shall be relocated to a new office location by December 31, 2013, pursuant to the department's competitive bidding process for office space.

FY 2014-2015:

..... $ 14,000,000

**b. For costs associated with the planning and design of the Wallace office building including roof replacement:*

FY 2013-2014:

..... *$ 500,000*

Of the amount appropriated in this lettered paragraph for FY 2013-2014, $500,000 shall be allocated for relocation costs for moving employees out of the Wallace building including moving costs and lease adjustments. As a condition of this allocation, all employees currently located in the Wallace building shall be relocated to a new office location by December 31, 2013, pursuant to the department's competitive bidding process for office space.

FY 2014-2015:

..... *$ 3,900,000*

[1] See chapter 143, §16, 18 herein

* Item veto; see message at end of the Act

*By October 15, 2014, the department shall submit a report to the general assembly on the results of the planning and study of the building including the use of and anticipated cash flow needs for the final building design.**

2. DEPARTMENT OF CULTURAL AFFAIRS

a. For deposit into the Iowa great places program fund created in section 303.3D for Iowa great places program projects that meet the definition of "vertical infrastructure" in section 8.57, subsection 5, paragraph "c":

FY 2013-2014:

..... $ 1,000,000

b. For the planning, design, construction, and renovation of the state historical building:

FY 2014-2015:

..... $ 3,800,000

By October 15, 2014, the department shall submit a report to the general assembly on the results of the planning and study of the building including the use of and anticipated cash flow needs for the final building design.

3. ECONOMIC DEVELOPMENT AUTHORITY

a. For equal distribution to regional sports authority districts certified by the economic development authority pursuant to section 15E.321, notwithstanding section 8.57, subsection 5, paragraph "c":

FY 2013-2014:

..... $ 500,000

**b. For deposit into the river enhancement community attraction and tourism fund created in section 15F.205:*

FY 2013-2014:

..... *$ 1,000,000**

c. For administration and support of the world food prize including the Borlaug/Ruan scholar program, notwithstanding section 8.57, subsection 5, paragraph "c":

FY 2013-2014:

..... $ 100,000

**4. DEPARTMENT OF HUMAN SERVICES*

For the renovation and construction of certain nursing facilities, consistent with the provisions of chapter 249K:

FY 2013-2014:

..... *$ 300,000**

5. DEPARTMENT OF PUBLIC DEFENSE

a. For major maintenance projects at national guard armories and facilities:

FY 2013-2014:

..... $ 2,000,000

b. For construction improvement projects at statewide readiness centers:

FY 2013-2014:

..... $ 2,000,000

c. For construction upgrades at Camp Dodge:

FY 2013-2014:

..... $ 500,000

6. DEPARTMENT OF NATURAL RESOURCES

a. For implementation of lake projects that have established watershed improvement initiatives and community support in accordance with the department's annual lake restoration plan and report, notwithstanding section 8.57, subsection 5, paragraph "c":

FY 2013-2014:

..... $ 8,600,000

b. For the administration of a water trails and low head dam public hazard statewide plan, including salaries, support, maintenance, and miscellaneous purposes, notwithstanding section 8.57, subsection 5, paragraph "c":

FY 2013-2014:

..... $ 1,000,000

* Item veto; see message at end of the Act

7. BOARD OF REGENTS

For allocation by the state board of regents to the state university of Iowa, Iowa state university of science and technology, and the university of northern Iowa to reimburse the institutions for deficiencies in the operating funds resulting from the pledging of tuition, student fees and charges, and institutional income to finance the cost of providing academic and administrative buildings and facilities and utility services at the institutions:

FY 2013-2014:

..... $ 27,867,775

8. DEPARTMENT OF TRANSPORTATION

a. For acquiring, constructing, and improving recreational trails within the state:

FY 2013-2014:

..... $ 3,000,000

b. For deposit into the public transit infrastructure grant fund created in section 324A.6A, for projects that meet the definition of "vertical infrastructure" in section 8.57, subsection 5, paragraph "c":

FY 2013-2014:

..... $ 1,500,000

c. For infrastructure improvements at the commercial service airports within the state:

FY 2013-2014:

..... $ 1,500,000

d. For infrastructure improvements at general aviation airports within the state:

FY 2013-2014:

..... $ 750,000

9. TREASURER OF STATE

For distribution in accordance with chapter 174 to qualified fairs which belong to the association of Iowa fairs for county fair infrastructure improvements:

FY 2013-2014:

..... $ 1,060,000

Sec. 2. REVERSION. For purposes of section 8.33, unless specifically provided otherwise, unencumbered or unobligated moneys made from an appropriation in this division of this Act shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that ends three years after the end of the fiscal year for which the appropriation is made. However, if the project or projects for which such appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

DIVISION II
TECHNOLOGY REINVESTMENT FUND

Sec. 3. There is appropriated from the technology reinvestment fund created in section 8.57C to the following departments and agencies for the following fiscal years, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF ADMINISTRATIVE SERVICES

For technology consolidation and technology improvement projects approved by the state chief information officer appointed pursuant to section 8A.201A:

FY 2014-2015:

..... $ 6,613,663

2. DEPARTMENT OF EDUCATION

a. For maintenance and lease costs associated with connections for part III of the Iowa communications network:

FY 2013-2014:

..... $ 2,727,000

b. For the continued development and implementation of an education data warehouse to be utilized by teachers, parents, school district administrators, area education agency staff, department of education staff, and policymakers:

FY 2013-2014:

..... $ 600,000

The department may use a portion of the moneys appropriated in this lettered paragraph for an e-transcript data system capable of tracking students throughout their education via interconnectivity with multiple schools.

c. To the public broadcasting division for the replacement of equipment and for tower and facility maintenance:

FY 2013-2014:

..... $ 960,000

d. For hardware and software equipment for the state library, including laptop and tablet computers, audio and video equipment, and the purchase of online resources:

FY 2013-2014:

..... $ 250,000

3. DEPARTMENT OF HUMAN RIGHTS

For the cost of equipment and computer software for the implementation of Iowa's criminal justice information system:

FY 2013-2014:

..... $ 1,454,734

4. DEPARTMENT OF HUMAN SERVICES

For a grant to a nonprofit agency that provides innovative solutions to children and adults with autism in a city with a population between 14,500 and 15,500 in the latest preceding certified federal census, for the cost associated with internet services and video communications systems for clinics:

FY 2013-2014:

..... $ 154,156

5. IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION

For replacement of equipment for the Iowa communications network:

FY 2013-2014:

..... $ 2,248,653

The commission may continue to enter into contracts pursuant to section 8D.13 for the replacement of equipment and for operations and maintenance costs of the network.

In addition to moneys appropriated in this subsection, the commission may use a financing agreement entered into by the treasurer of state in accordance with section 12.28 for the replacement of equipment for the network. For purposes of this subsection, the treasurer of state is not subject to the maximum principal limitation contained in section 12.28, subsection 6. Repayment of any amounts financed shall be made from receipts associated with fees charged for use of the network.

6. DEPARTMENT OF MANAGEMENT

For the continued development and implementation of a searchable database that can be placed on the internet for budget and financial information:

FY 2013-2014:

..... $ 45,000

7. DEPARTMENT OF PUBLIC HEALTH

For technology consolidation projects:

FY 2013-2014:

..... $ 480,000

Sec. 4. REVERSION. For purposes of section 8.33, unless specifically provided otherwise, unencumbered or unobligated moneys made from an appropriation in this division of this Act shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that ends three years after the end of the fiscal year for which the appropriation was made. However, if the project or projects for which such appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

DIVISION III
CHILDREN'S HEALTH INSURANCE PROGRAM — TECHNOLOGY REINVESTMENT FUND

Sec. 5. CHILDREN'S HEALTH INSURANCE PROGRAM — DEPARTMENT OF ADMINISTRATIVE SERVICES. Moneys received from the federal government through the child enrollment contingency fund established pursuant to section 103 of the federal Children's Health Insurance Program Reauthorization Act of 2009, Pub. L. No. 111-3, are transferred to the rebuild Iowa infrastructure fund created in section 8.57 and appropriated to the department of administrative services for the following fiscal year, to be used for projects related to major repairs and major maintenance for state buildings and facilities:

FY 2013-2014:

..... $ 11,310,648

The moneys appropriated pursuant to this section shall not be used for any appropriations that receive federal funding. Notwithstanding section 8.33, the moneys appropriated in this section shall not revert to the fund from which appropriated. The department of human services shall work with the department of management and the department of administrative services in drawing down the federal moneys.

DIVISION IV
FEDERAL ECONOMIC STIMULUS AND JOBS HOLDING FUND AND VALUES FUND MONEY TRANSFER

Sec. 6. 2009 Iowa Acts, chapter 179, section 7, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Loan payments or repayments and recaptures of principal, interest, or other moneys accruing to the economic development authority pursuant to an economic development agreement under a program funded using moneys appropriated in 2004 Acts,[2] First Extraordinary Session, chapter 1002, from the federal economic stimulus and jobs holding fund shall be transferred to a fund established by the authority in the state treasury under the control of the authority pursuant to section 15.106A, subsection 1, paragraph "o".

Sec. 7. 2011 Iowa Acts, chapter 133, is amended by adding the following new section:

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

DIVISION V
PROPERTY TAX CREDIT FUND BALANCE TRANSFER — REBUILD IOWA INFRASTRUCTURE FUND

Sec. 8. PROPERTY TAX CREDIT FUND BALANCE TRANSFER — REBUILD IOWA INFRASTRUCTURE FUND. Moneys in the property tax credit fund created in 2010 Iowa Acts, chapter 1193, section 8, that remain unencumbered or unobligated on June 30, 2013, shall be transferred to the rebuild Iowa infrastructure fund.

Sec. 9. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

[2] According to enrolled Act; the phrase "2004 Iowa Acts" probably intended

DIVISION VI
IOWA COMMUNICATIONS NETWORK

Sec. 10. IOWA COMMUNICATIONS NETWORK — AUTHORIZATION FOR CONTRACTS. Pursuant to section 8D.11, subsection 1, paragraph "a", the general assembly authorizes the Iowa telecommunications and technology commission to enter into contracts in excess of the contract limitation amount established in section 8D.11, subsection 1, paragraph "c", for purposes of the commission's project associated with implementing a managed services solution to provide unified communications services on or related to the capitol complex. This authorization applies for the duration of the commission's project and to all affected contracts associated with the project.

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

DIVISION VII
IOWA JOBS BOARD

Sec. 12. Section 12.87, subsection 12, Code 2013, is amended to read as follows:
12. Neither the treasurer of state, the Iowa ~~jobs board~~ finance authority, nor any person acting on behalf of the treasurer of state or the Iowa ~~jobs board~~ finance authority while acting within the scope of their employment or agency, is subject to personal liability resulting from carrying out the powers and duties conferred by this section and sections 12.88 through 12.90.

Sec. 13. Section 16.193, subsection 1, Code 2013, is amended to read as follows:
1. The ~~Iowa finance~~ authority~~, subject to approval by the Iowa jobs board,~~ shall adopt administrative rules pursuant to chapter 17A necessary to administer the Iowa jobs program and Iowa jobs II program. The authority shall ~~provide the board with assistance in implementing administrative functions,~~ be responsible for providing technical assistance and application assistance to applicants under the programs, negotiating contracts, and providing project follow up. ~~The authority, in cooperation with the board, may conduct negotiations on behalf of the board with applicants regarding terms and conditions applicable to awards under the program.~~

Sec. 14. Section 16.194, subsection 2, Code 2013, is amended to read as follows:
2. A city or county or a public organization in this state may submit an application to the ~~Iowa jobs board~~ authority for financial assistance for a local infrastructure competitive grant for an eligible project under the program, notwithstanding any limitation on the state's percentage in funding as contained in section 29C.6, subsection 17.

Sec. 15. Section 16.194, subsection 4, unnumbered paragraph 1, Code 2013, is amended to read as follows:
The ~~board~~ authority shall consider the following criteria in evaluating eligible projects to receive financial assistance under the program:

Sec. 16. Section 16.194, subsection 7, Code 2013, is amended to read as follows:
7. In order for a project to be eligible to receive financial assistance from the ~~board~~ authority, the project must be a public construction project pursuant to subsection 1 with a demonstrated substantial local, regional, or statewide economic impact.

Sec. 17. Section 16.194, subsection 8, unnumbered paragraph 1, Code 2013, is amended to read as follows:
The ~~board~~ authority shall not approve an application for assistance for any of the following purposes:

Sec. 18. Section 16.194, subsection 9, paragraph b, Code 2013, is amended to read as follows:
b. Any portion of an amount allocated for projects that remains unexpended or unencumbered one year after the allocation has been made may be reallocated to another

project category, at the discretion of the ~~board~~ authority. The ~~board~~ authority shall ensure that all bond proceeds be expended within three years from when the allocation was initially made.

Sec. 19. Section 16.194, subsection 10, Code 2013, is amended to read as follows:

10. The ~~board~~ authority shall ensure that funds obligated under this section are coordinated with other federal program funds received by the state, and that projects receiving funds are located in geographically diverse areas of the state.

Sec. 20. Section 16.194A, subsections 2, 7, 9, and 10, Code 2013, are amended to read as follows:

2. A city or county in this state that applies the smart planning principles and guidelines pursuant to sections 18B.1 and 18B.2 may submit an application to the ~~Iowa jobs board~~ authority for financial assistance for a local infrastructure competitive grant for an eligible project under the program, notwithstanding any limitation on the state's percentage in funding as contained in section 29C.6, subsection 17.

7. In order for a project to be eligible to receive financial assistance from the ~~board~~ authority, the project must be a public construction project pursuant to subsection 1 with a demonstrated substantial local, regional, or statewide economic impact.

9. Any portion of an amount allocated for projects that remains unexpended or unencumbered one year after the allocation has been made may be reallocated to another project category, at the discretion of the ~~board~~ authority. The ~~board~~ authority shall ensure that all bond proceeds be expended within three years from when the allocation was initially made.

10. The ~~board~~ authority shall ensure that funds obligated under this section are coordinated with other federal program funds received by the state, and that projects receiving funds are located in geographically diverse areas of the state.

Sec. 21. Section 16.194A, subsection 4, unnumbered paragraph 1, Code 2013, is amended to read as follows:

The ~~board~~ authority shall consider the following criteria in evaluating eligible projects to receive financial assistance under the program:

Sec. 22. Section 16.194A, subsection 8, unnumbered paragraph 1, Code 2013, is amended to read as follows:

The ~~board~~ authority shall not approve an application for assistance for any of the following purposes:

Sec. 23. Section 16.195, Code 2013, is amended to read as follows:

16.195 Iowa jobs program application review.

1. Applications for assistance under the Iowa jobs program and Iowa jobs II program shall be submitted to the ~~Iowa finance~~ authority for review and approval. ~~The authority shall provide a staff review and evaluation of applications to the Iowa jobs program review committee referred to in subsection 2 and to the Iowa jobs board.~~

2. ~~A review committee composed of members of the board as determined by the board shall review Iowa jobs program applications submitted to the board and make recommendations regarding the applications to the board.~~ When reviewing the applications, the ~~review committee and the~~ authority shall consider the project criteria specified in sections 16.194 and 16.194A. The ~~board~~ authority shall develop the appropriate level of transparency regarding project fund allocations.

3. Upon approval of an application for financial assistance under the program, the ~~board~~ authority shall notify the treasurer of state regarding the amount of moneys needed to satisfy the award of financial assistance and the terms of the award. The treasurer of state shall notify the ~~Iowa finance~~ authority any time moneys are disbursed to a recipient of financial assistance under the program.

Sec. 24. Section 16.196, Code 2013, is amended to read as follows:

16.196 Iowa jobs ~~restricted capitals fund~~ — fund appropriations.

~~1. An Iowa jobs restricted capitals fund is created and established as a separate and distinct fund in the state treasury. The fund consists of moneys appropriated from the revenue bonds capitals fund created in section 12.88. The moneys in the fund are appropriated to the Iowa jobs board for purposes of the Iowa jobs program established in section 16.194. Moneys in the fund shall not be subject to appropriation for any other purpose by the general assembly, but shall be used only for the purposes of the Iowa jobs program. The treasurer of state shall act as custodian of the fund and disburse moneys contained in the fund. The fund shall be administered by the board which shall make allocations from the fund consistent with the purposes of the Iowa jobs program.~~

~~2.~~ 1. There is appropriated from the revenue bonds capitals fund created in section 12.88, to the ~~Iowa jobs restricted capitals fund~~ authority, for the fiscal year beginning July 1, 2009, and ending June 30, 2010, one hundred sixty-five million dollars to be allocated as follows:

a. One hundred eighteen million five hundred thousand dollars for competitive grants for local infrastructure projects relating to disaster rebuilding, reconstruction and replacement of local buildings, flood control and flood protection, and future flood prevention public projects. An applicant for a local infrastructure grant shall not receive more than fifty million dollars in financial assistance from the fund.

b. Forty-six million five hundred thousand dollars for disaster relief and mitigation and local infrastructure grants for the following renovation and construction projects, notwithstanding any limitation on the state's percentage participation in funding as contained in section 29C.6, subsection 17:

(1) For grants to a county with a population between one hundred eighty-nine thousand and one hundred ninety-six thousand in the latest preceding certified federal census, to be distributed as follows:

(a) Ten million dollars for the construction of a new, shared facility between nonprofit human service organizations serving the public, especially the needs of low-income Iowans, including those displaced as a result of the disaster of 2008.

(b) Five million dollars for the construction or renovation of a facility for a county-funded workshop program serving the public and particularly persons with mental illness or developmental disabilities.

(2) For grants to a city with a population between one hundred ten thousand and one hundred twenty thousand in the latest preceding certified federal census, to be distributed as follows:

(a) Five million dollars for an economic redevelopment project benefiting the public by improving energy efficiency and the development of alternative and renewable energy technologies.

(b) Ten million dollars for a museum serving the public and dedicated to the preservation of an eastern European cultural heritage through the collection, exhibition, preservation, and interpretation of historical artifacts.

(c) Five million dollars for a theater serving the public and promoting culture, entertainment, and tourism.

(d) Five million dollars for a public library.

(e) Five million dollars for a public works building.

(3) One million five hundred thousand dollars, to be distributed as follows:

(a) Five hundred thousand dollars to a city with a population between six hundred and six hundred fifty in the latest preceding certified federal census, for a public fire station.

(b) Five hundred thousand dollars to a city with a population between one thousand four hundred and one thousand five hundred in the latest preceding certified federal census, for a public fire station.

(c) Five hundred thousand dollars for a city with a population between seven thousand eight hundred and seven thousand eight hundred fifty, for a public fire station.

~~3.~~ 2. Grant awards for a project under subsection ~~2~~ 1, paragraph "*b*", are contingent upon submission of a plan for each project by the applicable county or city governing board or in the case of a project submitted pursuant to subsection ~~2~~ 1, paragraph "*b*", subparagraph (2), subparagraph division (b), by the board of directors, to the ~~Iowa jobs board~~ authority, no later than September 1, 2009, detailing a description of the project, the plan to rebuild, and the amount or percentage of federal, state, local, or private matching moneys which will

be or have been provided for the project. Funds not utilized in accordance with subsection ~~2, paragraph "*b*", due to failure to file a plan by the September 1 deadline~~ 1, shall revert to the ~~Iowa jobs restricted~~ revenue bonds capitals fund ~~to be available for local infrastructure competitive grants~~. A grant recipient under subsection ~~2~~ 1, paragraph "*b*", shall not be precluded from applying for a local infrastructure competitive grant pursuant to this section and section 16.195.

~~4. Moneys in the fund are not subject to section 8.33. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.~~

~~5.~~ 3. Annually, on or before January 15 of each year, the ~~board~~ authority shall report to the legislative services agency and the department of management the status of all projects receiving moneys from the fund completed or in progress. The report shall include a description of the project, the progress of work completed, the total estimated cost of the project, a list of all revenue sources being used to fund the project, the amount of funds expended, the amount of funds obligated, and the date the project was completed or an estimated completion date of the project, where applicable.

~~6.~~ 4. Payment of moneys appropriated from the fund shall be made in a manner that does not adversely affect the tax-exempt status of any outstanding bonds issued by the treasurer of state.

Sec. 25. Section 16.197, Code 2013, is amended to read as follows:

16.197 Limitation of liability.

~~A member of the Iowa jobs board, a person acting on behalf of the board while acting within the scope of their employment or agency,~~ The authority or the treasurer of state, shall not be subject to personal liability resulting from carrying out the powers and duties of the ~~board~~ authority or the treasurer, as applicable, in sections ~~16.192~~ 16.193 through 16.196.

Sec. 26. IOWA JOBS BOARD — TRANSITION PROVISIONS — LIMITATION OF LIABILITY.

1. Any contract or agreement issued or entered into by the Iowa jobs board relating to the provisions of this division of this Act, in effect on the effective date of this division of this Act, shall continue in full force and effect and any responsibility of the board relative to the contracts or agreements as provided in those contracts or agreements shall be transferred to the Iowa finance authority.

2. A member of the Iowa jobs board or a person acting on behalf of the board while acting within the scope of that person's employment or agency shall not be subject to personal liability resulting from carrying out the powers and duties of the board prior to the effective date of this division of this Act, as applicable, in sections 12.87 through 12.90 and in sections 16.192 through 16.196, Code 2013.

Sec. 27. REPEAL. Sections 16.191 and 16.192, Code 2013, are repealed.

**DIVISION VIII*
ECONOMIC DEVELOPMENT AUTHORITY —
COMMUNITY ATTRACTION AND TOURISM PROJECT STUDY

*Sec. 28. ECONOMIC DEVELOPMENT AUTHORITY — COMMUNITY ATTRACTION AND TOURISM PROJECT STUDY. The economic development authority shall conduct a study to determine the effectiveness of giving priority to projects that receive moneys from the community attraction and tourism fund that attract the highest number of visitors and that attain the highest match levels. The authority shall submit a report and recommendations to the general assembly by January 1, 2014.**

* Item veto; see message at end of the Act

DIVISION IX
MISCELLANEOUS CODE CHANGES

Sec. 29. Section 8.57, subsection 5, paragraph e, Code 2013, is amended to read as follows:

e. (1) (a) (i) ~~Notwithstanding provisions to the contrary in sections 99D.17 and 99F.11, for~~ For the fiscal year beginning July 1, 2000, and for each fiscal year thereafter~~,~~ through the fiscal year beginning July 1, 2012, not more than a total of sixty-six million dollars shall be deposited in the general fund of the state in any fiscal year pursuant to sections 99D.17 and 99F.11.

(ii) However, in lieu of the deposit in subparagraph subdivision (i), for the fiscal year beginning July 1, 2010, and for each fiscal year thereafter ~~until the principal and interest on all bonds issued by the treasurer of state pursuant to section 12.87 are paid,~~ through the fiscal year beginning July 1, 2012, as determined by the treasurer of state, the first fifty-five million dollars of the moneys directed to be deposited in the general fund of the state under subparagraph subdivision (i) shall be deposited in the revenue bonds debt service fund created in section 12.89, and the next three million seven hundred fifty thousand dollars of the moneys directed to be deposited in the general fund of the state under subparagraph subdivision (i) shall be deposited in the revenue bonds federal subsidy holdback fund created in section 12.89A, and the next one million two hundred fifty thousand dollars of the moneys directed to be deposited in the general fund of the state under subparagraph subdivision (i) shall be deposited in the general fund of the state.

(b) The next fifteen million dollars of the moneys directed to be deposited in the general fund of the state in a fiscal year pursuant to sections 99D.17 and 99F.11 shall be deposited in the vision Iowa fund created in section 12.72 for the fiscal year beginning July 1, 2000, and for each fiscal year thereafter through the fiscal year beginning July 1, ~~2019~~ 2012.

(c) The next five million dollars of the moneys directed to be deposited in the general fund of the state in a fiscal year pursuant to sections 99D.17 and 99F.11 shall be deposited in the school infrastructure fund created in section 12.82 for the fiscal year beginning July 1, 2000, and for each fiscal year thereafter ~~until the principal and interest on all bonds issued by the treasurer of state pursuant to section 12.81 are paid, as determined by the treasurer of state~~ through the fiscal year beginning July 1, 2012.

(d) (i) The total moneys in excess of the moneys deposited under this paragraph "*e*" in the revenue bonds debt service fund, the revenue bonds federal subsidy holdback fund, the vision Iowa fund, the school infrastructure fund, and the general fund of the state in a fiscal year shall be deposited in the rebuild Iowa infrastructure fund and shall be used as provided in this section, notwithstanding section 8.60.

(ii) (A) Except as otherwise provided in subparagraph part (B), in lieu of the deposit in subparagraph subdivision (i), for the fiscal years beginning July 1, 2010, and July 1, 2011, ~~and July 1, 2013, and for each fiscal year thereafter until the principal and interest on all bonds issued by the treasurer of state pursuant to section 12.87 are paid, as determined by the treasurer of state,~~ sixty-four million seven hundred fifty thousand dollars of the excess moneys directed to be deposited in the rebuild Iowa infrastructure fund under subparagraph subdivision (i) shall be deposited in the general fund of the state.

(B) For the fiscal year beginning July 1, 2012, and ending June 30, 2013, thirty-eight million seven hundred fifty thousand dollars shall be deposited in the general fund of the state and the next twenty million dollars shall be deposited in the technology reinvestment fund.

(2) If the total amount of moneys directed to be deposited in the general fund of the state under sections 99D.17 and 99F.11 in ~~a~~ any fiscal year through the fiscal year beginning July 1, 2012, is less than the total amount of moneys directed to be deposited in the revenue bonds debt service fund and the revenue bonds federal subsidy holdback fund in the fiscal year pursuant to this paragraph "*e*", the difference shall be paid from moneys deposited in the beer and liquor control fund created in section 123.53 in the manner provided in section 123.53, subsection 3.

(3) After the deposit of moneys directed to be deposited in the general fund of the state, the revenue bonds debt service fund, and the revenue bonds federal subsidy holdback fund, as provided in subparagraph (1), subparagraph division (a), if the total amount of moneys

directed to be deposited in the general fund of the state under sections 99D.17 and 99F.11 in ~~a~~ any fiscal year through the fiscal year beginning July 1, 2012, is less than the total amount of moneys directed to be deposited in the vision Iowa fund and the school infrastructure fund in the fiscal year pursuant to this paragraph *"e"*, the difference shall be paid from lottery revenues in the manner provided in section 99G.39, subsection 3.

Sec. 30. Section 8.57, subsection 5, Code 2013, is amended by adding the following new paragraph:

NEW PARAGRAPH. *0f.* (1) (a) For the fiscal year beginning July 1, 2013, and for each fiscal year thereafter until the principal and interest on all bonds issued by the treasurer of state pursuant to section 12.87 are paid, as determined by the treasurer of state, of the wagering tax receipts received pursuant to sections 99D.17 and 99F.11, the first fifty-five million dollars shall be deposited in the revenue bonds debt service fund created in section 12.89, and the next three million seven hundred fifty thousand dollars shall be deposited in the revenue bonds federal subsidy holdback fund created in section 12.89A.

(b) For the fiscal year beginning July 1, 2013, and for each fiscal year through the fiscal year beginning July 1, 2019, of the wagering tax receipts received pursuant to sections 99D.17 and 99F.11, the next fifteen million dollars shall be deposited in the vision Iowa fund created in section 12.72.

(c) For the fiscal year beginning July 1, 2013, and for each fiscal year thereafter until the principal and interest on all bonds issued by the treasurer of state pursuant to section 12.81 are paid, as determined by the treasurer of state, of the wagering tax receipts received pursuant to sections 99D.17 and 99F.11, the next five million dollars shall be deposited in the school infrastructure fund created in section 12.82.

(d) For the fiscal year beginning July 1, 2013, and for each fiscal year thereafter, of the wagering tax receipts received pursuant to sections 99D.17 and 99F.11, the next sixty-six million dollars shall be deposited in the Iowa skilled worker and job creation fund created in section 8.75, if enacted by 2013 Iowa Acts, House File 604. [3]

(e) For the fiscal year beginning July 1, 2013, and for each fiscal year thereafter, the total moneys in excess of the moneys deposited under this paragraph *"0f"* in the revenue bonds debt service fund, the revenue bonds federal subsidy holdback fund, the vision Iowa fund, the school infrastructure fund, and the Iowa skilled worker and job creation fund if enacted by 2013 Iowa Acts, House File 604, [4] shall be deposited in the rebuild Iowa infrastructure fund and shall be used as provided in this section, notwithstanding section 8.60.

(2) For the fiscal year beginning July 1, 2013, and for each fiscal year thereafter, if the total amount of the wagering tax receipts received pursuant to sections 99D.17 and 99F.11, and to be deposited pursuant to subparagraph (1), subparagraph division (a), is less than the total amount of moneys directed to be deposited in the revenue bonds debt service fund and the revenue bonds federal subsidy holdback fund in the fiscal year pursuant to subparagraph (1), subparagraph division (a), the difference shall be paid from moneys deposited in the beer and liquor control fund created in section 123.53 in the manner provided in section 123.53, subsection 3.

(3) For the fiscal year beginning July 1, 2013, and for each fiscal year thereafter, after the deposit of moneys directed to be deposited in the revenue bonds debt service fund and the revenue bonds federal subsidy holdback fund, as provided in subparagraph (1), subparagraph division (a), if the total amount of the wagering tax receipts received pursuant to sections 99D.17 and 99F.11, and to be deposited pursuant to subparagraph (1), subparagraph divisions (b) and (c), is less than the total amount of moneys directed to be deposited in the vision Iowa fund and the school infrastructure fund in the fiscal year pursuant to subparagraph (1), subparagraph divisions (b) and (c), the difference shall be paid from lottery revenues in the manner provided in section 99G.39, subsection 3.

[3] Chapter 141 herein
[4] Chapter 141 herein

Sec. 31. Section 8.57C, subsection 3, Code 2013, is amended to read as follows:

3. *a.* There is appropriated from the general fund of the state for the fiscal year beginning July 1, ~~2013~~ 2014, and for each subsequent fiscal year thereafter, the sum of seventeen million five hundred thousand dollars to the technology reinvestment fund.

b. There is appropriated from the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the sum of seventeen million five hundred thousand dollars, and for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the sum of fourteen million five hundred twenty-five thousand dollars to the technology reinvestment fund, notwithstanding section 8.57, subsection 5, paragraph "*c*".

c. There is appropriated from the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the sum of ten million dollars to the technology reinvestment fund, notwithstanding section 8.57, subsection 5, paragraph "*c*".

d. There is appropriated from the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the sum of fifteen million five hundred forty-one thousand dollars to the technology reinvestment fund, notwithstanding section 8.57, subsection 5, paragraph "*c*".

e. There is appropriated from the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the sum of fourteen million three hundred ten thousand dollars to the technology reinvestment fund, notwithstanding section 8.57, subsection 5, paragraph "*c*".

Sec. 32. Section 15F.204, subsection 8, paragraph g, Code 2013, is amended to read as follows:

g. For each fiscal ~~period~~ year for the fiscal period beginning July 1, 2012, and ending June 30, ~~2014~~ 2013, the sum of five million dollars.

Sec. 33. Section 15F.204, subsection 8, Code 2013, is amended by adding the following new paragraphs:

NEW PARAGRAPH. *h.* For the fiscal year beginning July 1, 2013, and ending June 30, 2014, the sum of seven million dollars.

NEW PARAGRAPH. *i.* For the fiscal year beginning July 1, 2014, and ending June 30, 2015, the sum of five million dollars.

Sec. 34. Section 99D.14, subsection 2, paragraph c, Code 2013, is amended to read as follows:

c. Notwithstanding sections 8.60 and 99D.17, the portion of the fee paid pursuant to paragraph "*a*" relating to the costs of the commission shall ~~not be deposited in the general fund of the state but instead shall~~ be deposited into the gaming regulatory revolving fund established in section 99F.20.

Sec. 35. Section 99D.17, Code 2013, is amended to read as follows:

99D.17 Use of funds.

Funds received pursuant to sections 99D.14 and 99D.15 shall be deposited ~~in the general fund of the state~~ as provided in section 8.57, subsection 5, and shall be subject to the requirements of section 8.60. These funds shall first be used to the extent appropriated by the general assembly. The commission is subject to the budget requirements of chapter 8 and the applicable auditing requirements and procedures of chapter 11.

Sec. 36. Section 99F.10, subsection 4, paragraph c, Code 2013, is amended to read as follows:

c. Notwithstanding sections 8.60 and 99F.4, the portion of the fee paid pursuant to paragraph "*a*" relating to the costs of the commission ~~shall not be deposited in the general fund of the state but instead~~ shall be deposited into the gaming regulatory revolving fund established in section 99F.20.

Sec. 37. Section 99F.11, subsection 3, paragraph d, Code 2013, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (4) One-half of the moneys remaining after the appropriation in subparagraph (1) shall be credited, on a quarterly basis, to the rebuild Iowa infrastructure fund.

Sec. 38. Section 99F.11, subsection 3, paragraph e, Code 2013, is amended to read as follows:

e. The remaining amount of the adjusted gross receipts tax shall be credited ~~to the general fund of the state~~ as provided in section 8.57, subsection 5.

Sec. 39. CONTINGENT EFFECTIVENESS. The amendment to section 99F.11, subsection 3, paragraph "d", in this division of this Act is effective contingent upon the amendment to section 99F.11, subsection 3, paragraph "d", subparagraph (3), in 2013 Iowa Acts, House File 620. [5]

DIVISION X
CHANGES TO PRIOR APPROPRIATIONS

Sec. 40. 2007 Iowa Acts, chapter 219, section 2, as amended by 2011 Iowa Acts, chapter 133, section 32, and 2012 Iowa Acts, chapter 1138, section 10, is amended to read as follows:

SEC. 2. REVERSION.

1. Except as provided in subsection 2 and notwithstanding section 8.33, moneys appropriated for the fiscal year beginning July 1, 2007, in this division of this Act that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for the purposes designated until the close of the fiscal year that begins July 1, 2010, or until the project for which the appropriation was made is completed, whichever is earlier.

2. a. Notwithstanding section 8.33, moneys appropriated in section 1, subsection 1, paragraphs "a" and "f" of this division of this Act that remain unencumbered or unobligated at the close of the fiscal year for which they were appropriated shall not revert but shall remain available for the purposes designated until the close of the fiscal year that begins July 1, ~~2012~~ 2013, or until the project for which the appropriation was made is completed, whichever is earlier.

b. The department of administrative services is authorized to provide for the disposition and relocation of structures located at 707 east locust and 709 east locust, Des Moines, Iowa, in a manner as deemed appropriate by the department. The disposition of the structures, if possible, shall be completed in a manner that reduces or eliminates the costs of the state associated with the removal of the structures from their current locations. Any amount received from the disposition of the structures as permitted under this section shall be retained by the department to pay for improvement costs associated with the restoration of the west capitol terrace. The department, if unable to otherwise dispose of the structures, is authorized to demolish the structures using other appropriate funding available to the department.

Sec. 41. 2008 Iowa Acts, chapter 1179, section 20, as amended by 2009 Iowa Acts, chapter 173, section 25, is amended to read as follows:

SEC 20. REVERSION.

1. ~~Notwithstanding~~ Except as provided in subsections 2 through 4 and notwithstanding section 8.33, moneys appropriated in this division of this Act for the fiscal year beginning July 1, 2008, and ending June 30, 2009, shall not revert at the close of the fiscal year for which they are appropriated but shall remain available for the purposes designated until the close of the fiscal year that begins July 1, 2012, or until the project for which the appropriation was made is completed, whichever is earlier.

2. Notwithstanding section 8.33, moneys appropriated in section 18, subsection 9, paragraph "a", of this division as amended by 2009 Iowa Acts, chapter 173, section 24, that remain unencumbered or unobligated at the close of the fiscal year for which they

[5] Chapter 126 herein

were appropriated shall not revert but shall remain available for the purposes designated until the close of the fiscal year that begins July 1, 2017, or until the project for which the appropriation was made is completed, whichever is earlier.

3. Notwithstanding section 8.33, moneys appropriated in section 18, subsection 1, paragraph "h", of this division of this Act as amended by 2009 Iowa Acts, chapter 173, section 23, that remain unencumbered or unobligated at the close of the fiscal year for which the appropriation was made shall not revert but shall remain available for the purpose designated until the close of the fiscal year that begins July 1, 2013, or until the project for which the appropriation was made is completed, whichever is earlier.

4. Notwithstanding section 8.33, moneys appropriated to the department of economic development in section 18 of this division of this Act as amended by 2009 Iowa Acts, chapter 173, section 24, and 2011 Iowa Acts, chapter 133, section 34, that remain unencumbered or unobligated at the close of the fiscal year for which the appropriation was made shall not revert but shall remain available for the purpose designated until the close of the fiscal year that begins July 1, 2014, or until the project for which the appropriation was made is completed, whichever is earlier.

Sec. 42. 2008 Iowa Acts, chapter 1179, section 23, is amended to read as follows:

SEC 23. REVERSION. Notwithstanding section 8.33, moneys appropriated in this division of this Act for the fiscal year beginning July 1, 2008, and ending June 30, 2009, shall not revert at the close of the fiscal year for which they are appropriated but shall remain available for the purposes designated until the close of the fiscal year that begins July 1, ~~2012~~ 2013, or until the project for which the appropriation was made is completed, whichever is earlier.

Sec. 43. 2009 Iowa Acts, chapter 173, section 15, is amended to read as follows:

SEC 15. REVERSION.

1. ~~Notwithstanding~~ Except as provided in subsections 2 and 3 and notwithstanding section 8.33, moneys appropriated in this division of this Act for the fiscal year beginning July 1, 2009, and ending June 30, 2010, shall not revert at the close of the fiscal year for which they are appropriated but shall remain available for the purposes designated until the close of the fiscal year that begins July 1, 2012, or until the project for which the appropriation was made is completed, whichever is earlier.

2. Notwithstanding section 8.33, moneys appropriated in section 13, subsection 4, paragraph "a", of this division of this Act that remain unencumbered or unobligated at the close of the fiscal year for which the appropriation was made shall not revert but shall remain available for the purposes designated until the close of the fiscal year that begins July 1, 2014, or until the projects for which the appropriation was made are completed, whichever is earlier.

3. Notwithstanding section 8.33, moneys appropriated in section 13, subsection 4, paragraph "d", of this division of this Act as amended by 2010 Iowa Acts, chapter 1184, section 65, that remain unencumbered or unobligated at the close of the fiscal year for which the appropriation was made shall not revert but shall remain available for the purposes designated until the close of the fiscal year that begins July 1, 2013, or until the projects for which the appropriation was made are completed, whichever is earlier.

**Sec. 44. 2009 Iowa Acts, chapter 184, section 1, subsection 1, paragraph c, is amended to read as follows:*

c. For costs associated with improvements to and renovation of the Wallace building for extending the useful life of the building:

..... $ 1,500,000

*Of the amount appropriated in this lettered paragraph, $800,000 shall be allocated for relocation costs for moving employees out of the Wallace building including moving costs and lease adjustments. As a condition of this allocation, all employees currently located in the Wallace building shall be relocated to a new office location by December 31, 2013, pursuant to the department's competitive bidding process for office space.**

* Item veto; see message at end of the Act

Sec. 45. 2009 Iowa Acts, chapter 184, section 4, is amended to read as follows:

SEC. 20. REVERSION.

1. ~~For~~ Except as provided in subsection 2, for purposes of section 8.33, unless specifically provided otherwise, unencumbered or unobligated moneys made from an appropriation in this division of this Act shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that ends three years after the end of the fiscal year for which the appropriation was made. However, if the project or projects for which such appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

2. Notwithstanding section 8.33, moneys appropriated in section 1, subsection 1, paragraphs "c" and "e", of this division of this Act shall not revert but shall remain available for the purposes designated until the close of the fiscal year that begins July 1, 2013, or until the project for which the appropriation was made is completed, whichever is earlier.

Sec. 46. 2011 Iowa Acts, chapter 133, section 1, subsection 3, paragraph b, as amended by 2012 Iowa Acts, chapter 1140, section 14, is amended to read as follows:

b. For the construction project and one-time furniture, fixture, and equipment costs at the Iowa correctional facility for women at Mitchellville:

FY 2011-2012	$	3,061,556
FY 2012-2013	$	5,391,062
FY 2013-2014	$	~~26,769,040~~
		15,569,040

Sec. 47. 2011 Iowa Acts, chapter 133, section 3, subsection 5, paragraph a, as amended by 2012 Iowa Acts, chapter 1140, section 17, is amended to read as follows:

a. To be used for medical contracts under the medical assistance program for technology upgrades necessary to support Medicaid claims and other health operations, worldwide HIPAA claims transactions and coding requirements, and the Iowa automated benefits calculation system:

FY 2011-2012	$	3,494,176
FY 2012-2013	$	4,120,037
FY 2013-2014	$	~~4,815,163~~
		3,415,163
FY 2014-2015	$	~~1,945,684~~
		3,345,684

Moneys appropriated in this lettered paragraph for FY 2013-2014 shall be used only for the purposes of the eligibility integrated application solution system, the HIPAA 5010/ICD-10 claims system, and the pharmacy point of sale replacement system.

In seeking to contract with a private organization or organizations for the Medicaid management information system, the state's chief information officer shall oversee the procurement process. An advisory panel shall be established to review the final scoring of the evaluators and to make a recommendation to the director regarding the contract award for the Medicaid management information system. The advisory panel, which shall be appointed by the governor, shall consist of no less than three members. All members of the advisory panel shall be from the private sector and shall not have participated in any previous procurement for the Medicaid management information system or any procurement related to consulting or oversight of the Medicaid management information system. At least one member of the advisory panel shall have experience and knowledge in the area of management information systems and at least one member of the advisory panel shall be a provider of Medicaid services in the state of Iowa.

Sec. 48. 2012 Iowa Acts, chapter 1140, section 1, subsection 1, paragraph a, unnumbered paragraph 2, is amended to read as follows:

The moneys appropriated in this lettered paragraph shall be used according to the department's major maintenance project recommendation list ~~submitted to the Governor's vertical infrastructure advisory committee~~.

Sec. 49. 2012 Iowa Acts, chapter 1140, section 1, subsection 3, paragraph a, is amended to read as follows:

a. For exterior and interior repairs and related improvements to the state historical building, including the addition of a visitor center:

FY 2012-2013 ..... $ 1,450,000
FY 2013-2014 ..... $ 1,000,000

Notwithstanding section 8.57, subsection 5, paragraph "c", moneys appropriated in this lettered paragraph, may be used for planning purposes, including for soliciting public user feedback, relating to the preliminary design for renovations for the state historical building.

Sec. 50. 2012 Iowa Acts, chapter 1140, section 3, subsection 3, paragraph c, is amended to read as follows:

c. For maintenance and lease costs associated with connections for part III of the Iowa communications network:

FY ~~2013-2014~~ 2012-2013 ..... $ 2,727,000

Sec. 51. 2012 Iowa Acts, chapter 1140, section 3, subsection 7, is amended to read as follows:

7. IOWA JUDICIAL BRANCH

For costs associated with the continued development and implementation of the electronic document management system:

FY 2012-2013 ..... $ 1,000,000
FY 2013-2014 ..... $ ~~3,000,000~~
0

Sec. 52. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Approved June 20, 2013, with exceptions noted.

TERRY E. BRANSTAD, *Governor*

Dear Mr. Secretary:

I hereby transmit House File 638, an Act relating to and making appropriations to state departments and agencies from the Rebuild Iowa Infrastructure Fund and the Technology Reinvestment Fund, providing for related matters, and including effective date provisions.

House File 638 is approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the designated portion of the item designated as Section 1, subsection 1, lettered paragraph a. This item allocates funds for the moving of all employees housed in the Wallace Building to a new location, and for the repairs and maintenance of the Wallace Building. I made it clear that my top priority for the State Capitol Complex is the repair and remodeling of the State Historical Building. The $1.8 million shall revert to the Rebuild Iowa Infrastructure Fund.

I am unable to approve Section 1, subsection 1, lettered paragraph b in its entirety. These items allocate funds in fiscal years 2014 and 2015 for the moving of all employees housed in the Wallace Building to a new location, and for the repairs and maintenance of the Wallace Building. Infrastructure investments must be made pursuant to a long-term strategic plan. I made it clear that my top priority for the State Capitol Complex is the repair and remodeling of the State Historical Building.

I am unable to approve Section 1, subsection 3, lettered paragraph b in its entirety. This item appropriates $1 million for the River Enhancement Community Attraction and Tourism

program. The Iowa Economic Development Authority (IEDA) did not request this item and it was not a part of the budget recommendation I submitted to the General Assembly.

I am unable to approve the item designated as Section 1, subsection 4 in its entirety. This item appropriates $300,000 for the renovation and construction of certain nursing facilities. Currently, the State of Iowa reimburses nursing facilities for construction and renovation through the current Medicaid cost reporting and reimbursement rates. The Department of Human Services did not request this item. Additionally, nursing facilities are receiving a $15,268,148 provider rate increase based on the cost reports submitted to the State, $1 million more than I recommended as part of the budget recommendation I submitted to the General Assembly.

I am unable to approve the item designated as Division VIII in its entirety. This item requires the IEDA to conduct a study to determine the effectiveness of giving priority to projects that attract the highest number of visitors and highest match levels from the Community Attraction and Tourism (CAT) fund. The CAT program has been an important economic development tool for smaller communities throughout our state. This provision suggests a shift in the program's policy focus which I cannot support.

I am unable to approve Section 44 in its entirety. This item allocates $800,000 for the moving of all employees housed in the Wallace Building to a new location, and for the repairs and maintenance of the Wallace Building. I made it clear that my top priority for the State Capitol Complex is the repair and remodeling of the State Historical Building. The $800,000 shall revert to the Rebuild Iowa Infrastructure Fund.

For the above reasons, I respectfully disapprove the designated items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 638 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, *Governor*

CHAPTER 143

BOND REPAYMENTS, RETIREMENT FUNDING, AND OTHER MISCELLANEOUS APPROPRIATIONS

H.F. 648

AN ACT relating to state and local finances by making transfers and appropriations and including effective date and applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I
STATE BOND REPAYMENT FUND

Section 1. STATE BOND REPAYMENT FUND — TAXPAYERS TRUST FUND.

1. Notwithstanding section 8.55, subsection 2, paragraph "b", if the Iowa economic emergency fund reaches its maximum balance in the fiscal year beginning July 1, 2013, after the designated portion of the excess moneys is transferred to the taxpayers trust fund pursuant to section 8.55, subsection 2, paragraph "a", the next $116,100,000 is transferred to the state bond repayment fund created in section 8.57F, as enacted by this division of this Act.

2. If the treasurer of state determines that the amount transferred pursuant to subsection 1 is not sufficient to defease or redeem the bonds specified in section 8.57F, subsection 2,

as enacted by this division of this Act, and to pay the costs relating to the defeasance or redemption, to the entire extent that the bonds may be defeased or redeemed, the treasurer of state may submit a written request to the department of management that the department certify the amount of the insufficiency as determined by the treasurer of state. The request shall detail the information needed by the department of management to determine whether the department concurs with the treasurer of state's determination. Upon issuance of the department of management's written certification of the insufficiency amount, there is transferred from the Iowa economic emergency fund, after the transfer made pursuant to subsection 1 to the state bond repayment fund, an amount equal to the insufficiency amount certified by the department of management. The treasurer of state's request, any documents relating to the request, and the department of management's certification shall also be submitted to the chairpersons and ranking members of the committees on appropriations of the senate and house of representatives and the legislative services agency at the time of submission or certification.

3. To the extent the following bonds are defeased or redeemed by moneys transferred or credited to the state bond repayment fund created in section 8.57F, as enacted by this division of this Act, there is transferred to the general fund of the state from the revenue source otherwise designated by law or existing practice for payment of the bonds, an amount equal to that which otherwise would have been paid in connection with the bonds from such revenue source for the fiscal year beginning July 1, 2013:

a. The premier destination park bonds issued pursuant to section 463C.12.

b. The Iowa jobs program bonds issued pursuant to section 12.87, subsection 1, paragraph "b", subparagraph (3), on which the interest is subject to federal income tax.

c. The school infrastructure program bonds issued pursuant to sections 12.81 through 12.86.

Sec. 2. NEW SECTION. **8.57F State bond repayment fund.**

1. *a.* The state bond repayment fund is created. The fund shall be separate from the general fund of the state and the balance in the fund shall not be considered part of the balance of the general fund of the state. The moneys credited to the fund are not subject to section 8.33 and shall not be transferred, used, obligated, appropriated, or otherwise encumbered except as provided in this section.

b. Moneys in the fund shall only be used for the defeasance or redemption of outstanding obligations issued by the state or an authority of the state that have debt service paid by a dedicated revenue source and for payment of costs relating to the defeasance or redemption.

c. Moneys in the fund may be used for cash flow purposes during a fiscal year provided that any moneys so allocated are returned to the fund by the end of that fiscal year.

d. Except as provided in section 8.58, the fund shall be considered a special account for the purposes of section 8.53 in determining the cash position of the general fund of the state for the payment of state obligations.

2. The moneys credited to the fund for the fiscal year beginning July 1, 2013, are appropriated to the treasurer of state to defease or redeem the following bonds and to pay the costs relating to the defeasance or redemption, to the extent the bonds can be defeased or redeemed and costs paid within the amount appropriated. The bonds shall be defeased or redeemed in the following order of priority:

a. In conjunction with the honey creek premier destination park authority, the premier destination park bonds issued pursuant to section 463C.12.

b. In conjunction with the Iowa finance authority, the prison infrastructure revenue bonds issued pursuant to section 16.177.

c. The Iowa jobs program bonds issued pursuant to section 12.87, subsection 1, paragraph "*b*", subparagraph (3), on which the interest is subject to federal income tax.

d. The school infrastructure program bonds issued pursuant to sections 12.81 through 12.86.

3. Any bonds listed in subsection 2 that are not defeased or redeemed in accordance with this section shall continue to be payable from their original payment source.

Sec. 3. Section 8.58, Code 2013, is amended to read as follows:

8.58 Exemption from automatic application.

1. To the extent that moneys appropriated under section 8.57 do not result in moneys being credited to the general fund under section 8.55, subsection 2, moneys appropriated under section 8.57 and moneys contained in the cash reserve fund, rebuild Iowa infrastructure fund, environment first fund, Iowa economic emergency fund, ~~and~~ taxpayers trust fund, and state bond repayment fund shall not be considered in the application of any formula, index, or other statutory triggering mechanism which would affect appropriations, payments, or taxation rates, contrary provisions of the Code notwithstanding.

2. To the extent that moneys appropriated under section 8.57 do not result in moneys being credited to the general fund under section 8.55, subsection 2, moneys appropriated under section 8.57 and moneys contained in the cash reserve fund, rebuild Iowa infrastructure fund, environment first fund, Iowa economic emergency fund, ~~and~~ taxpayers trust fund, and state bond repayment fund shall not be considered by an arbitrator or in negotiations under chapter 20.

Sec. 4. EFFECTIVE UPON ENACTMENT — APPLICABILITY.

1. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

2. The section of this division of this Act providing for transfer of moneys from the Iowa economic emergency fund to the state bond repayment fund instead of the general fund of the state applies to transfers made from the Iowa economic emergency fund after the effective date of this division of this Act.

**DIVISION II*
PUBLIC RETIREMENT SYSTEMS

Sec. 5. JUDICIAL RETIREMENT FUND. There is appropriated from the general fund of the state to the judicial retirement fund described in section 602.9104, for the fiscal year beginning July 1, 2012, and ending June 30, 2013, an amount equal to $18,900,000.

Sec. 6. PEACE OFFICERS' RETIREMENT, ACCIDENT, AND DISABILITY SYSTEM RETIREMENT FUND. There is appropriated from the general fund of the state to the peace officers' retirement, accident, and disability system retirement fund described in section 97A.8, for the fiscal year beginning July 1, 2012, and ending June 30, 2013, an amount equal to $91,300,000.

Sec. 7. REPEAL. Section 97A.11A, Code 2013, is repealed.

*Sec. 8. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.**

DIVISION III
MISCELLANEOUS APPROPRIATIONS

Sec. 9. GENERAL FUND APPROPRIATIONS — FY 2012-2013. There is appropriated from the general fund of the state to the following departments and agencies for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF ADMINISTRATIVE SERVICES

a. For projects related to major repairs and major maintenance needs including health, life, and fire safety needs and for compliance with the federal Americans with Disabilities Act for state buildings:

..... $ 2,700,000

b. For costs associated with capitol interior and exterior restoration, including the installation of a lightning protection system:

* Item veto; see message at end of the Act

..... $ 330,000

2. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

For deposit in the agricultural drainage well water quality assistance fund created in section 460.303 to be used for purposes of supporting the agricultural drainage well water quality assistance program as provided in section 460.304:

..... $ 1,620,000

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

3. DEPARTMENT OF COMMERCE — DIVISION OF BANKING

For financial literacy education:

..... $ 100,000

a. DEFINITIONS

For the purposes of this subsection, unless the context otherwise requires:

(1) "Administrator" means the division of banking of the department of commerce.

(2) "Financial institution" means a bank, bank holding company, savings bank, or savings and loan association organized under the laws of this state, another state, or the United States, approved for participation by the administrator.

(3) "Operating organization" means an agency selected by the administrator for involvement in financial literacy education.

b. PROGRAM — ELIGIBILITY

(1) The administrator shall utilize a request for proposals process for selection of operating organizations.

(2) The selected operating organization shall administer a financial literacy education program through financial institutions to citizens of the state. The program shall include any of the following:

(a) Home buyer education.

(b) Financial literacy education for students in kindergarten through grade twelve and for college students.

(c) Financial literacy programs for entrepreneurs.

(d) Financial literacy teacher training.

c. By October 1, each year through October 1, 2016, the division shall submit a report to the general assembly detailing the expenditures made from the moneys appropriated in this subsection during the previous fiscal year.

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

4. DEPARTMENT OF CORRECTIONS

For the construction project at the Iowa correctional facility for women at Mitchellville:

..... $ 11,200,000

5. IOWA ECONOMIC DEVELOPMENT AUTHORITY

a. For infrastructure building and site development at a proposed manufacturing center of excellence and for the purchase of advanced manufacturing equipment for the proposed center:

..... $ 3,500,000

Notwithstanding section 8.33, moneys appropriated in this paragraph that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until June 30, 2015.

b. For services pertaining to the pursuit and possible establishment of a regional hub under the national network for manufacturing innovation program to accelerate development and adoption of innovative manufacturing technologies for making new globally competitive products:

..... $ 500,000

[1] According to enrolled Act; the word "subsection" probably intended

Notwithstanding section 8.33, moneys appropriated in this paragraph that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year beginning July 1, 2014.

c. For renovations, expansions, and enhancements to facilities for an adult day program at a year-round camp for persons with disabilities in a central Iowa city with a population between one hundred ninety-five thousand and two hundred five thousand in the latest preceding certified federal census:

..... $ 250,000

d. For costs associated with the hosting of a national junior summer olympics by a nonprofit sports organization:

..... $ 250,000

Notwithstanding section 8.33, moneys appropriated in this paragraph that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year beginning July 1, 2013.

e. For the provision of financial assistance including the establishment of a loan program; for technical assistance, marketing, and education to businesses interested in establishing employee stock ownership plans; and for procurement of the services of an independent contractor with expertise in the formation of the employee stock ownership plans:

..... $ 500,000

Notwithstanding section 8.33, moneys appropriated in this paragraph that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year beginning July 1, 2014.

On or before January 1, 2016, the authority shall submit a report to the general assembly and the governor's office describing the expenditure of moneys appropriated pursuant to this lettered paragraph "e" and evaluating the success of the assistance and promotion program.

6. DEPARTMENT OF EDUCATION

a. For the Iowa reading research center established pursuant to section 256.9:

..... $ 669,000

Notwithstanding section 8.33, moneys appropriated in this paragraph that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year beginning July 1, 2013.

b. For purposes of implementing the statewide core curriculum for school districts and accredited nonpublic schools and a state-designated career information and decision-making system:

..... $ 1,000,000

Notwithstanding section 8.33, moneys appropriated in this paragraph that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year beginning July 1, 2013.

**c. For major renovation and major repair needs, including health, life, and fire safety needs and for compliance with the federal Americans with Disabilities Act for buildings and facilities under the purview of the community colleges:*

..... *$ 1,000,000**

7. DEPARTMENT OF HUMAN RIGHTS

For deposit in the individual development account state match fund created in section 541A.7 to support the operating organizations providing individual development accounts in Iowa:

..... $ 100,000

a. If the term of a contract with an operating organization ends prior to June 30, 2014, the department shall renew the contract to at least June 30, 2014.

* Item veto; see message at end of the Act

b. By October 1, each year through October 1, 2016, the department shall submit a report to the general assembly detailing the expenditures made from the moneys appropriated in this subsection during the previous fiscal year by the operating organizations.

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

8. DEPARTMENT OF HUMAN SERVICES

a. For a grant to a nonprofit child welfare, juvenile justice, and behavioral health agency for the construction of a psychiatric medical institution for children in a city with a population between twenty-eight thousand and twenty-nine thousand in the latest preceding certified federal census:

..... $ 1,000,000

b. For a grant to a nonprofit agency that provides innovative solutions to children and adults with autism in a city with a population between fourteen thousand five hundred and fifteen thousand five hundred in the latest preceding certified federal census for costs associated with improvements to facilities:

..... $ 800,000

c. For allocation to an Iowa food bank association selected by the department for the purchase of food on behalf of an Iowa emergency feeding organization or for the distribution of moneys to the Iowa emergency feeding organizations for the purchase of food:

..... $ 1,000,000

The moneys appropriated in this paragraph shall be allocated only to the extent that the allocated moneys are matched on a dollar-for-dollar basis.

Notwithstanding section 8.33, moneys appropriated in this paragraph that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year beginning July 1, 2014.

9. IOWA JUDICIAL BRANCH

For costs associated with the continued development and implementation of the electronic document management system:

..... $ 3,000,000

10. DEPARTMENT OF PUBLIC SAFETY

a. For equipment, other than land mobile radio communications equipment:

..... $ 1,000,000

Notwithstanding section 8.33, moneys appropriated in this paragraph that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year beginning July 1, 2013.

**b. For providing administrative support for the public safety training and facilities task force established in 2013 Iowa Acts, Senate File 447, if enacted:*

..... *$ 50,000*

c. For the regional emergency response training centers, to be distributed on an equal basis:

..... *$ 150,000**

Notwithstanding section 8.33, moneys appropriated in this paragraph that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year beginning July 1, 2014.

11. STATE BOARD OF REGENTS

a. For major repairs and major maintenance, including fire safety improvements and projects for compliance with the federal Americans With Disabilities Act, at state board of regents institutions and facilities:

..... $ 2,000,000

b. For infrastructure improvements to construct a multipurpose training facility at the state hygienic laboratory at the state university of Iowa:

* Item veto; see message at end of the Act

..... $ 1,000,000

c. For the university of northern Iowa for funding issues related to high enrollment by in-state students:

..... $ 10,000,000

Notwithstanding section 8.33, moneys appropriated in this lettered paragraph that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year beginning July 1, 2014.

d. For implementing the bioeconomy initiative at Iowa state university of science and technology:

..... $ 7,500,000

Notwithstanding section 8.33, moneys appropriated in this paragraph that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year beginning July 1, 2014.

e. For the college of veterinary medicine at Iowa state university of science and technology for renovations and improvements of facilities including offsite facilities:

..... $ 1,000,000

f. For the economic development core facility located at the research park at Iowa state university of science and technology:

..... $ 12,000,000

**g. For construction of a new facility, and renovation and modernization of current facilities and related improvements for the college of pharmacy at the state university of Iowa:*

..... *$ 3,000,000*

h. For construction and related improvements for a new facility for the biosciences at Iowa state university of science and technology:

..... *$ 2,500,000*

i. For the renovation, modernization, and related improvements to the Schindler education center at the university of northern Iowa for teacher education programs and teacher preparation courses:

..... *$ 1,500,000*

12. DEPARTMENT OF TRANSPORTATION

For the public purpose of defraying costs associated with the operation of a contract air traffic control tower which holds an air agency certificate:

..... *$ 150,000*

*Moneys appropriated by this subsection shall be distributed on a local match basis to the largest city in a county with a population of more than 92,000 and less than 95,000 as of the last preceding certified federal census.**

13. DEPARTMENT OF VETERANS AFFAIRS

a. For remodeling and upgrades to office space at Camp Dodge:

..... $ 137,940

b. For a grant to an American legion post located in a city with a population between one thousand ten and one thousand twenty in the latest preceding certified federal census for the construction of a veteran's reception center and community center:

..... $ 600,000

**14. DEPARTMENT OF WORKFORCE DEVELOPMENT*

For distribution for a public purpose to an entity with a mission of providing education and training for occupations in Iowa's renewable energy production industries and related occupational opportunities:

..... *$ 300,000*

*Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year beginning July 1, 2014.**

15. STATE FAIR AUTHORITY

* Item veto; see message at end of the Act

a. For infrastructure costs associated with the construction of a plaza on the Iowa state fairgrounds:
..... $ 1,000,000

b. For renovations and improvements to the cultural center at the state fair:
..... $ 250,000

**Sec. 10. RISK POOL TRANSFER.*

1. There is transferred from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount to be used for the purposes designated:

For deposit in the risk pool of the property tax relief fund created in section 426B.5, for distribution as provided in this section:
..... *$ 13,000,000*

2. The moneys deposited in the risk pool pursuant to subsection 1 shall be distributed to counties or county regions in the fiscal year beginning July 1, 2013, and ending June 30, 2014. The application and award processes for a distribution shall be determined by the risk pool board created in section 426B.5, and the processes determined by the risk pool shall apply in lieu of contrary provisions in section 426B.5, subsection 2. However, the application and award dates determined by the board shall not be later than those specified in section 426B.5, subsection 2.

3. a. A distribution of moneys under this section is subject to the same requirement relating to county involvement in a region that is applicable to a distribution of an equalization payment, in accordance with section 426B.3, subsection 4, paragraph "b", as amended by 2013 Iowa Acts, Senate File 452, if enacted.

b. The processes determined by the risk pool board shall give priority to those counties in need of additional funding in order to maintain mental health and disability services that were required to reduce their services fund levy for the fiscal year beginning July 1, 2013, in accordance with section 331.424A, subsection 7, as enacted by 2012 Iowa Acts, chapter 1120, section 132. If moneys remain after the needs of such counties are met, the applications of counties for additional funding for continuation of county mental health and disability services to targeted populations that are not funded by the Medicaid program, but that are covered under such counties' service management plan approved for the fiscal year, shall also be considered.

c. The risk pool board shall specify financial and service information to be provided with a county's application. The information may include but is not limited to actual and projected cash and accrued fund balances, detailed accounts receivable and payable information, budgeted revenues and expenditures, identification of the need for the amount requested, services provided and populations covered under the service management plan, and costs for the county's services administration.

4. If adoption of administrative rules is necessary to implement the processes determined by the risk pool board for the purposes of this section, upon recommendation of the risk pool board the mental health and disability services commission may adopt emergency rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph "b", to implement the processes and the rules shall be effective immediately upon filing unless a later date is specified in the rules. Any rules adopted in accordance with this subsection shall also be published as a notice of intended action as provided in section 17A.4.

*5. Notwithstanding section 426B.1, subsection 1, moneys deposited to the risk pool pursuant to this section that remain unencumbered or unobligated shall revert to the general fund of the state at the close of the fiscal year beginning July 1, 2013.**

Sec. 11. DEPARTMENT OF VETERANS AFFAIRS. There is appropriated from the rebuild Iowa infrastructure fund to the department of veterans affairs for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For construction costs associated with the expansion of an equipment and vehicle storage

* Item veto; see message at end of the Act

building at the Iowa veterans cemetery:
..... $ 250,000

Sec. 12. REPORTING.

1. Annually, on or before January 15 of each year, a state agency that received an appropriation in this division of this Act shall report to the legislative services agency and the department of management the status of all projects completed or in progress. The report shall include a description of the project, the progress of work completed, the total estimated cost of the project, a list of all revenue sources being used to fund the project, the amount of funds expended, the amount of funds obligated, and the date the project was completed or an estimated completion date of the project, where applicable.

2. Annually, on or before December 31 of each year, a recipient of moneys appropriated in this division of this Act for any purpose shall report to the state agency to which the moneys are appropriated the status of all projects completed or in progress. The report shall include a description of the project, the progress of work completed, the total estimated cost of the project, a list of all revenue sources being used to fund the project, the amount of funds expended, the amount of funds obligated, and the date the project was completed or an estimated completion date of the project, where applicable.

Sec. 13. REVERSION. For purposes of section 8.33, unless specifically provided otherwise, unencumbered or unobligated moneys from an appropriation made in this division of this Act shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year beginning July 1, 2016. However, if the project or projects for which such appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

Sec. 14. NEW SECTION. **331.399 Governmental body.**

Mental health and disability services regions formed pursuant to this part shall be a governmental body for purposes of chapter 21 and shall be a government body for purposes of chapter 22.

Sec. 15. 2012 Iowa Acts, chapter 1140, section 1, subsection 12, is amended to read as follows:

12. STATE FAIR AUTHORITY

For renovations and improvements including but not limited to the cultural center at the state fair:

FY 2012-2013 ..... $ 250,000
FY 2013-2014 ..... $ ~~250,000~~
0

Sec. 16. 2013 Iowa Acts, House File 638,[2] section 1, subsection 1, paragraph a, unnumbered paragraphs 1 and 2, if enacted, are amended to read as follows:

For projects related to major repairs and major maintenance for state buildings and facilities:

FY 2013-2014:
..... $ ~~4,000,000~~
3,800,000

Sec. 17. 2013 Iowa Acts, Senate File 452,[3] section 10, if enacted, is amended to read as follows:

SEC. 10. IOWA TUITION GRANTS. There is appropriated from the general fund of the state to the college student aid commission for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For Iowa tuition grants under section 261.25, subsection 1:

[2] Chapter 142 herein
[3] Chapter 140 herein

..... $ 500,000

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

DIVISION IV
SOIL AND WATER CONSERVATION AND WATER QUALITY

Sec. 19. SOIL AND WATER CONSERVATION — GENERAL. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

1. For use by the department in providing for soil and water conservation administration, the conservation of soil and water resources, or the support of soil and water conservation district commissioners:

..... $ 7,000,000

2. Not more than 5 percent of the moneys appropriated in subsection 1 may be allocated for cost sharing to address complaints filed under section 161A.47.

3. Of the moneys appropriated in subsection 1, 5 percent shall be allocated for financial incentives to establish practices to protect watersheds above publicly owned lakes of the state from soil erosion and sediment as provided in section 161A.73.

4. Not more than 30 percent of a soil and water conservation district's allocation of moneys as financial incentives may be provided for the purpose of establishing management practices to control soil erosion on land that is row cropped, including but not limited to no-till planting, ridge-till planting, contouring, and contour strip-cropping as provided in section 161A.73.

5. The state soil conservation committee established by section 161A.4 may allocate moneys appropriated in subsection 1 to conduct research and demonstration projects to promote conservation tillage and nonpoint source pollution control practices.

6. The allocation of moneys as financial incentives as provided in section 161A.73 may be used in combination with moneys allocated by the department of natural resources.

7. Not more than 15 percent of the moneys appropriated in subsection 1 may be used for costs of administration and implementation of soil and water conservation practices.

8. The moneys appropriated in this section shall not be used by the soil conservation division of the department of agriculture and land stewardship to provide administrative support to the watershed improvement review board established in section 466A.3.

Sec. 20. WATER QUALITY INITIATIVE — SPECIAL PROJECTS.

1. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For deposit in the water quality initiative fund created in section 466B.45, if enacted by 2013 Iowa Acts, Senate File 435, [4] for purposes of supporting special projects associated with a water quality initiative administered by the soil conservation division as provided in section 466B.42, if enacted by 2013 Iowa Acts, Senate File 435: [5]

..... $ 10,000,000

2. a. Seventy percent of the moneys shall be used to support projects in subwatersheds as designated by the division that are part of high-priority watersheds identified by the water resources coordinating council established pursuant to section 466B.3.

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

3. In supporting projects in subwatersheds and watersheds as provided in subsection 2, the division shall do all of the following:

a. Utilize water quality practices as described in the latest revision of the document entitled "Iowa Nutrient Reduction Strategy" initially presented in November 2012 by the department

[4] Chapter 132 herein
[5] Chapter 132 herein

of agriculture and land stewardship, the department of natural resources, and Iowa state university of science and technology.

b. Participate with persons who hold a legal interest in agricultural land used in farming. To every extent practical, the division shall provide for collaborative participation by such persons who hold a legal interest in agricultural land located within the same watershed.

c. Finance the establishment of water quality practices on a cost-share basis as determined by the division. However, the state's share of the amount shall not exceed 50 percent of the estimated cost of establishing the water quality practice as determined by the division or 50 percent of the actual cost of establishing the water quality practice, whichever is less.

4. Notwithstanding any other provision in law to the contrary, the department may use moneys appropriated in subsection 1 in combination with other moneys appropriated to the department from the environment first fund created in section 8.57A for cost sharing to match the United States department of agriculture, natural resources conservation service, wetland reserve enhancement program.

Sec. 21. WATER QUALITY INITIATIVE APPROPRIATIONS — FEDERAL MONEYS. The department of agriculture and land stewardship, and its soil conservation division, may use moneys appropriated in this division of this Act to support the water quality initiative, including its projects, in combination with other moneys provided by the United States government.

Sec. 22. WATER QUALITY INITIATIVE — REPORT. The department of agriculture and land stewardship shall prepare a preliminary report and final report regarding its efforts to administer the water quality initiative as provided in this division. Each report shall include information regarding the establishment of water quality practices, including demonstration projects, and education and outreach efforts. The department shall deliver the preliminary report to the governor and general assembly not later than January 15, 2014, and shall deliver the final report to the governor and general assembly not later than January 15, 2015. A report shall not identify an individual or specific agricultural land.

Sec. 23. WATERSHED IMPROVEMENT FUND.

1. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For deposit in the watershed improvement fund created in section 466A.2:

..... $ 3,000,000

2. Of the amount appropriated in subsection 1, 50 percent shall be used for purposes of supporting special projects associated with the water quality initiative administered by the soil conservation division.

Sec. 24. NONREVERSION. Notwithstanding section 8.33, moneys appropriated in this division of this Act that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year beginning July 1, 2017.

Sec. 25. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Approved June 20, 2013, with exceptions noted.

TERRY E. BRANSTAD, *Governor*

Dear Mr. Secretary:

I hereby transmit House File 648, an Act relating to state and local finances by making transfers and appropriations and including effective date and applicability provisions.

House File 648 is approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated as Division II in its entirety. This item provides supplemental appropriations from the General Fund to the Judicial Retirement and Peace Officer Retirement Funds. While these retirement plans have funding shortfalls, trying to make up for these shortfalls should not be borne only by taxpayers of the State. Iowa needs a comprehensive, long-term, sustainable plan for making up the shortfall in these retirement funds. The plan should include both the State and the participants of the plan as financial partners in bringing these funds to financial balance. The division also eliminates the annual standing appropriation of $5,000,000 to the Peace Officer Retirement Fund. My disapproval of the division restores $5,000,000 in funding starting in fiscal year 2014.

I am unable to approve the item designated as Section 9, paragraph 6, subparagraph c in its entirety. This item provides $1,000,000 in maintenance funding for community colleges. I did not include this spending in my budget recommendation. Community colleges have received other increases and additional funding for the next fiscal year in other areas beyond my recommendations. Therefore, this funding is not approved.

I am unable to approve the item designated as Section 9, paragraph 10, subparagraph b in its entirety. This item provides $50,000 to fund a new public safety training and facilities task force. This funding is no longer necessary due to the fact that the new task force was disapproved in Senate File 447.

I am unable to approve the item designated as Section 9, paragraph 10, subparagraph c in its entirety. This item provides $150,000 to regional emergency response training centers, distributed on an equal basis. Providing funding to entities without guidance or oversight is not an efficient use of taxpayer funds.

I am unable to approve the item designated as Section 9, paragraph 11, subparagraph g in its entirety. This item spends $3,000,000 to plan and design a new project, the University of Iowa Pharmacy Building Renovation. Early estimates reveal an anticipated cost of at least $67,600,000. Until strategic plans and sustainable financing are secure, it is not appropriate to spend taxpayer money designing and planning the project. The Iowa Board of Regents should continue to engage in a long-term strategic planning process to review infrastructure needs in light of changes in educational technology. Technology and innovation should make it feasible to deliver high-quality education to students at a lower tuition and infrastructure cost, as delivery of educational services will require less physical presence on college campuses in the future.

I am unable to approve the item designated as Section 9, paragraph 11, subparagraph h in its entirety. This item spends $2,500,000 to plan and design a new project, the Iowa State University Biosciences Building. Early estimates reveal an anticipated cost of at least $42,500,000. Until strategic plans and sustainable financing are secure, it is not appropriate to spend taxpayer money designing and planning the project. The Iowa Board of Regents should continue to engage in a long-term strategic planning process to review infrastructure needs in light of changes in educational technology. Technology and innovation should make it feasible to deliver high-quality education to students at a lower tuition and infrastructure cost, as delivery of educational services will require less physical presence on college campuses in the future.

I am unable to approve the item designated as Section 9, paragraph 11, subparagraph i in its entirety. This item spends $1,500,000 to plan and design a new project, the University of Northern Iowa Schindler Education Center Renovation. Early estimates reveal an anticipated cost of at least $31,600,000. Until strategic plans and sustainable financing are secure, it is not appropriate to spend taxpayer money designing and planning the project. The Iowa Board of Regents should continue to engage in a long-term strategic planning process to review infrastructure needs in light of changes in educational technology. Technology and

innovation should make it feasible to deliver high-quality education to students at a lower tuition and infrastructure cost, as delivery of educational services will require less physical presence on college campuses in the future.

I am unable to approve the item designated as Section 9, paragraph 12 in its entirety. This item provides $150,000 for the operation of a contract air traffic control tower in Dubuque. Earlier this year, concerns existed that federal sequestration of funds could withhold funds and affect operation of this control tower. However, federal funding was restored. The state funds are no longer needed.

I am unable to approve the item designated as Section 9, paragraph 14 in its entirety. This item provides $300,000 for an entity to provide education and training for occupations in Iowa's renewable energy production industries and related educational opportunities. While I support renewable energy and the job opportunities associated with it, this spending provides state taxpayer dollars for a program pursuant to a federal grant with no state guidance or oversight. This is not the best use of state taxpayer funds. We have already provided $15.8 million in fiscal year 2014 for workforce training through the Iowa Skilled Worker and Job Creation Fund, an increase of $7.8 million over fiscal year 2013.

I am unable to approve the item designated as Section 10 in its entirety. This item transfers $13,000,000 to the risk pool at the Department of Human Services for payment of mental health costs at the county level. Under the new Iowa Health and Wellness Plan, Iowans will have access to high quality mental health services. These services will be fully funded by federal dollars which greatly reduces the demand on county mental health funds. Counties are already receiving additional funds aiding the redesign of the mental health system, including $11,628,317 in transition funds and $29,820,478 in equalization funding, as well as the $110,656,258 to be collected statewide in property taxes to support mental health services. The additional risk pool funding is not necessary at this time.

For the above reasons, I respectfully disapprove the designated items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 648 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, *Governor*

CHAPTER 144

JAMES HARLAN STATUE

H.J.R. 13

A JOINT RESOLUTION relating to the location and exhibition of the statue of James Harlan, currently on display in the United States capitol.

WHEREAS, James Harlan was an early president of Iowa Wesleyan College; and

WHEREAS, Mr. Harlan's home was and final resting place is in Mount Pleasant, Iowa; and

WHEREAS, House Joint Resolution 16, enacted in 2011, provides for the relocation of the James Harlan statue from Washington, D.C., to the Iowa statehouse; NOW THEREFORE,

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. PERMANENT LOAN AND PERPETUAL EXHIBITION.

1. Upon the replacement of the statue of James Harlan in the United States capitol, that statue shall be the property of the State of Iowa.

2. The provisions of 2011 Iowa Acts, chapter 136 (House Joint Resolution 16) notwithstanding, upon return of the James Harlan statue to Iowa, the department of cultural affairs shall negotiate an agreement with Iowa Wesleyan College for the permanent loan of the statue to the college for perpetual exhibition.

3. The agreement shall provide for the perpetual exhibition of the James Harlan statue at a suitable location on the campus of Iowa Wesleyan College and for its care and maintenance by the college.

Approved May 15, 2013

ANALYSIS OF TABLES

Conversion Tables of Senate and House Files and Joint Resolutions to Chapters of the Acts of the General Assembly

2013 Code Chapters and Sections Amended or Repealed and New Code Sections Assigned, 2013 Regular Session

Session Laws Amended, Repealed, or Referred to in Acts of the Eighty-fifth General Assembly, 2013 Regular Session

Iowa Codes and Code Supplements Referred to in Acts of the Eighty-fifth General Assembly, 2013 Regular Session

Iowa Administrative Code Referred to in Acts of the Eighty-fifth General Assembly, 2013 Regular Session

Acts of Congress, United States Code, and Code of Federal Regulations Referred To

Iowa Court Rules Referred To

Vetoed Bills

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CONVERSION TABLES OF SENATE AND HOUSE FILES AND JOINT RESOLUTIONS TO CHAPTERS OF THE ACTS OF THE GENERAL ASSEMBLY

2013 REGULAR SESSION

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HOUSE JOINT RESOLUTION

File No.	Acts Chapter
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2013 CODE CHAPTERS AND SECTIONS AMENDED OR REPEALED AND NEW CODE SECTIONS ASSIGNED, 2013 REGULAR SESSION

Boldface type represents new Code section numbers that are subject to change when codified.

Code Chapter or Section	Acts Chapter
2.12	10, §1; 140, §45
2.42(14)	10, §2; 140, §46
2.48[3e(1)]	125, §1, 23, 24
2.48(3f)	117, §1, 7
2.69(4“0c”)	129, §61
2C.2	10, §3
2C.3	10, §4
2C.3(2)	140, §47
2C.4	10, §5
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