

**EIGHTY-FIFTH GENERAL ASSEMBLY
2013 REGULAR SESSION
DAILY
SENATE CLIP SHEET**

MAY 7, 2013

**HOUSE AMENDMENT TO
SENATE FILE 442**

S-3219

1 Amend Senate File 442, as passed by the Senate, as
2 follows:
3 1. By striking everything after the enacting clause
4 and inserting:

<DIVISION I
FY 2013-2014

7 Section 1. JUDICIAL BRANCH.

8 1. There is appropriated from the general fund of
9 the state to the judicial branch for the fiscal year
10 beginning July 1, 2013, and ending June 30, 2014, the
11 following amount, or so much thereof as is necessary,
12 to be used for the purposes designated:

13 a. For salaries of supreme court justices,
14 appellate court judges, district court judges,
15 district associate judges, associate juvenile judges,
16 associate probate judges, judicial magistrates and
17 staff, state court administrator, clerk of the supreme
18 court, district court administrators, clerks of the
19 district court, juvenile court officers, board of law
20 examiners and board of examiners of shorthand reporters
21 and judicial qualifications commission; receipt and
22 disbursement of child support payments; reimbursement
23 of the auditor of state for expenses incurred in
24 completing audits of the offices of the clerks of the
25 district court during the fiscal year beginning July
26 1, 2013; and maintenance, equipment, and miscellaneous
27 purposes:
28 \$164,599,367

29 b. For deposit in the revolving fund created
30 pursuant to section 602.1302, subsection 3, for jury
31 and witness fees, mileage, costs related to summoning
32 jurors, fees for interpreters, and reimbursement of
33 attorney fees paid by the state public defender:
34 \$ 3,100,000

35 2. The judicial branch, except for purposes of
36 internal processing, shall use the current state budget
37 system, the state payroll system, and the Iowa finance
38 and accounting system in administration of programs
39 and payments for services, and shall not duplicate the
40 state payroll, accounting, and budgeting systems.

41 3. The judicial branch shall submit monthly
42 financial statements to the legislative services
43 agency and the department of management containing
44 all appropriated accounts in the same manner as
45 provided in the monthly financial status reports and
46 personal services usage reports of the department
47 of administrative services. The monthly financial
48 statements shall include a comparison of the dollars
49 and percentage spent of budgeted versus actual revenues
50 and expenditures on a cumulative basis for full-time

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1 equivalent positions and dollars.

2 4. The judicial branch shall focus efforts upon the
3 collection of delinquent fines, penalties, court costs,
4 fees, surcharges, or similar amounts.

5 5. It is the intent of the general assembly that
6 the offices of the clerks of the district court operate
7 in all 99 counties and be accessible to the public as
8 much as is reasonably possible in order to address the
9 relative needs of the citizens of each county.

10 6. In addition to the requirements for transfers
11 under section 8.39, the judicial branch shall not
12 change the appropriations from the amounts appropriated
13 to the judicial branch in this division of this Act,
14 unless notice of the revisions is given prior to their
15 effective date to the legislative services agency.
16 The notice shall include information on the branch's
17 rationale for making the changes and details concerning
18 the workload and performance measures upon which the
19 changes are based.

20 7. The judicial branch shall submit a semiannual
21 update to the legislative services agency specifying
22 the amounts of fines, surcharges, and court costs
23 collected using the Iowa court information system since
24 the last report. The judicial branch shall continue
25 to facilitate the sharing of vital sentencing and
26 other information with other state departments and
27 governmental agencies involved in the criminal justice
28 system through the Iowa court information system.

29 8. The judicial branch shall provide a report to
30 the general assembly by January 1, 2014, concerning
31 the amounts received and expended from the enhanced
32 court collections fund created in section 602.1304 and
33 the court technology and modernization fund created in
34 section 602.8108, subsection 7, during the fiscal year
35 beginning July 1, 2012, and ending June 30, 2013, and
36 the plans for expenditures from each fund during the
37 fiscal year beginning July 1, 2013, and ending June 30,
38 2014. A copy of the report shall be provided to the
39 legislative services agency.

40 Sec. 2. CIVIL TRIALS - LOCATION. Notwithstanding
41 any provision to the contrary, for the fiscal year
42 beginning July 1, 2013, and ending June 30, 2014, if
43 all parties in a case agree, a civil trial including a
44 jury trial may take place in a county contiguous to the
45 county with proper jurisdiction, even if the contiguous
46 county is located in an adjacent judicial district or
47 judicial election district. If the trial is moved
48 pursuant to this section, court personnel shall treat
49 the case as if a change of venue occurred. However,
50 if a trial is moved to an adjacent judicial district

1 or judicial election district, the judicial officers
2 serving in the judicial district or judicial election
3 district receiving the case shall preside over the
4 case.

5 Sec. 3. TRAVEL REIMBURSEMENT. Notwithstanding
6 section 602.1509, for the fiscal year beginning July 1,
7 2013, a judicial officer may waive travel reimbursement
8 for any travel outside the judicial officer's county of
9 residence to conduct official judicial business.

10 Sec. 4. POSTING OF REPORTS IN ELECTRONIC FORMAT –
11 LEGISLATIVE SERVICES AGENCY. All reports or copies of
12 reports required to be provided by the judicial branch
13 for fiscal year 2013-2014 to the legislative services
14 agency shall be provided in an electronic format. The
15 legislative services agency shall post the reports on
16 its internet website and shall notify by electronic
17 means all the members of the joint appropriations
18 subcommittee on the justice system when a report
19 is posted. Upon request, copies of the reports may
20 be mailed to members of the joint appropriations
21 subcommittee on the justice system.

22 Sec. 5. JUDICIAL OFFICER – UNPAID
23 LEAVE. Notwithstanding the annual salary rates
24 for judicial officers established by 2008 Iowa Acts,
25 chapter 1191, section 11, for the fiscal year beginning
26 July 1, 2013, and ending June 30, 2014, the supreme
27 court may by order place all judicial officers on
28 unpaid leave status on any day employees of the
29 judicial branch are placed on temporary layoff status.
30 The biweekly pay of the judicial officers shall be
31 reduced accordingly for the pay period in which the
32 unpaid leave date occurred in the same manner as for
33 noncontract employees of the judicial branch. Through
34 the course of the fiscal year, the judicial branch may
35 use an amount equal to the aggregate amount of salary
36 reductions due to the judicial officer unpaid leave
37 days for any purpose other than for judicial salaries.

38 Sec. 6. IOWA COMMUNICATIONS NETWORK. It is the
39 intent of the general assembly that the judicial branch
40 utilize the Iowa communications network or other secure
41 electronic communications in lieu of traveling for the
42 fiscal year beginning July 1, 2013.

43 DIVISION II
44 FY 2014-2015

45 Sec. 7. JUDICIAL BRANCH.

46 1. There is appropriated from the general fund of
47 the state to the judicial branch for the fiscal year
48 beginning July 1, 2014, and ending June 30, 2015, the
49 following amount, or so much thereof as is necessary,
50 to be used for the purposes designated:

1 a. For salaries of supreme court justices,
 2 appellate court judges, district court judges,
 3 district associate judges, associate juvenile judges,
 4 associate probate judges, judicial magistrates and
 5 staff, state court administrator, clerk of the supreme
 6 court, district court administrators, clerks of the
 7 district court, juvenile court officers, board of law
 8 examiners and board of examiners of shorthand reporters
 9 and judicial qualifications commission; receipt and
 10 disbursement of child support payments; reimbursement
 11 of the auditor of state for expenses incurred in
 12 completing audits of the offices of the clerks of the
 13 district court during the fiscal year beginning July
 14 1, 2014; and maintenance, equipment, and miscellaneous
 15 purposes:
 16 \$ 82,299,684

17 b. For deposit in the revolving fund created
 18 pursuant to section 602.1302, subsection 3, for jury
 19 and witness fees, mileage, costs related to summoning
 20 jurors, fees for interpreters, and reimbursement of
 21 attorney fees paid by the state public defender:
 22 \$ 1,550,000

23 2. The judicial branch, except for purposes of
 24 internal processing, shall use the current state budget
 25 system, the state payroll system, and the Iowa finance
 26 and accounting system in administration of programs
 27 and payments for services, and shall not duplicate the
 28 state payroll, accounting, and budgeting systems.

29 3. The judicial branch shall submit monthly
 30 financial statements to the legislative services
 31 agency and the department of management containing
 32 all appropriated accounts in the same manner as
 33 provided in the monthly financial status reports and
 34 personal services usage reports of the department
 35 of administrative services. The monthly financial
 36 statements shall include a comparison of the dollars
 37 and percentage spent of budgeted versus actual revenues
 38 and expenditures on a cumulative basis for full-time
 39 equivalent positions and dollars.

40 4. The judicial branch shall focus efforts upon the
 41 collection of delinquent fines, penalties, court costs,
 42 fees, surcharges, or similar amounts.

43 5. It is the intent of the general assembly that
 44 the offices of the clerks of the district court operate
 45 in all 99 counties and be accessible to the public as
 46 much as is reasonably possible in order to address the
 47 relative needs of the citizens of each county.

48 6. In addition to the requirements for transfers
 49 under section 8.39, the judicial branch shall not
 50 change the appropriations from the amounts appropriated

1 to the judicial branch in this division of this Act,
2 unless notice of the revisions is given prior to their
3 effective date to the legislative services agency.
4 The notice shall include information on the branch's
5 rationale for making the changes and details concerning
6 the workload and performance measures upon which the
7 changes are based.

8 7. The judicial branch shall submit a semiannual
9 update to the legislative services agency specifying
10 the amounts of fines, surcharges, and court costs
11 collected using the Iowa court information system since
12 the last report. The judicial branch shall continue
13 to facilitate the sharing of vital sentencing and
14 other information with other state departments and
15 governmental agencies involved in the criminal justice
16 system through the Iowa court information system.

17 8. The judicial branch shall provide a report to
18 the general assembly by January 1, 2015, concerning
19 the amounts received and expended from the enhanced
20 court collections fund created in section 602.1304 and
21 the court technology and modernization fund created in
22 section 602.8108, subsection 7, during the fiscal year
23 beginning July 1, 2013, and ending June 30, 2014, and
24 the plans for expenditures from each fund during the
25 fiscal year beginning July 1, 2014, and ending June 30,
26 2015. A copy of the report shall be provided to the
27 legislative services agency.

28 Sec. 8. CIVIL TRIALS - LOCATION. Notwithstanding
29 any provision to the contrary, for the fiscal year
30 beginning July 1, 2014, and ending June 30, 2015, if
31 all parties in a case agree, a civil trial including a
32 jury trial may take place in a county contiguous to the
33 county with proper jurisdiction, even if the contiguous
34 county is located in an adjacent judicial district or
35 judicial election district. If the trial is moved
36 pursuant to this section, court personnel shall treat
37 the case as if a change of venue occurred. However,
38 if a trial is moved to an adjacent judicial district
39 or judicial election district, the judicial officers
40 serving in the judicial district or judicial election
41 district receiving the case shall preside over the
42 case.

43 Sec. 9. TRAVEL REIMBURSEMENT. Notwithstanding
44 section 602.1509, for the fiscal year beginning July 1,
45 2014, a judicial officer may waive travel reimbursement
46 for any travel outside the judicial officer's county of
47 residence to conduct official judicial business.

48 Sec. 10. POSTING OF REPORTS IN ELECTRONIC FORMAT -
49 LEGISLATIVE SERVICES AGENCY. All reports or copies of
50 reports required to be provided by the judicial branch

1 for fiscal year 2014-2015 to the legislative services
2 agency shall be provided in an electronic format. The
3 legislative services agency shall post the reports on
4 its internet website and shall notify by electronic
5 means all the members of the joint appropriations
6 subcommittee on the justice system when a report
7 is posted. Upon request, copies of the reports may
8 be mailed to members of the joint appropriations
9 subcommittee on the justice system.

10 Sec. 11. JUDICIAL OFFICER - UNPAID
11 LEAVE. Notwithstanding the annual salary rates
12 for judicial officers established by 2008 Iowa Acts,
13 chapter 1191, section 11, for the fiscal year beginning
14 July 1, 2014, and ending June 30, 2015, the supreme
15 court may by order place all judicial officers on
16 unpaid leave status on any day employees of the
17 judicial branch are placed on temporary layoff status.
18 The biweekly pay of the judicial officers shall be
19 reduced accordingly for the pay period in which the
20 unpaid leave date occurred in the same manner as for
21 noncontract employees of the judicial branch. Through
22 the course of the fiscal year, the judicial branch may
23 use an amount equal to the aggregate amount of salary
24 reductions due to the judicial officer unpaid leave
25 days for any purpose other than for judicial salaries.

26 Sec. 12. IOWA COMMUNICATIONS NETWORK. It is the
27 intent of the general assembly that the judicial branch
28 utilize the Iowa communications network or other secure
29 electronic communications in lieu of traveling for the
30 fiscal year beginning July 1, 2014.>

RECEIVED FROM THE HOUSE

HOUSE AMENDMENT TO
SENATE FILE 452

S-3218

1 Amend Senate File 452, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. By striking everything after the enacting clause
4 and inserting:

<DIVISION I

STANDING APPROPRIATIONS AND RELATED MATTERS

7 Section 1. BUDGET PROCESS FOR FISCAL YEAR
8 2014-2015.

9 1. For the budget process applicable to the fiscal
10 year beginning July 1, 2014, on or before October 1,
11 2013, in lieu of the information specified in section
12 8.23, subsection 1, unnumbered paragraph 1, and
13 paragraph "a", all departments and establishments of
14 the government shall transmit to the director of the
15 department of management, on blanks to be furnished
16 by the director, estimates of their expenditure
17 requirements, including every proposed expenditure, for
18 the ensuing fiscal year, together with supporting data
19 and explanations as called for by the director of the
20 department of management after consultation with the
21 legislative services agency.

22 2. The estimates of expenditure requirements
23 shall be in a form specified by the director of
24 the department of management, and the expenditure
25 requirements shall include all proposed expenditures
26 and shall be prioritized by program or the results to
27 be achieved. The estimates shall be accompanied by
28 performance measures for evaluating the effectiveness
29 of the programs or results.

30 Sec. 2. GENERAL ASSEMBLY.

31 1. The appropriations made pursuant to section
32 2.12 for the expenses of the general assembly and
33 legislative agencies for the fiscal year beginning July
34 1, 2013, and ending June 30, 2014, are reduced by the
35 following amount:

36 \$ 3,000,000

37 2. The budgeted amounts for the general assembly
38 for the fiscal year beginning July 1, 2013, may be
39 adjusted to reflect unexpended budgeted amounts from
40 the previous fiscal year.

41 Sec. 3. LIMITATIONS OF STANDING APPROPRIATIONS

42 - FY 2013-2014. Notwithstanding the standing
43 appropriations in the following designated sections for
44 the fiscal year beginning July 1, 2013, and ending June
45 30, 2014, the amounts appropriated from the general
46 fund of the state pursuant to these sections for the
47 following designated purposes shall not exceed the
48 following amounts:

49 1. For paying claims against the state under
50 section 25.2:

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1 \$ 3,000,000

2 2. For operational support grants and community

3 cultural grants under section 99F.11, subsection 3,

4 paragraph "d", subparagraph (1):

5 \$ 416,702

6 3. For regional tourism marketing under section

7 99F.11, subsection 3, paragraph "d", subparagraph (2):

8 \$ 810,306

9 4. For programs for at-risk children under section

10 279.51:

11 \$ 10,728,891

12 The amount of any reduction in this subsection shall

13 be prorated among the programs specified in section

14 279.51, subsection 1, paragraphs "a", "b", and "c".

15 5. For payment for nonpublic school transportation

16 under section 285.2:

17 \$ 8,560,931

18 If total approved claims for reimbursement for

19 nonpublic school pupil transportation exceed the amount

20 appropriated in accordance with this subsection, the

21 department of education shall prorate the amount of

22 each approved claim.

23 6. For the enforcement of chapter 453D relating to

24 tobacco product manufacturers under section 453D.8:

25 \$ 18,416

26 Sec. 4. LIMITATIONS OF STANDING APPROPRIATIONS

27 - FY 2014-2015. Notwithstanding the standing

28 appropriations in the following designated sections for

29 the fiscal year beginning July 1, 2014, and ending June

30 30, 2015, the amounts appropriated from the general

31 fund of the state pursuant to these sections for the

32 following designated purposes shall not exceed the

33 following amounts:

34 1. For operational support grants and community

35 cultural grants under section 99F.11, subsection 3,

36 paragraph "d", subparagraph (1):

37 \$ 208,351

38 2. For regional tourism marketing under section

39 99F.11, subsection 3, paragraph "d", subparagraph (2):

40 \$ 405,153

41 3. For programs for at-risk children under section

42 279.51:

43 \$ 5,364,445

44 The amount of any reduction in this subsection shall

45 be prorated among the programs specified in section

46 279.51, subsection 1, paragraphs "a", "b", and "c".

47 4. For payment for nonpublic school transportation

48 under section 285.2:

49 \$ 8,560,931

50 If total approved claims for reimbursement for

1 nonpublic school pupil transportation exceed the amount
2 appropriated in accordance with this subsection, the
3 department of education shall prorate the amount of
4 each approved claim.

5 5. For the enforcement of chapter 453D relating to
6 tobacco product manufacturers under section 453D.8:

7 \$ 9,208

8 Sec. 5. INSTRUCTIONAL SUPPORT STATE AID -
9 FY 2013-2014 - FY 2014-2015. In lieu of the
10 appropriation provided in section 257.20, subsection 2,
11 the appropriation for the fiscal years beginning July
12 1, 2013, and July 1, 2014, for paying instructional
13 support state aid under section 257.20 for fiscal years
14 2013-2014 and 2014-2015 is zero.

15 Sec. 6. Section 97A.11A, subsection 1, Code 2013,
16 is amended to read as follows:

17 1. Beginning with the fiscal year commencing July
18 1, ~~2013~~ 2015, and ending June 30 of the fiscal year
19 during which the board determines that the system's
20 funded ratio of assets to liabilities is at least
21 eighty-five percent, there is appropriated from the
22 general fund of the state for each fiscal year to the
23 retirement fund described in section 97A.8, an amount
24 equal to five million dollars.

25 Sec. 7. Section 257.35, Code 2013, is amended by
26 adding the following new subsection:

27 NEW SUBSECTION. 7A. Notwithstanding subsection 1,
28 and in addition to the reduction applicable pursuant
29 to subsection 2, the state aid for area education
30 agencies and the portion of the combined district cost
31 calculated for these agencies for the fiscal year
32 beginning July 1, 2013, and ending June 30, 2014, shall
33 be reduced by the department of management by twenty
34 million dollars. The reduction for each area education
35 agency shall be prorated based on the reduction that
36 the agency received in the fiscal year beginning July
37 1, 2003.

38 DIVISION II

39 MISCELLANEOUS PROVISIONS AND APPROPRIATIONS

40 Sec. 8. INDIVIDUAL DEVELOPMENT ACCOUNT
41 PROGRAM. There is appropriated from the general fund
42 of the state to the department of human rights for the
43 fiscal year beginning July 1, 2013, and ending June 30,
44 2014, the following amounts, or so much thereof as is
45 necessary, for the purposes designated:

46 For deposit in the individual development account
47 state match fund created in section 541A.7 to support
48 the operating organization providing individual
49 development accounts in Iowa:

50 \$ 50,000

1 Sec. 9. HOUSE FILE 603 – FTE AUTHORIZATION.

2 1. For purposes of the offices of the governor and
3 lieutenant governor, there is authorized an additional
4 3.00 full-time equivalent positions above those
5 otherwise authorized pursuant to 2013 Iowa Acts, House
6 File 603, if enacted.

7 2. For purposes of the department of management,
8 there is authorized an additional 1.00 full-time
9 equivalent position above those otherwise authorized
10 pursuant to 2013 Iowa Acts, House File 603, if enacted.

11 Sec. 10. HOME AND COMMUNITY-BASED SERVICES
12 PROVIDERS – REASONABLE COSTS OF STAFF TRAINING –
13 REIMBURSEMENT AS DIRECT COSTS. The department of
14 human services shall adopt rules pursuant to chapter
15 17A to provide that reasonable costs of staff training
16 incurred by providers of home and community-based
17 services under the medical assistance program are
18 reimbursable as direct costs. Such reimbursement
19 shall include reimbursement of the reasonable costs
20 associated with the learning management system utilized
21 under the college of direct support training program.

22 Sec. 11. Section 49.77, subsection 1, Code 2013, is
23 amended by adding the following new paragraph:

24 NEW PARAGRAPH. c. At the discretion of the
25 commissioner, an electronic election register may
26 be used to produce the declaration required in this
27 subsection. The person desiring to vote shall sign
28 the declaration produced by the electronic election
29 register prior to receiving a ballot.

30 Sec. 12. Section 135C.7, Code 2013, is amended by
31 adding the following new unnumbered paragraph:

32 NEW UNNUMBERED PARAGRAPH. In addition to the
33 license fees listed in this section, there shall be
34 an annual assessment assessed to each licensee in an
35 amount to cover the cost of independent reviewers
36 provided pursuant to section 135C.42. The department
37 shall, in consultation with licensees, establish
38 the assessment amount by rule based on the award of
39 a request for proposals. The assessment shall be
40 retained by the department as a repayment receipt as
41 defined in section 8.2 and used for the purpose of
42 paying the cost of the independent reviewers.

43 Sec. 13. Section 144.26, Code 2013, is amended by
44 adding the following new subsection:

45 NEW SUBSECTION. 5. Upon the activation of an
46 electronic death record system, each person with a
47 duty related to death certificates shall participate
48 in the electronic death record system. A person with
49 a duty related to a death certificate includes but
50 is not limited to a physician as defined in section

1 135.1, a physician assistant, an advanced registered
2 nurse practitioner, a funeral director, and a county
3 recorder.

4 Sec. 14. Section 256C.4, subsection 1, paragraph
5 d, Code 2013, is amended by adding the following new
6 unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. Preschool foundation aid
8 funding distributed to an approved local program that
9 remains unencumbered or unobligated at the close of
10 a fiscal year shall be used in the succeeding fiscal
11 year to expand the local program's preschool student
12 capacity.

13 Sec. 15. Section 256C.4, subsection 1, paragraphs g
14 and h, Code 2013, are amended to read as follows:

15 ~~g. For the fiscal year beginning July 1, 2011,~~
16 ~~and each succeeding fiscal year, of~~ Of the amount
17 of preschool foundation aid received by a school
18 district for a fiscal year in accordance with section
19 257.16, not more than five percent may be used by the
20 school district for the school district's costs of
21 administering the district's approved local program.

22 ~~h. For the fiscal year beginning July 1, 2012, and~~
23 ~~each succeeding fiscal year, of the amount of preschool~~
24 ~~foundation aid received by a school district for a~~
25 ~~fiscal year in accordance with section 257.16, not~~
26 ~~less than ninety five percent of the per pupil amount~~
27 ~~shall be passed through to~~ If the students enrolled
28 in a school district's approved local program receive
29 the program's preschool instruction through or in
30 conjunction with services provided to the students by
31 a community-based provider for each pupil enrolled in
32 the district's approved local program, the department's
33 administrative rules and other requirements applicable
34 to the provider and the school district's agreement
35 with the provider shall allow payment for the
36 provider's direct and indirect costs relating to the
37 students. For the fiscal year beginning July 1, 2011,
38 ~~and each succeeding fiscal year, not more than five~~
39 ~~percent of the amount of preschool foundation aid~~
40 ~~passed through to a community based provider may be~~
41 ~~used by the community based provider for administrative~~
42 ~~costs.~~ If the community-based provider is not subject
43 to an annual audit in accordance with generally
44 accepted accounting principles, the provider shall
45 utilize processes which shall be recommended by the
46 auditor of state to identify the provider's direct and
47 indirect costs attributable to the students enrolled
48 in the program.

49 Sec. 16. Section 261.12, subsection 1, Code 2013,
50 is amended to read as follows:

1 1. The amount of a tuition grant to a qualified
2 full-time student for the fall and spring semesters, or
3 the trimester equivalent, shall be the amount of the
4 student's financial need for that period. However, a
5 tuition grant shall not exceed the ~~lesser of:~~

6 a. ~~The total tuition and mandatory fees for that~~
7 student for two semesters or the trimester or quarter
8 equivalent, less the base amount determined annually
9 by the college student aid commission, which base
10 amount shall be within ten dollars of the average
11 tuition for two semesters or the trimester equivalent
12 of undergraduate study at the state universities under
13 the board of regents, but in any event the base amount
14 shall not be less than four hundred dollars; ~~or~~

15 b. ~~For the fiscal year beginning July 1, 2000, and~~
16 ~~for each following fiscal year, four thousand dollars.~~

17 Sec. 17. Section 261.93, subsection 2, paragraph
18 b, subparagraph (4), Code 2013, is amended to read as
19 follows:

20 (4) Is the child of a fire fighter or police
21 officer included under section 97B.49B, who was killed
22 in the line of duty as determined by the Iowa public
23 employees' retirement system in accordance with section
24 97B.52, subsection 2.

25 Sec. 18. Section 523A.303, subsection 1, paragraph
26 b, unnumbered paragraph 1, Code 2013, is amended to
27 read as follows:

28 At least sixty days after mailing notice to the
29 director, the seller shall disburse any ~~remaining~~
30 funds amount in excess of five hundred dollars from the
31 burial trust fund as follows:

32 Sec. 19. EFFECTIVE UPON ENACTMENT. The following
33 provision or provisions of this division of this Act,
34 being deemed of immediate importance, take effect upon
35 enactment:

36 1. The sections amending section 256C.4, subsection
37 1, paragraphs "d", "g", and "h".

38 DIVISION III
39 CORRECTIVE PROVISIONS

40 Sec. 20. Section 2.12, unnumbered paragraph 4, Code
41 2013, as amended by 2013 Iowa Acts, [House File 185](#),
42 section 1, is amended to read as follows:

43 There is appropriated out of any funds in the state
44 treasury not otherwise appropriated such sums as
45 may be necessary for the fiscal year budgets of the
46 legislative services agency and the ~~ombudsman~~
47 of ombudsman for salaries, support, maintenance, and
48 miscellaneous purposes to carry out their statutory
49 responsibilities. The legislative services agency
50 and the ~~ombudsman~~ office of ombudsman shall submit

1 their proposed budgets to the legislative council not
2 later than September 1 of each year. The legislative
3 council shall review and approve the proposed budgets
4 not later than December 1 of each year. The budget
5 approved by the legislative council for each of its
6 statutory legislative agencies shall be transmitted by
7 the legislative council to the department of management
8 on or before December 1 of each year for the fiscal
9 year beginning July 1 of the following year. The
10 department of management shall submit the approved
11 budgets received from the legislative council to the
12 governor for inclusion in the governor's proposed
13 budget for the succeeding fiscal year. The approved
14 budgets shall also be submitted to the chairpersons of
15 the committees on appropriations. The committees on
16 appropriations may allocate from the funds appropriated
17 by this section the funds contained in the approved
18 budgets, or such other amounts as specified, pursuant
19 to a concurrent resolution to be approved by both
20 houses of the general assembly. The director of
21 the department of administrative services shall
22 issue warrants for salaries, support, maintenance,
23 and miscellaneous purposes upon requisition by the
24 administrative head of each statutory legislative
25 agency. If the legislative council elects to change
26 the approved budget for a legislative agency prior to
27 July 1, the legislative council shall transmit the
28 amount of the budget revision to the department of
29 management prior to July 1 of the fiscal year, however,
30 if the general assembly approved the budget it cannot
31 be changed except pursuant to a concurrent resolution
32 approved by the general assembly.

33 Sec. 21. Section 2.42, subsection 14, Code 2013, as
34 amended by 2013 Iowa Acts, [House File 185](#), section 2,
35 is amended to read as follows:

36 14. To hear and act upon appeals of aggrieved
37 employees of the legislative services agency and the
38 office of ~~the~~ ombudsman pursuant to rules of procedure
39 established by the council.

40 Sec. 22. Section 2C.3, subsection 2, Code 2013, as
41 enacted by 2013 Iowa Acts, [House File 185](#), section 4,
42 is amended to read as follows:

43 2. The ombudsman shall employ and supervise all
44 employees under the ombudsman's direction in such
45 positions and at such salaries as shall be authorized
46 by the legislative council. The legislative council
47 shall hear and act upon appeals of aggrieved employees
48 of the office of ~~the~~ ombudsman.

49 Sec. 23. Section 2C.9, subsection 6, Code 2013, as
50 amended by 2013 Iowa Acts, [House File 185](#), section 10,

1 is amended to read as follows:

2 6. Establish rules relating to the operation,
3 organization, and procedure of the office of ~~the~~
4 ombudsman. The rules are exempt from chapter 17A and
5 shall be published in the Iowa administrative code.

6 Sec. 24. Section 2C.11, subsection 1, unnumbered
7 paragraph 1, Code 2013, as amended by 2013 Iowa Acts,
8 [House File 185](#), section 12, is amended to read as
9 follows:

10 An appropriate subject for investigation by the
11 office of ~~the~~ ombudsman is an administrative action
12 that might be:

13 Sec. 25. Section 2C.18, Code 2013, as amended by
14 2013 Iowa Acts, [House File 185](#), section 20, is amended
15 to read as follows:

16 2C.18 Report to general assembly.

17 The ombudsman shall by April 1 of each year submit
18 an economically designed and reproduced report to
19 the general assembly and to the governor concerning
20 the exercise of the ~~ombudsman~~ ombudsman's functions
21 during the preceding calendar year. In discussing
22 matters with which the ombudsman has been concerned,
23 the ombudsman shall not identify specific persons if
24 to do so would cause needless hardship. If the annual
25 report criticizes a named agency or official, it shall
26 also include unedited replies made by the agency or
27 official to the criticism, unless excused by the agency
28 or official affected.

29 Sec. 26. Section 8B.21, subsection 5, paragraph e,
30 if enacted by 2013 Iowa Acts, [Senate File 396](#), section
31 3, is amended to read as follows:

32 e. The department of public defense shall not be
33 required to obtain any information technology services
34 pursuant to this chapter for the department of public
35 defense that ~~is~~ are provided by the office pursuant
36 to this chapter without the consent of the adjutant
37 general.

38 Sec. 27. Section 23A.4, subsection 3, Code 2013, as
39 enacted by 2013 Iowa Acts, [House File 185](#), section 27,
40 is amended to read as follows:

41 3. Chapter 17A and this section are the exclusive
42 remedy for violations of this chapter. However, the
43 office of ~~the~~ ombudsman may review violations of this
44 chapter and make recommendations as provided in chapter
45 2C.

46 Sec. 28. Section 29.1, Code 2013, as amended by
47 2013 Iowa Acts, [House File 307](#), section 9, is amended
48 to read as follows:

49 29.1 Department of public defense.

50 The department of public defense is composed of the

1 office of the adjutant general and the military forces
2 of the state of Iowa. The adjutant general is the
3 director of the department of public defense and shall
4 perform all functions, responsibilities, powers, and
5 duties ~~over~~ concerning the military forces of the state
6 of Iowa as provided in the laws of the state.

7 Sec. 29. Section 35A.13, subsection 6A, paragraph
8 b, subparagraph (1), if enacted by 2013 Iowa Acts,
9 House File 613, section 2, is amended to read as
10 follows:

11 (1) The commission may provide educational
12 assistance funds to any child who has lived in the
13 state of Iowa for two years preceding application for
14 state educational assistance, and who is the child
15 of a person who died prior to September 11, 2001,
16 during active federal military service while serving
17 in the armed forces or during active federal military
18 service in the Iowa national guard or other military
19 component of the United States, to defray the expenses
20 of tuition, matriculation, laboratory and similar
21 fees, books and supplies, board, lodging, and any
22 other reasonably necessary expense for the child or
23 children incident to attendance in this state at an
24 educational or training institution of college grade,
25 or in a business or vocational training school with
26 standards approved by the department. The commission
27 shall not expend more than six hundred dollars per year
28 for educational assistance for any one child under this
29 paragraph "b".

30 Sec. 30. Section 70A.28, subsection 6, Code 2013,
31 as amended by 2013 Iowa Acts, House File 185, section
32 28, is amended to read as follows:

33 6. Subsection 2 may also be enforced by an employee
34 through an administrative action pursuant to the
35 requirements of this subsection if the employee is not
36 a merit system employee or an employee covered by a
37 collective bargaining agreement. An employee eligible
38 to pursue an administrative action pursuant to this
39 subsection who is discharged, suspended, demoted, or
40 otherwise receives a reduction in pay and who believes
41 the adverse employment action was taken as a result
42 of the employee's disclosure of information that
43 was authorized pursuant to subsection 2, may file an
44 appeal of the adverse employment action with the public
45 employment relations board within thirty calendar days
46 following the later of the effective date of the action
47 or the date a finding is issued to the employee by the
48 office of ~~the~~ ombudsman pursuant to section 2C.11A.
49 The findings issued by the ombudsman may be introduced
50 as evidence before the public employment relations

1 board. The employee has the right to a hearing closed
2 to the public, but may request a public hearing. The
3 hearing shall otherwise be conducted in accordance with
4 the rules of the public employment relations board and
5 the Iowa administrative procedure Act, chapter 17A. If
6 the public employment relations board finds that the
7 action taken in regard to the employee was in violation
8 of subsection 2, the employee may be reinstated without
9 loss of pay or benefits for the elapsed period, or
10 the public employment relations board may provide
11 other appropriate remedies. Decisions by the public
12 employment relations board constitute final agency
13 action.

14 Sec. 31. Section 105.10, subsection 3, Code 2013,
15 as amended by 2013 Iowa Acts, [Senate File 427](#), section
16 10, is amended to read as follows:

17 3. An individual holding a master mechanical
18 license shall not be required to get an
19 HVAC-refrigeration, sheet metal, or hydronic license in
20 order to design, install, or repair the work defined
21 in this chapter as mechanical, HVAC-refrigeration,
22 sheet metal, or hydronic work. An individual holding
23 a ~~journey~~ journeyperson mechanical license shall
24 not be required to get an HVAC-refrigeration, sheet
25 metal, or hydronic license in order to install and
26 repair the work defined in this chapter as mechanical,
27 HVAC-refrigeration, sheet metal, or hydronic work. An
28 individual holding a master or ~~journey~~ journeyperson
29 mechanical license shall also not be required to obtain
30 a special, restricted license that is designated as a
31 sublicense of the mechanical, HVAC-refrigeration, sheet
32 metal, or hydronic licenses.

33 Sec. 32. Section 105.32, as enacted by 2013 Iowa
34 Acts, [Senate File 427](#), section 32, Code 2013, is
35 amended to read as follows:

36 105.32 Transition provisions.

37 A licensee whose license expires between June 30,
38 2014, and July 1, 2017, may voluntarily renew ~~their~~
39 the license early so ~~they may have~~ the license has an
40 expiration date of June 30, 2017. This voluntary early
41 renewal may happen at any time on or after July 1,
42 2014. The department shall promulgate rules that allow
43 for this one-time early renewal process, including fees
44 and continuing education requirements.

45 Sec. 33. Section 126.11, subsection 3, paragraph
46 b, Code 2013, as amended by 2013 Iowa Acts, House File
47 417, section 26, is amended to read as follows:

48 b. A drug dispensed by filling or refilling a
49 written, electronic, facsimile, or oral prescription
50 of a practitioner licensed by law to administer the

1 drug is exempt from section 126.10, except section
2 126.10, subsection 1, paragraph "a", section 126.10,
3 subsection 1, paragraph "i", subparagraphs (2) and (3),
4 and section 126.10, subsection 1, paragraphs "k" and
5 "l", and the packaging requirements of section 126.10,
6 subsection 1, paragraphs "g", "h", and "p", if the
7 drug bears a label containing the name and address of
8 the dispenser, the date of the prescription or of its
9 filling, the name of the prescriber, and, if stated
10 in the prescription, the name of the patient, and the
11 directions for use and cautionary statements, if any,
12 contained in the prescription. This exemption does
13 not apply to a drug dispensed in the course of the
14 conduct of the business of dispensing drugs pursuant to
15 diagnosis by mail, or to a drug dispensed in violation
16 of paragraph "a" of this subsection.

17 Sec. 34. Section 249A.43, subsection 3, as enacted
18 by 2013 Iowa Acts, Senate File 357, section 7, is
19 amended to read as follows:

20 3. An affidavit of service of a notice of entry
21 of judgment shall be made by first class mail at the
22 address where the debtor was served with the notice
23 of overpayment. Service is completed upon mailing as
24 specified in this ~~paragraph~~ subsection.

25 Sec. 35. Section 252D.17, subsection 1, paragraph
26 m, as enacted by 2013 Iowa Acts, House File 417,
27 section 55, Code 2013, is amended to read as follows:

28 ~~m.~~ 2. The department shall establish criteria and
29 a phased-in schedule to require, no later than June
30 30, 2015, payors of income to electronically transmit
31 the amounts withheld under an income withholding
32 order. The department shall assist payors of income in
33 complying with the required electronic transmission,
34 and shall adopt rules setting forth procedures
35 for use in electronic transmission of funds, and
36 exemption from use of electronic transmission taking
37 into consideration any undue hardship electronic
38 transmission creates for payors of income.

39 Sec. 36. Section 263B.3, Code 2013, as amended by
40 2013 Iowa Acts, House File 417, section 63, is amended
41 to read as follows:

42 263B.3 Agreements with federal departments.

43 The state archaeologist is authorized to enter into
44 agreements and cooperative efforts with the federal
45 highway administrator, the United States departments
46 of commerce, interior, agriculture, and defense,
47 and any other federal or state agencies concerned
48 with archaeological salvage or the preservation of
49 antiquities.

50 Sec. 37. Section 321.463, subsection 12A,

1 paragraphs a and c, as enacted by 2013 Iowa Acts, House
2 File 14, section 1, are amended to read as follows:

3 a. A person operating a vehicle or combination of
4 vehicles equipped with a retractable axle may raise the
5 axle when necessary to negotiate a turn, provided that
6 the retractable axle is lowered within one thousand
7 feet following completion of the turn. This paragraph
8 does not apply to a vehicle or combination of vehicles
9 operated on an interstate highway, including a ramp to
10 or from an interstate highway, or on a bridge.

11 c. This subsection does not prohibit the operation
12 of a vehicle or combination of vehicles equipped with
13 a retractable axle ~~from operating~~ with the retractable
14 axle raised when the vehicle or combination of vehicles
15 is in compliance with the weight limitations of this
16 section with the retractable axle raised.

17 Sec. 38. Section 321E.9A, subsection 1, Code 2013,
18 as amended by 2013 Iowa Acts, Senate File 355, section
19 7, is amended to read as follows:

20 1. Vehicles with indivisible loads having an
21 overall length not to exceed one hundred twenty feet,
22 an overall width not to exceed sixteen feet, and a
23 height not to exceed fifteen feet five inches may
24 be moved on highways specified by the ~~permitting~~
25 permit-issuing authority, provided the gross weight on
26 any one axle shall not exceed the maximum prescribed
27 in section 321.463 and the total gross weight is not
28 greater than one hundred fifty-six thousand pounds.

29 Sec. 39. Section 327F.39, subsection 6, paragraph
30 b, if enacted by 2013 Iowa Acts, Senate File 340,
31 section 4, is amended to read as follows:

32 b. A violation of subsection 4A or rules adopted
33 pursuant to subsection 4A by a railroad worker
34 transportation company or a railroad ~~corporation~~
35 company is punishable as a schedule "one" penalty under
36 section 327C.5.

37 Sec. 40. Section 418.5, subsection 1, Code 2013, as
38 amended by 2013 Iowa Acts, House File 307, section 51,
39 is amended to read as follows:

40 1. The flood mitigation board is established
41 consisting of nine voting members and four ex officio,
42 nonvoting members, and is located for administrative
43 purposes within the ~~division~~ department. The director
44 of the department shall provide office space, staff
45 assistance, and necessary supplies and equipment for
46 the board. The director shall budget funds to pay the
47 necessary expenses of the board. In performing its
48 functions, the board is performing a public function
49 on behalf of the state and is a public instrumentality
50 of the state.

1 Sec. 41. Section 426A.11, subsection 1, Code 2013,
2 as amended by 2013 Iowa Acts, [House File 417](#), section
3 97, is amended to read as follows:

4 1. The property, not to exceed two thousand seven
5 hundred seventy-eight dollars in taxable value of any
6 veteran, as defined in section 35.1, of ~~the~~ World War
7 I.

8 Sec. 42. Section 455B.275, subsection 3A,
9 paragraphs a and b, if enacted by 2013 Iowa Acts, House
10 File 541, section 1, are amended to read as follows:

11 a. The person reconstructing the dam is only
12 required to possess the flooding easements or ownership
13 which ~~were~~ was held prior to the reconstruction as long
14 as the former normal pool elevation is not exceeded and
15 the spillway capacity is increased by at least fifty
16 percent.

17 b. Flooding easements or ownership ~~are~~ is only
18 required to the top of the reconstructed spillway
19 elevation.

20 Sec. 43. Section 490.863, subsection 3, paragraph
21 a, as enacted by 2013 Iowa Acts, [House File 469](#),
22 section 43, is amended to read as follows:

23 a. "Holder" means and "held by" refers to shares
24 held by both a record shareholder, as defined in
25 section 490.1301, subsection 7, and a beneficial
26 shareholder, as defined in section 490.1301, subsection
27 2.

28 Sec. 44. Section 490.1302, subsection 2, paragraph
29 d, Code 2013, as amended by 2013 Iowa Acts, House File
30 469, section 53, is amended to read as follows:

31 d. Paragraph "a"~~7~~ shall not be applicable and
32 appraisal rights shall be available pursuant to
33 subsection 1 for the holders of any class or series
34 of shares where the corporate action is an interested
35 transaction.

36 Sec. 45. Section 522.6, subsection 2, if enacted by
37 2013 Iowa Acts, [Senate File 189](#), section 6, is amended
38 to read as follows:

39 2. If an insurer qualifies for exemption from the
40 requirements of this chapter pursuant to paragraph "a"
41 of subsection 1, but the insurance group of which the
42 insurer is a member does not qualify for exemption
43 pursuant to paragraph "b" of subsection 1, then the
44 own risk and solvency assessment summary report that
45 is required pursuant to section ~~521H.5~~ 522.5 shall
46 include information concerning every insurer in the
47 insurance group. This requirement may be satisfied by
48 the submission of more than one summary report for any
49 combination of insurers in the insurance group provided
50 that the combination of reports submitted includes

1 every insurer in the insurance group.

2 Sec. 46. Section 533.405, subsection 4A, paragraph
3 b, subparagraphs (1) and (2), as enacted by 2013 Iowa
4 Acts, [Senate File 183](#), section 8, are amended to read
5 as follows:

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

14 (2) State credit unions with assets of \$5 five
15 million dollars or less as of the month ending
16 immediately prior to the date of the conclusion of
17 the vote by the membership approving the dissolution
18 shall publish the notice once in a newspaper of general
19 circulation in each county in which the state credit
20 union maintains an office or branch.

21 Sec. 47. Section 543C.2, subsection 1, paragraph j,
22 if enacted by 2013 Iowa Acts, [House File 556](#), section
23 167, is amended to read as follows:

24 j. The subdivider, if a corporation, must register
25 to do business in the state of Iowa as a foreign
26 corporation with the secretary of state and furnish a
27 copy of the certificate of authority to do business
28 in the state of Iowa. If not a corporation, the
29 subdivider must comply with the provisions of chapter
30 547, by filing a proper trade name with the Polk
31 county recorder. The provisions of this ~~subsection~~
32 paragraph shall also apply to any person, partnership,
33 firm, company, corporation, or association, other than
34 the subdivider, which is engaged by or through the
35 subdivider for the purpose of advertising or selling
36 the land involved in the filing.

37 Sec. 48. Section 556.2, subsection 5, paragraph a,
38 unnumbered paragraph 1, as enacted by 2013 Iowa Acts,
39 [House File 417](#), section 174, is amended to read as
40 follows:

41 A banking organization or financial organization
42 shall send to the owner of each account, to which none
43 of the actions specified in subsection ~~2~~ 1, paragraphs
44 "a" through "e" or subsection 2, paragraphs "a" through
45 "e" have occurred during the preceding three calendar
46 years, a notice by certified mail stating in substance
47 the following:

48 Sec. 49. Section 716.7, subsection 1, as amended
49 by 2013 Iowa Acts, [House File 556](#), section 234, if
50 enacted, is amended to read as follows:

1 1. For purposes of this section:

2 a. "Property" shall include any land, dwelling,
3 building, conveyance, vehicle, or other temporary or
4 permanent structure whether publicly or privately
5 owned.

6 b. "Public utility" is a public utility as defined
7 in section 476.1 or an electric transmission line as
8 provided in chapter 478.

9 ~~b.~~ c. "Public utility property" means any land,
10 dwelling, building, conveyance, vehicle, or other
11 temporary or permanent structure owned, leased, or
12 operated by a public utility and that is completely
13 enclosed by a physical barrier of any kind. ~~For~~
14 ~~the purposes of this section, a "public utility" is~~
15 ~~a public utility as defined in section 476.1 or an~~
16 ~~electric transmission line as provided in chapter 478.~~

17 ~~e.~~ d. "Railway corporation" means a corporation,
18 company, or person owning, leasing, or operating any
19 railroad in whole or in part within this state.

20 ~~d.~~ e. "Railway property" means all tangible real
21 and personal property owned, leased, or operated
22 by a railway corporation with the exception of any
23 administrative building or offices of the railway
24 corporation.

25 Sec. 50. Section 724.2, subsection 1, paragraph i,
26 if enacted by 2013 Iowa Acts, [House File 556](#), section
27 206, is amended to read as follows:

28 i. A nonresident who possesses an offensive weapon
29 which is a curio or relic firearm under the federal
30 Firearms Act, 18 U.S.C. ch. 44, solely for use in
31 official functions in this state of a historical
32 reenactment organization of which the person is a
33 member, if the offensive weapon is legally possessed
34 by the person in the person's state of residence and
35 the offensive weapon is at all times while in this
36 state rendered incapable of firing live ammunition. A
37 nonresident who possesses an offensive weapon under
38 this ~~subsection~~ paragraph while in this state shall
39 not have in the person's possession live ammunition.
40 The offensive weapon may, however, be adapted for the
41 firing of blank ammunition.

42 Sec. 51. 2013 Iowa Acts, [House File 556](#), section
43 257, subsection 3, if enacted, is amended by adding the
44 following new subsection:

45 NEW SUBSECTION. 12. The Code editor is directed
46 to change any terminology that references a web site,
47 websites, the internet, and internet site, or internet
48 sites in any Act enacted during the 2013 regular
49 session of the Eighty-fifth General Assembly in the
50 same manner as that terminology is changed in this

1 section of this Act.

2 Sec. 52. 2013 Iowa Acts, [House File 607](#), section
3 29, subsection 3, if enacted, is amended to read as
4 follows:

5 3. The department of agriculture and land
6 stewardship or the office of attorney general acting
7 on behalf of the agricultural development authority in
8 an administrative or judicial proceeding shall not be
9 affected as a result of this Act. Any ~~statue~~ statute
10 of limitation shall apply to the parties as if this Act
11 had not been enacted.

12 Sec. 53. 2013 Iowa Acts, [House File 607](#), section
13 34, if enacted, is amended to read as follows:

14 SEC. 34. ADMINISTRATION OF ONGOING PROGRAMS. The
15 Iowa finance authority shall complete the
16 administration of ongoing programs of the agricultural
17 development authority as provided in chapter 175, to
18 the extent that the administration of those programs
19 ~~are is~~ in progress on the effective date of this
20 division of this Act. The Iowa finance authority shall
21 assume all rights and obligations of the agricultural
22 development authority to the extent that moneys have
23 been committed, obligations incurred, or rights accrued
24 prior to the effective date of this division of this
25 Act. Moneys owing due to the rights and obligations of
26 the agricultural development authority and assumed by
27 the Iowa finance authority shall be paid as directed by
28 the Iowa finance authority.

29 Sec. 54. 2013 Iowa Acts, [House File 607](#), section
30 35, subsection 1, if enacted, is amended to read as
31 follows:

32 1. The assets and liabilities of the former
33 Iowa rural rehabilitation corporation assumed by
34 the agricultural development authority pursuant to
35 section 175.28 shall be transferred to the Iowa finance
36 authority on the effective date of this division of
37 this Act. On such effective date, the Iowa finance
38 authority shall be the successor in interest to
39 the agreements in effect between the United States
40 government and the agricultural development authority
41 on behalf of this state.

42 Sec. 55. 2013 Iowa Acts, [Senate File 427](#), section
43 35, is amended to read as follows:

44 SEC. 35 ADMINISTRATIVE RULES. The department
45 of public health shall adopt all initial rules,
46 and amendments to existing rules, necessary for the
47 implementation of this Act.

48 Sec. 56. REPEAL. 2013 Iowa Acts, [House File 417](#),
49 section 34, and 2013 Iowa Acts, [House File 556](#), section
50 27, if enacted, are repealed.

1 Sec. 57. REPEAL. 2013 Iowa Acts, House File 469,
2 sections 83 and 84, are repealed.

3 Sec. 58. CONTINGENT REPEAL. If 2013 Iowa Acts,
4 House File 575, section 12, is enacted, 2013 Iowa Acts,
5 House File 417, section 93, is repealed.

6 DIVISION IV

7 EMINENT DOMAIN

8 Sec. 59. NEW SECTION. 6A.15 Property on state
9 historic registry.

10 1. Property listed on the state register of
11 historic places maintained by the historical division
12 of the department of cultural affairs shall not be
13 removed from the register solely for the purpose of
14 allowing acquisition of the property by condemnation,
15 unless such condemnation is undertaken by the
16 department of transportation.

17 2. Property listed on the state register of
18 historic places maintained by the historical division
19 of the department of cultural affairs shall not be
20 condemned by the state or a political subdivision
21 unless a joint resolution authorizing commencement of
22 the condemnation proceedings is approved by a vote of
23 at least two-thirds of the members of both chambers
24 of the general assembly and signed by the governor.
25 The approval requirements of this subsection shall not
26 apply to condemnation undertaken by the department of
27 transportation.

28 Sec. 60. Section 6A.19, Code 2013, is amended to
29 read as follows:

30 6A.19 Interpretative clause.

31 A grant in this chapter of right to take private
32 property for a public use shall not be construed as
33 limiting a like grant elsewhere in the Code for another
34 and different use. Unless specifically provided by
35 law, this chapter shall not be construed to limit or
36 otherwise affect the application of chapters 478 and
37 479 to the eminent domain authority of the utilities
38 division of the department of commerce.

39 Sec. 61. Section 6A.22, subsection 2, paragraph
40 c, subparagraph (1), Code 2013, is amended to read as
41 follows:

42 (1) (a) If private property is to be condemned for
43 development or creation of a lake, only that number
44 of acres justified as reasonable and necessary for
45 a surface drinking water source, and not otherwise
46 acquired, may be condemned. In addition, the acquiring
47 agency shall conduct a review of prudent and feasible
48 alternatives to provision of a drinking water source
49 prior to making a determination that such lake
50 development or creation is reasonable and necessary.

1 Development or creation of a lake as a surface drinking
2 water source includes all of the following:

3 (i) Construction of the dam, including sites for
4 suitable borrow material and the auxiliary spillway.

5 (ii) The water supply pool.

6 (iii) The sediment pool.

7 (iv) The flood control pool.

8 (v) The floodwater retarding pool.

9 (vi) The surrounding area upstream of the dam
10 no higher in elevation than the top of the dam's
11 elevation.

12 (vii) The appropriate setback distance required
13 by state or federal laws and regulations to protect
14 drinking water supply.

15 (b) For purposes of this subparagraph (1), "number
16 of acres justified as reasonable and necessary for
17 a surface drinking water source" means according to
18 guidelines of the United States natural resource
19 conservation service and according to analyses of
20 ~~surface~~ drinking water capacity needs conducted
21 by one or more registered professional engineers.
22 The registered professional engineers may, if
23 appropriate, employ standards or guidelines other
24 than the guidelines of the United States natural
25 resource conservation service when determining the
26 number of acres justified as reasonable and necessary
27 for a surface drinking water source. The data and
28 information used by the registered professional
29 engineers shall include data and information relating
30 to population and commercial enterprise activity for
31 the area from the two most recent federal decennial
32 censuses unless the district court of the county in
33 which the property is situated has determined by a
34 preponderance of the evidence that such data would
35 not accurately predict the population and commercial
36 enterprise activity of the area in the future.

37 (c) A second review or analysis of the drinking
38 water capacity needs shall be performed upon receipt
39 by the acquiring agency of a petition signed by not
40 less than twenty-five percent of the affected property
41 owners. The registered professional engineer to
42 perform the second review or analysis shall be selected
43 by a committee appointed by the affected property
44 owners and whose membership is comprised of at least
45 fifty percent property owners affected by the proposed
46 condemnation action. The acquiring agency shall be
47 responsible for paying the fees and expenses of such
48 an engineer.

49 (d) If private property is to be condemned for
50 development or creation of a lake, the plans, analyses,

1 applications, including any application for funding,
2 and other planning activities of the acquiring agency
3 shall not include or provide for the use of the lake
4 for recreational purposes.

5 Sec. 62. Section 6B.54, subsection 10, paragraph
6 a, Code 2013, is amended by adding the following new
7 subparagraph:

8 NEW SUBPARAGRAPH. (3) Reasonable attorney fees and
9 reasonable costs not to exceed one hundred thousand
10 dollars, attributable to a determination that the
11 creation of a lake through condemnation includes a
12 future recreational use or that a violation of section
13 6A.22, subsection 2, paragraph "c", subparagraph (1),
14 subparagraph division (d), has occurred, if such fees
15 and costs are not otherwise provided under section
16 6B.33.

17 Sec. 63. NEW SECTION. 6B.56B Disposition of
18 condemned property – two-year time period.

19 1. When two years have elapsed since property
20 was condemned for the creation of a lake according
21 to the requirements of section 6A.22, subsection 2,
22 paragraph "c", subparagraph (1), and the property has
23 not been used for or construction has not progressed
24 substantially from the date the property was condemned
25 for the purpose stated in the application filed
26 pursuant to section 6B.3, and the acquiring agency has
27 not taken action to dispose of the property pursuant
28 to section 6B.56, the acquiring agency shall, within
29 sixty days, adopt a resolution offering the property
30 for sale to the prior owner at a price as provided in
31 section 6B.56. If the resolution adopted approves an
32 offer of sale to the prior owner, the offer shall be
33 made in writing and mailed by certified mail to the
34 prior owner. The prior owner has one hundred eighty
35 days after the offer is mailed to purchase the property
36 from the acquiring agency.

37 2. If the acquiring agency has not adopted a
38 resolution described in subsection 1 within the
39 sixty-day time period, the prior owner may, in writing,
40 petition the acquiring agency to offer the property
41 for sale to the prior owner at a price as provided in
42 section 6B.56. Within sixty days after receipt of
43 such a petition, the acquiring agency shall adopt a
44 resolution described in subsection 1. If the acquiring
45 agency does not adopt such a resolution within sixty
46 days after receipt of the petition, the acquiring
47 agency is deemed to have offered the property for sale
48 to the prior owner.

49 3. The acquiring agency shall give written notice
50 to the owner of the right to purchase the property

1 under this section at the time damages are paid to the
2 owner.

3 Sec. 64. Section 403.7, subsection 1, unnumbered
4 paragraph 1, Code 2013, is amended to read as follows:

5 A municipality shall have the right to acquire by
6 condemnation any interest in real property, including a
7 fee simple title thereto, which it may deem necessary
8 for or in connection with an urban renewal project
9 under this chapter, subject to the limitations on
10 eminent domain authority in ~~chapter~~ chapters 6A and 6B.
11 However, a municipality shall not condemn agricultural
12 land included within an economic development area
13 for any use unless the owner of the agricultural land
14 consents to condemnation or unless the municipality
15 determines that the land is necessary or useful for any
16 of the following:

17 Sec. 65. NEW SECTION. 423B.11 Use of revenues –
18 limitation.

19 The revenue raised by a local sales and services
20 tax imposed under this chapter by a county shall not
21 be expended for any purpose related to a project that
22 includes the condemnation of private property for
23 the creation of a lake according to the requirements
24 of section 6A.22, subsection 2, paragraph "c",
25 subparagraph (1), if the local sales and services tax
26 has not been approved at election in the area where the
27 property to be condemned is located.

28 Sec. 66. Section 455A.5, Code 2013, is amended by
29 adding the following new subsection:

30 NEW SUBSECTION. 7. The authority granted to the
31 commission to acquire real property for purposes
32 of carrying out a duty related to development or
33 maintenance of the recreation resources of the state,
34 including planning, acquisition, and development of
35 recreational projects, and areas and facilities related
36 to such projects, shall not include the authority to
37 acquire real property by eminent domain.

38 Sec. 67. Section 456A.24, subsection 2, unnumbered
39 paragraph 1, Code 2013, is amended to read as follows:

40 Acquire by purchase, ~~condemnation~~, lease, agreement,
41 gift, and devise lands or waters suitable for the
42 purposes hereinafter enumerated, and rights-of-way
43 thereto, and to maintain the same for the following
44 purposes, ~~to wit~~:

45 Sec. 68. Section 456A.24, Code 2013, is amended by
46 adding the following new subsection:

47 NEW SUBSECTION. 15. The authority granted the
48 department to acquire real property for any statutory
49 purpose relating to the development or maintenance
50 of the recreation resources of the state, including

1 planning, acquisition, and development of recreational
2 projects, and areas and facilities related to such
3 projects, shall not include the authority to acquire
4 real property by eminent domain.

5 Sec. 69. Section 461A.7, Code 2013, is amended to
6 read as follows:

7 461A.7 ~~Eminent domain~~ Purchase of lands – public
8 parks.

9 The commission may purchase ~~or condemn~~ lands from
10 willing sellers for public parks. ~~No~~ A contract for
11 the purchase of such public parks shall not be made to
12 an amount in excess of funds appropriated therefor by
13 the general assembly.

14 Sec. 70. Section 461A.10, Code 2013, is amended to
15 read as follows:

16 461A.10 Title to lands.

17 The title to all lands purchased, ~~condemned,~~ or
18 donated, hereunder, for park ~~or highway~~ purposes and
19 the title to all lands purchased, condemned, or donated
20 hereunder for highway purposes, shall be taken in the
21 name of the state and if thereafter it shall be deemed
22 advisable to sell any portion of the land so purchased
23 or condemned, the proceeds of such sale shall be placed
24 to the credit of the ~~said~~ public state parks fund to be
25 used for such park purposes.

26 Sec. 71. Section 463C.8, subsection 1, paragraph k,
27 Code 2013, is amended to read as follows:

28 k. The power to acquire, own, hold, administer,
29 and dispose of property, except that such power is not
30 a grant of authority to acquire property by eminent
31 domain.

32 Sec. 72. REPEAL. Sections 461A.9 and 461A.75, Code
33 2013, are repealed.

34 Sec. 73. SEVERABILITY. If any provision of this
35 Act is held invalid, the invalidity shall not affect
36 other provisions or applications of this Act which can
37 be given effect without the invalid provision, and to
38 this end the provisions of this Act are severable as
39 provided in section 4.12.

40 Sec. 74. EFFECTIVE UPON ENACTMENT. This division
41 of this Act, being deemed of immediate importance,
42 takes effect upon enactment.

43 Sec. 75. APPLICABILITY. Except as otherwise
44 provided in this division of this Act, this division
45 of this Act applies to projects or condemnation
46 proceedings pending or commenced on or after the
47 effective date of this Act.

48 Sec. 76. RETROACTIVE APPLICABILITY.
49 Notwithstanding any provision of law to the contrary,
50 the following provision or provisions of this division

1 of this Act apply retroactively to projects or
2 condemnation proceedings pending or commenced on or
3 after February 15, 2013:

- 4 1. The section amending section 6A.22.
- 5 2. The section enacting section 6B.56B.

6 DIVISION V

7 APPORTIONMENT OF TRANSPORTATION FUNDS – APPROPRIATION

8 Sec. 77. Section 312.3, subsection 2, Code 2013, is
9 amended by adding the following new paragraph:

10 NEW PARAGRAPH. d. For purposes of apportioning
11 among the cities of the state the percentage of
12 the road use tax fund to be credited to the street
13 construction fund of the cities for each month
14 beginning March 2011 and ending March 2021 pursuant to
15 this subsection, the population of each city shall be
16 determined by the greater of the population of the city
17 as of the last preceding certified federal census or
18 as of the April 1, 2010, population estimates base as
19 determined by the United States census bureau.

20 Sec. 78. STREET CONSTRUCTION FUND – APPROPRIATION.

21 1. In a written application to the treasurer of
22 state submitted by October 1, 2013, a city may request
23 an additional distribution of moneys to be credited
24 to the street construction fund of the city equal to
25 that additional amount, calculated by the treasurer,
26 that the city would have received if the funds were
27 apportioned based upon the population of the city as
28 determined by section 312.3, subsection 2, paragraph
29 "d", as enacted in this division of this Act, for the
30 months prior to the effective date of this division of
31 this Act.

32 2. Upon determination by the treasurer of state
33 that an additional amount should be credited to a city
34 as provided by this section, there is appropriated from
35 the general fund of the state to the department of
36 transportation, for the fiscal year beginning July 1,
37 2013, and ending June 30, 2014, an amount sufficient to
38 pay the additional amount which shall be distributed to
39 the city for deposit in the street construction fund
40 of the city.

41 Sec. 79. EFFECTIVE UPON ENACTMENT. This division
42 of this Act, being deemed of immediate importance,
43 takes effect upon enactment.

44 Sec. 80. RETROACTIVE APPLICABILITY. This division
45 of this Act applies retroactively to April 2011.

46 DIVISION VI

47 INSURANCE PRODUCERS

48 Sec. 81. Section 522B.1, Code 2013, is amended by
49 adding the following new subsections:

50 NEW SUBSECTION. 7A. "Intended beneficiary" means

1 a person who is not listed as a beneficiary of an
2 insurance policy or contract in the records of the
3 insurer.

4 NEW SUBSECTION. 12A. "Policy owner" means the
5 person who is identified as the legal owner of an
6 insurance policy or contract under the terms of the
7 insurance policy or contract, or who is otherwise
8 vested with legal title to the insurance policy or
9 contract through a valid assignment completed in
10 accordance with the terms of the insurance policy or
11 contract and is properly recorded as the legal owner of
12 the policy or contract in the records of the insurer.

13 "Policy owner" does not include a person who has a mere
14 beneficial interest in an insurance policy or contract.

15 Sec. 82. Section 522B.11, subsection 7, Code 2013,
16 is amended by striking the subsection and inserting in
17 lieu thereof the following:

18 7. a. Unless otherwise specified in this chapter,
19 the duties and responsibilities of an insurance
20 producer are limited to using reasonable care,
21 diligence, and judgment in procuring the insurance
22 requested of the insurance producer by the policy
23 owner.

24 b. An insurance producer has no duty to change the
25 beneficiary of an insurance policy or contract unless
26 clear written evidence of the policy owner's intent
27 to name an intended beneficiary as a beneficiary of
28 the policy or contract is presented to the insurance
29 producer or insurer in the manner required by the
30 policy or contract, prior to the payment of any
31 insurance benefits under the policy or contract. Such
32 evidence shall be provided in the same manner as a
33 claim for benefits under the policy or contract.

34 c. An insurance producer is not in the business
35 of supplying information to others and has no duty
36 to provide advice or information unless the insurance
37 producer holds oneself out as an insurance specialist,
38 consultant, or counselor and receives compensation for
39 consultation and advice apart from commissions paid by
40 an insurer.

41 d. An insurance producer may agree to accept
42 additional duties and responsibilities not specified in
43 this chapter. Any agreement by an insurance producer
44 to accept such additional duties and responsibilities
45 shall be in writing and signed by the insurance
46 producer and the policy owner.

47 e. The general assembly declares that the holdings
48 of *Langwith v. Am. Nat'l Gen. Ins. Co.*, 793 N.W.2d
49 215 (Iowa 2010) and *Pitts v. Farm Bureau Life Ins.*
50 *Co.*, 818 N.W.2d 91 (Iowa 2012) are abrogated to the

1 extent that they impose higher or greater duties and
2 responsibilities on insurance producers than those set
3 forth in this subsection.

4 DIVISION VII

5 PROTEST AND APPEAL OF PROPERTY ASSESSMENTS

6 Sec. 83. Section 421.1A, subsection 6, Code 2013,
7 is amended to read as follows:

8 6. The members of the property assessment appeal
9 board shall receive compensation from the state
10 commensurate with the salary of a district judge
11 ~~through December 31, 2013.~~ The members of the board
12 shall be considered state employees for purposes of
13 salary and benefits. The members of the board and
14 any employees of the board, when required to travel
15 in the discharge of official duties, shall be paid
16 their actual and necessary expenses incurred in the
17 performance of duties.

18 Sec. 84. Section 421.1A, subsection 7, Code 2013,
19 is amended by striking the subsection.

20 Sec. 85. Section 441.21, subsection 3, Code 2013,
21 is amended to read as follows:

22 3. a. "Actual value", "taxable value", or "assessed
23 value" as used in other sections of the Code in
24 relation to assessment of property for taxation shall
25 mean the valuations as determined by this section;
26 however, other provisions of the Code providing special
27 methods or formulas for assessing or valuing specified
28 property shall remain in effect, but this section
29 shall be applicable to the extent consistent with such
30 provisions. The assessor and department of revenue
31 shall disclose at the written request of the taxpayer
32 all information in any formula or method used to
33 determine the actual value of the taxpayer's property.

34 b. The burden of proof shall be upon any
35 complainant attacking such valuation as excessive,
36 inadequate, inequitable, or capricious; however, in
37 protest or appeal proceedings when the complainant
38 offers competent evidence by at least two disinterested
39 witnesses that the market value of the property is less
40 than the market value determined by the assessor, the
41 burden of proof thereafter shall be upon the officials
42 or persons seeking to uphold such valuation to be
43 assessed.

44 Sec. 86. Section 441.35, subsection 2, Code 2013,
45 is amended to read as follows:

46 2. In any year after the year in which an
47 assessment has been made of all of the real estate
48 in any taxing district, the board of review shall
49 meet as provided in section 441.33, and where the
50 board finds the same has changed in value, the board

1 shall revalue and reassess any part or all of the
2 real estate contained in such taxing district, and
3 in such case, the board shall determine the actual
4 value as of January 1 of the year of the revaluation
5 and reassessment and compute the taxable value
6 thereof. ~~Any aggrieved taxpayer may petition for
7 a revaluation of the taxpayer's property, but no
8 reduction or increase shall be made for prior years.~~
9 If the assessment of any such property is raised, or
10 any property is added to the tax list by the board,
11 the clerk shall give notice in the manner provided in
12 section 441.36. However, if the assessment of all
13 property in any taxing district is raised, the board
14 may instruct the clerk to give immediate notice by one
15 publication in one of the official newspapers located
16 in the taxing district, and such published notice
17 shall take the place of the mailed notice provided for
18 in section 441.36, but all other provisions of that
19 section shall apply. The decision of the board as to
20 the foregoing matters shall be subject to appeal to the
21 property assessment appeal board within the same time
22 and in the same manner as provided in section 441.37A
23 and to the district court within the same time and in
24 the same manner as provided in section 441.38.

25 Sec. 87. Section 441.37, subsection 1, paragraphs a
26 and b, Code 2013, are amended to read as follows:

27 a. Any property owner or aggrieved taxpayer who is
28 dissatisfied with the owner's or taxpayer's assessment
29 may file a protest against such assessment with the
30 board of review on or after April 16, to and including
31 May 5, of the year of the assessment. In any county
32 which has been declared to be a disaster area by proper
33 federal authorities after March 1 and prior to May 20
34 of said year of assessment, the board of review shall
35 be authorized to remain in session until June 15 and
36 the time for filing a protest shall be extended to and
37 include the period from May 25 to June 5 of such year.
38 ~~Said~~ The protest shall be in writing and signed by the
39 one protesting or by the protester's duly authorized
40 agent. The taxpayer may have an oral hearing thereon
41 on the protest if request therefor for the oral hearing
42 is made in writing is made at the time of filing the
43 protest. Said The protest must be confined to one or
44 more of the following grounds:

45 (1) For odd-numbered assessment years and for
46 even-numbered assessment years for property that was
47 reassessed in such even-numbered assessment year:

48 (a) That said assessment is not equitable as
49 compared with assessments of other like property in
50 the ~~taxing district~~ assessing jurisdiction. When this

1 ground is relied upon as the basis of a protest the
2 legal description and assessments of a representative
3 number of comparable properties, as described by the
4 aggrieved taxpayer shall be listed on the protest,
5 otherwise said protest shall not be considered on this
6 ground consideration shall be given to whether the
7 other like property in the assessing jurisdiction was
8 appraised using a different appraisal methodology than
9 the methodology used to appraise the property that is
10 the subject of the protest.

11 ~~(2)~~ (b) That the property is assessed for more
12 than the value authorized by law, ~~stating.~~ When
13 this ground is relied upon, the specific amount which
14 the protesting party believes the property to be
15 overassessed, and the amount which the party considers
16 to be its actual value and the amount the party
17 considers a fair assessment shall be stated.

18 ~~(3)~~ (c) That the property is not assessable, is
19 exempt from taxes, or is misclassified and stating the
20 reasons for the protest.

21 ~~(4)~~ (d) That there is an error in the assessment
22 and state the specific alleged error. When this ground
23 is relied upon, it may include but is not limited to
24 listing errors, clerical or mathematical errors, or
25 other errors that result in an error in the assessment.

26 ~~(5)~~ (e) That there is fraud in the assessment
27 which shall be specifically stated.

28 (2) For even-numbered assessment years, when the
29 property has not been reassessed in such even-numbered
30 assessment year, that there has been a decrease in the
31 value of the property from the previous reassessment
32 year. When this ground is relied upon, the decrease in
33 value shall be shown by comparing the market value of
34 the property as of January 1 of the current assessment
35 year and the actual value of the property for the
36 previous reassessment year. Such protest shall be
37 in the same manner as described in this section and
38 shall be reviewed by the local board of review pursuant
39 to section 441.35, subsection 2, but no reduction or
40 increase shall be made for prior years.

41 b. ~~In addition to the above, the property owner~~
42 ~~may protest annually to the board of review under~~
43 ~~the provisions of section 441.35, but such protest~~
44 ~~shall be in the same manner and upon the same terms as~~
45 ~~heretofore prescribed in this section. The burden of~~
46 proof for all protests filed under this section shall
47 be as stated in section 441.21, subsection 3, paragraph
48 "b".

49 Sec. 88. Section 441.37A, subsection 1, paragraph
50 b, Code 2013, is amended to read as follows:

1 b. For an appeal to the property assessment appeal
2 board to be valid, written notice must be filed by
3 the party appealing the decision with the secretary
4 of the property assessment appeal board within twenty
5 days after ~~the date the board of review's letter of~~
6 ~~disposition of the appeal is postmarked to the party~~
7 ~~making the protest~~ adjournment of the local board of
8 review or May 31, whichever is later. The written
9 notice of appeal shall include a petition setting forth
10 the basis of the appeal and the relief sought. No new
11 grounds in addition to those set out in the protest
12 to the local board of review as provided in section
13 441.37 can be pleaded, but additional evidence to
14 sustain those grounds may be introduced. The assessor
15 shall have the same right to appeal to the assessment
16 appeal board as an individual taxpayer, public body, or
17 other public officer as provided in section 441.42. An
18 appeal to the board is a contested case under chapter
19 17A.

20 Sec. 89. Section 441.37A, subsection 2, paragraph
21 a, Code 2013, is amended to read as follows:

22 a. A party to the appeal may request a hearing or
23 the appeal may proceed without a hearing. If a hearing
24 is requested, the appellant and the local board of
25 review from which the appeal is taken shall be given
26 at least thirty days' written notice by the property
27 assessment appeal board of the date the appeal shall be
28 heard and the local board of review may be present and
29 participate at such hearing. Notice to all affected
30 taxing districts shall be deemed to have been given
31 when written notice is provided to the local board of
32 review. The requirement of thirty days' written notice
33 may be waived by mutual agreement of all parties to
34 the appeal. Failure by the appellant to appear at
35 the property assessment appeal board hearing shall ~~be~~
36 ~~grounds for~~ result in dismissal of the appeal unless a
37 continuance is granted to the appellant by the board
38 following a showing of good cause for the appellant's
39 failure to appear. If an appeal is dismissed for
40 failure to appear, the property assessment appeal board
41 shall have no jurisdiction to consider any subsequent
42 appeal on the appellant's protest.

43 Sec. 90. Section 441.37A, subsection 3, paragraph
44 a, Code 2013, is amended to read as follows:

45 a. The board member considering the appeal shall
46 determine anew all questions arising before the local
47 board of review which relate to the liability of
48 the property to assessment or the amount thereof.
49 All of the evidence shall be considered and there
50 shall be no presumption as to the correctness of the

1 valuation of assessment appealed from. The burden
2 of proof for all appeals before the board shall be
3 as stated in section 441.21, subsection 3, paragraph
4 "b". The property assessment appeal board shall make a
5 decision in each appeal filed with the board. If the
6 appeal is considered by less than a majority of the
7 board, the determination made by that member shall be
8 forwarded to the full board for approval, rejection, or
9 modification. If the initial determination is rejected
10 by the board, it shall be returned for reconsideration
11 to the board member making the initial determination.
12 Any deliberation of the board regarding an initial
13 determination shall be confidential.

14 Sec. 91. REPEAL. 2005 Iowa Acts, chapter 150,
15 section 134, is repealed.

16 Sec. 92. EFFECTIVE UPON ENACTMENT. This division
17 of this Act, being deemed of immediate importance,
18 takes effect upon enactment.

19 Sec. 93. APPLICABILITY. The following provisions
20 of this division of this Act apply to assessment years
21 beginning on or after January 1, 2014:

22 1. The section amending section 441.37.

23 2. The section amending section 441.35.

24 DIVISION VIII

25 GENERAL AND SPECIAL EDUCATION

26 Sec. 94. GENERAL AND SPECIAL EDUCATION
27 INSTRUCTIONAL PROGRAMS – PRIVATE AGENCY RESIDENTIAL
28 SERVICES.

29 1. For purposes of this section, "private agency"
30 means a residential facility licensed under chapter
31 135H or 237. "Private agency" does not include an
32 institution listed in section 218.1.

33 2. If a private agency contracted with a school
34 district on or before July 1, 2010, to provide general
35 education or special education instructional programs,
36 for the school years beginning July 1, 2012, and
37 July 1, 2013, the private agency may bill the school
38 district for the subsequent costs of such programs, in
39 accordance with billing practices in place on July 1,
40 2010. Such school district may in turn bill a child's
41 school district of residence for such costs. Such
42 costs include, if necessary to meet the special needs
43 of children requiring general education or special
44 education, the costs of general administration, health
45 service, attendance officers, plant operation, and
46 plant maintenance, instructional costs, and the costs
47 of purchase of equipment, transportation, and property,
48 casualty, and liability insurance. Such costs do not
49 include the costs of services otherwise funded pursuant
50 to chapter 135H or 237.

1 3. An auditor conducting an annual audit of
2 a school district pursuant to section 11.6 shall
3 review and verify the information contained in any
4 cost reports submitted to the school district by a
5 private agency contracting with the school district as
6 described in this section.

7 Sec. 95. GENERAL AND SPECIAL EDUCATION COSTS -
8 LEGISLATIVE STUDY.

9 1. For purposes of this section, "private agency"
10 means a residential facility licensed under chapter
11 135H or 237. "Private agency" does not include an
12 institution listed in section 218.1.

13 2. The legislative council is requested to
14 establish an interim study committee during the 2013
15 interim to examine the payment of general education
16 and special education costs associated with student
17 services provided by private agencies and whether
18 the planning for and costs of such services would be
19 more appropriately administered by the department of
20 education or the department of human services. The
21 study committee shall consist of legislator members of
22 both political parties from both houses of the general
23 assembly and representatives of the office of the
24 governor, the department of education, the department
25 of human services, and private agencies.

26 Sec. 96. EFFECTIVE UPON ENACTMENT. The section
27 of this division of this Act relating to general and
28 special education instructional programs and private
29 agency residential services, being deemed of immediate
30 importance, takes effect upon enactment.

31 DIVISION IX

32 ALL-TERRAIN VEHICLES

33 Sec. 97. Section 321.1, subsection 32, Code 2013,
34 is amended to read as follows:

35 32. "Implement of husbandry" means a vehicle or
36 special mobile equipment manufactured, designed, or
37 reconstructed for agricultural purposes and, except
38 for incidental uses, exclusively used in the conduct
39 of agricultural operations. "Implements of husbandry"
40 includes all-terrain vehicles operated in compliance
41 with section 321.234A, subsection 1, paragraph "a", but
42 not registered for operation upon a highway pursuant
43 to section 321.118, fence-line feeders, and vehicles
44 used exclusively for the application of organic or
45 inorganic plant food materials, organic agricultural
46 limestone, or agricultural chemicals. To be considered
47 an implement of husbandry, a self-propelled implement
48 of husbandry must be operated at speeds of thirty-five
49 miles per hour or less.

50 a. "Reconstructed" as used in this subsection means

1 materially altered from the original construction by
2 the removal, addition, or substitution of essential
3 parts, new or used.

4 b. A vehicle covered under this subsection, if
5 it otherwise qualifies, may be operated as special
6 mobile equipment and under such circumstances this
7 subsection shall not be applicable to such vehicle,
8 and such vehicle shall not be required to comply with
9 sections 321.384 through 321.423, when such vehicle is
10 moved during daylight hours; however, the provisions
11 of section 321.383 shall remain applicable to such
12 vehicle.

13 Sec. 98. Section 321.1, subsection 47A, Code 2013,
14 is amended to read as follows:

15 47A. "Off-road utility vehicle" means a motorized
16 flotation-tire vehicle with not less than four and not
17 more than eight low-pressure tires that is limited in
18 engine displacement to less than one thousand five
19 hundred cubic centimeters and in total dry weight
20 to not more than ~~one~~ two thousand ~~eight~~ hundred
21 pounds and that has a seat that is of bucket or bench
22 design, not intended to be straddled by the operator,
23 and a steering wheel or control levers for control.
24 "Off-road utility vehicle" does not include dune
25 buggies, golf carts, go-carts, or minitrucks.

26 Sec. 99. Section 321.105A, subsection 2, paragraph
27 c, Code 2013, is amended by adding the following new
28 subparagraph:

29 NEW SUBPARAGRAPH. (31) An all-terrain vehicle
30 which is exempt from the sales tax pursuant to section
31 423.3, subsection 8, or for which the applicant has
32 paid the sales tax in this state or has paid to another
33 state a state sales, use, or occupational tax.

34 Sec. 100. Section 321.109, subsection 1, paragraph
35 a, Code 2013, is amended to read as follows:

36 a. The annual fee for all motor vehicles including
37 vehicles designated by manufacturers as station wagons,
38 1993 and subsequent model year multipurpose vehicles,
39 and 2010 and subsequent model year motor trucks with
40 an unladen weight of ten thousand pounds or less,
41 except motor trucks registered under section 321.122,
42 business-trade trucks, special trucks, motor homes,
43 ambulances, hearses, all-terrain vehicles, motorcycles,
44 motorized bicycles, and 1992 and older model year
45 multipurpose vehicles, shall be equal to one percent
46 of the value as fixed by the department plus forty
47 cents for each one hundred pounds or fraction thereof
48 of weight of vehicle, as fixed by the department. The
49 weight of a motor vehicle, fixed by the department
50 for registration purposes, shall include the weight

1 of a battery, heater, bumpers, spare tire, and wheel.
2 Provided, however, that for any new vehicle purchased
3 in this state by a nonresident for removal to the
4 nonresident's state of residence the purchaser may make
5 application to the county treasurer in the county of
6 purchase for a transit plate for which a fee of ten
7 dollars shall be paid. And provided, however, that for
8 any used vehicle held by a registered dealer and not
9 currently registered in this state, or for any vehicle
10 held by an individual and currently registered in this
11 state, when purchased in this state by a nonresident
12 for removal to the nonresident's state of residence,
13 the purchaser may make application to the county
14 treasurer in the county of purchase for a transit
15 plate for which a fee of three dollars shall be paid.
16 The county treasurer shall issue a nontransferable
17 certificate of registration for which no refund shall
18 be allowed; and the transit plates shall be void thirty
19 days after issuance. Such purchaser may apply for a
20 certificate of title by surrendering the manufacturer's
21 or importer's certificate or certificate of title,
22 duly assigned as provided in this chapter. In this
23 event, the treasurer in the county of purchase shall,
24 when satisfied with the genuineness and regularity of
25 the application, and upon payment of a fee of twenty
26 dollars, issue a certificate of title in the name and
27 address of the nonresident purchaser delivering the
28 title to the owner. If there is a security interest
29 noted on the title, the county treasurer shall mail to
30 the secured party an acknowledgment of the notation
31 of the security interest. The county treasurer shall
32 not release a security interest that has been noted on
33 a title issued to a nonresident purchaser as provided
34 in this paragraph. The application requirements of
35 section 321.20 apply to a title issued as provided
36 in this subsection, except that a natural person
37 who applies for a certificate of title shall provide
38 either the person's social security number, passport
39 number, or driver's license number, whether the license
40 was issued by this state, another state, or another
41 country. The provisions of this subsection relating to
42 multipurpose vehicles are effective for all 1993 and
43 subsequent model years. The annual registration fee
44 for multipurpose vehicles that are 1992 model years and
45 older shall be in accordance with section 321.124.

46 Sec. 101. NEW SECTION. 321.118 All-terrain
47 vehicles.

48 1. An all-terrain vehicle designed to travel
49 on four or more wheels may be registered under this
50 chapter for operation on secondary roads and on

1 city streets where authorized, as provided in this
2 chapter, for an annual fee of fifty dollars. However,
3 all-terrain vehicles registered under this section
4 are not subject to the titling provisions of this
5 chapter or to the manufacturer's label requirement
6 under section 321.30, subsection 2, paragraph "a".
7 Registration under this section is in addition to
8 the titling and registration requirements of chapter
9 321I. An applicant for registration of an all-terrain
10 vehicle under this section shall submit, along with the
11 application, a copy of the registration certificate
12 issued for the vehicle pursuant to section 321I.4
13 containing a description of the vehicle and identifying
14 the applicant as the owner of the vehicle.

15 2. This section shall not be construed to include
16 all-terrain vehicles within the meaning of the term
17 "motor vehicle subject to registration" or "vehicle
18 subject to registration" as that term applies to the
19 regulation of motor vehicle dealers, manufacturers, or
20 distributors or to the sale, rental, lease, transfer,
21 or disposition of motor vehicles.

22 Sec. 102. Section 321.166, subsection 1, paragraph
23 a, Code 2013, is amended to read as follows:

24 a. Registration plates shall be of metal and of a
25 size not to exceed six inches by twelve inches, except
26 that the size of plates issued for use on all-terrain
27 vehicles, motorized bicycles, motorcycles, motorcycle
28 trailers, and trailers with an empty weight of two
29 thousand pounds or less shall be established by the
30 department.

31 Sec. 103. Section 321.166, subsection 4, Code 2013,
32 is amended to read as follows:

33 4. The registration plate number, except on
34 all-terrain vehicles, motorized bicycles, motorcycles,
35 motorcycle trailers, and trailers with an empty weight
36 of two thousand pounds or less, shall be of sufficient
37 size to be readable from a distance of one hundred feet
38 during daylight.

39 Sec. 104. Section 321.234A, subsection 1, paragraph
40 f, Code 2013, is amended by striking the paragraph.

41 Sec. 105. Section 321.234A, Code 2013, is amended
42 by adding the following new subsection:

43 NEW SUBSECTION. 5. The provisions of this section
44 do not apply to an all-terrain vehicle registered under
45 section 321.118 and operated on a highway in accordance
46 with section 321.234B.

47 Sec. 106. NEW SECTION. 321.234B Registered
48 all-terrain vehicles – operation on highways.

49 An all-terrain vehicle which is registered pursuant
50 to section 321.118 may be operated on a highway subject

1 to all of the following:

2 1. Persons who may operate. A person shall not
3 operate an all-terrain vehicle on a highway unless the
4 person is sixteen years of age or older and has a valid
5 driver's license other than a license valid only for
6 operation of a motorized bicycle.

7 2. Operation on certain highways only. All-terrain
8 vehicles registered under section 321.118 may be
9 operated on secondary roads, but shall not be operated
10 on primary highways or on highways within the corporate
11 limits of a city except as follows:

12 a. A person shall not operate an all-terrain
13 vehicle registered under section 321.118 on a primary
14 highway except to cross a primary highway; however, the
15 provisions of section 321I.10 govern the crossing of a
16 primary highway when the all-terrain vehicle is being
17 operated on an all-terrain vehicle trail.

18 b. A person shall not operate an all-terrain
19 vehicle registered under section 321.118 on a highway
20 within the corporate limits of a city except on a
21 nonprimary highway where such operation is authorized
22 by ordinance pursuant to section 321.236, subsection
23 14A.

24 3. Motor vehicle laws applicable. The motor vehicle
25 laws, including but not limited to the provisions
26 of sections 321.20B, 321.285, 321.317, 321.385, and
27 321.387, apply to the operation of all-terrain vehicles
28 registered for operation on highways, except for those
29 provisions relating to required equipment which by
30 their nature can have no practical application.

31 4. Penalties. A person convicted of a violation
32 of subsection 1 or 2 is guilty of a simple misdemeanor
33 punishable as a scheduled violation under section
34 805.8A, subsection 6.

35 Sec. 107. Section 321.236, Code 2013, is amended by
36 adding the following new subsection:

37 NEW SUBSECTION. 14A. Authorizing the operation of
38 all-terrain vehicles registered under section 321.118
39 on highways under the jurisdiction of a city, other
40 than municipal extensions of primary highways.

41 Sec. 108. Section 321.285, Code 2013, is amended by
42 adding the following new subsection:

43 NEW SUBSECTION. 6A. Notwithstanding any other
44 speed restrictions allowing for speed in excess of
45 forty-five miles per hour, a person shall not operate
46 an all-terrain vehicle on a highway at a speed in
47 excess of forty-five miles per hour.

48 Sec. 109. Section 321F.1, subsection 7, Code 2013,
49 is amended to read as follows:

50 7. "Motor vehicle" means every vehicle which is

1 self-propelled and subject to registration under the
2 laws of this state, other than an all-terrain vehicle
3 as defined in section 321.1.

4 Sec. 110. Section 321H.2, subsection 10, Code 2013,
5 is amended to read as follows:

6 10. "Vehicle subject to registration" means any
7 vehicle that is of a type required to be registered
8 under chapter 321 when operated on a public highway,
9 including but not limited to a vehicle that is
10 inoperable, salvage, or rebuilt, but not including an
11 all-terrain vehicle as defined in section 321.1.

12 Sec. 111. Section 321I.9, unnumbered paragraph 1,
13 Code 2013, is amended to read as follows:

14 Registration under this chapter shall not be
15 required for the following described all-terrain
16 vehicles:

17 Sec. 112. Section 321I.10, subsection 1, Code 2013,
18 is amended to read as follows:

19 1. A person shall not operate an all-terrain
20 vehicle or off-road utility vehicle upon roadways
21 or highways except as provided in ~~section~~ sections
22 321.234A and 321.234B and this section.

23 Sec. 113. Section 321I.10, subsections 2 and 3,
24 Code 2013, are amended by striking the subsections.

25 Sec. 114. Section 321I.31, subsection 1, Code 2013,
26 is amended to read as follows:

27 1. The owner of an all-terrain vehicle acquired on
28 or after January 1, 2000, other than an all-terrain
29 vehicle used exclusively as a farm implement or a
30 motorcycle previously issued a title pursuant to
31 chapter 321, shall apply to the county recorder of the
32 county in which the owner resides for a certificate
33 of title for the all-terrain vehicle. The owner of
34 an all-terrain vehicle used exclusively as a farm
35 implement may obtain a certificate of title. A person
36 who owns an all-terrain vehicle that is not required to
37 have a certificate of title may apply for and receive
38 a certificate of title for the all-terrain vehicle
39 and, subsequently, the all-terrain vehicle shall be
40 subject to the requirements of this chapter as if
41 the all-terrain vehicle were required to be titled.
42 All all-terrain vehicles that are titled shall be
43 registered under this chapter.

44 Sec. 115. Section 322.2, subsections 13 and 23,
45 Code 2013, are amended to read as follows:

46 13. "Motor vehicle" means any self-propelled
47 vehicle subject to registration under chapter 321,
48 other than an all-terrain vehicle as defined in section
49 321.1.

50 23. "Used motor vehicle" or "second-hand motor

1 vehicle" means any motor vehicle of a type subject to
2 registration under the laws of this state, except an
3 all-terrain vehicle as defined in section 321.1, which
4 has been sold "at retail" as defined in this chapter
5 and previously registered in this or any other state.

6 Sec. 116. Section 322A.1, subsection 8, Code 2013,
7 is amended to read as follows:

8 8. "Motor vehicle" means a "motor ~~vehicles~~ vehicle"
9 as defined in chapter 321 which ~~are~~ is subject to
10 registration pursuant to the provisions thereof, other
11 than an all-terrain vehicle as defined in section
12 321.1.

13 Sec. 117. Section 331.362, subsection 9, Code 2013,
14 is amended to read as follows:

15 9. A county may regulate traffic on and use of the
16 secondary roads, in accordance with sections 321.236
17 to 321.250, 321.254, 321.255, 321.285, subsection
18 4, sections 321.352, 321.471 to 321.473, and other
19 applicable provisions of chapter 321, and sections
20 321G.9, ~~321I.10~~, and 327G.15.

21 Sec. 118. Section 423.1, subsection 66, Code 2013,
22 is amended to read as follows:

23 66. "Vehicles subject to registration" means any
24 vehicle subject to registration pursuant to section
25 321.18, other than an all-terrain vehicle or off-road
26 utility vehicle registered pursuant to section 321.118.

27 Sec. 119. Section 516E.1, subsection 6, Code 2013,
28 is amended to read as follows:

29 6. "Motor vehicle" means any self-propelled vehicle
30 subject to registration under chapter 321, other than
31 an all-terrain vehicle as defined in section 321.1.

32 Sec. 120. Section 537B.2, subsection 2, Code 2013,
33 is amended to read as follows:

34 2. "Motor vehicle" means a motor vehicle as defined
35 in section 321.1 which is subject to registration.
36 However, "motor vehicle" does not include a motor
37 vehicle, as defined in section 321.1, with a gross
38 vehicle weight rating of more than twelve thousand
39 pounds, or an all-terrain vehicle as defined in section
40 321.1.

41 Sec. 121. Section 805.8A, subsection 6, Code 2013,
42 is amended by adding the following new paragraph:

43 NEW PARAGRAPH. 0a. Section 321.234B, subsection 1
44 or 2\$50.

DIVISION X
RULEMAKING PROCESS

47 Sec. 122. Section 17A.4, subsection 3, Code 2013,
48 is amended to read as follows:

49 3. a. ~~When an agency for good cause finds that~~
50 ~~notice and public participation would be unnecessary,~~

~~1 impracticable, or contrary to the public interest When
2 the statute so provides, or with the approval of the
3 administrative rules review committee, if the committee
4 finds good cause that notice and public participation
5 would be unnecessary, impracticable, or contrary to the
6 public interest, the provisions of subsection 1 shall
7 be inapplicable. The agency shall incorporate in each
8 rule issued in reliance upon this provision either the
9 finding and a brief statement of the reasons for the
10 finding, or a statement that the rule is within a very
11 narrowly tailored category of rules whose issuance
12 has previously been exempted from subsection 1 by a
13 special rule relying on this provision and including
14 such a finding and statement of reasons for the entire
15 category.~~

16 b. (1) If the administrative rules review
17 committee by a two-thirds vote, the governor, or the
18 attorney general files with the administrative code
19 editor an objection to the adoption of any a rule or
20 portion of a rule pursuant to this subsection, ~~that the~~
21 rule or portion of the rule shall cease to be effective
22 one hundred eighty days after the date the objection
23 was filed. A

24 (2) If the administrative rules review committee
25 files with the administrative code editor an objection
26 to the adoption of a rule or portion of a rule
27 pursuant to this subsection, the administrative rules
28 review committee, by a separate two-thirds vote, may
29 suspend the applicability of the rule or portion of
30 the rule until the rule ceases to be effective under
31 this paragraph "b". The determination to suspend
32 the applicability of the rule or portion of the rule
33 shall be included in the copy of the objection to be
34 forwarded to the agency.

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

45 Sec. 123. Section 17A.4, subsection 7, Code 2013,
46 is amended to read as follows:

47 7. a. Upon the vote of two-thirds of its members
48 the administrative rules review committee may delay the
49 effective date of a rule or portion of a rule seventy
50 days beyond that permitted in section 17A.5, unless the

1 rule was promulgated under section 17A.5, subsection 2,
2 paragraph "b". ~~This provision shall be utilized by the~~
3 ~~committee only if further time is necessary to study~~
4 ~~and examine the rule.~~ If the rule was promulgated
5 under section 17A.5, subsection 2, paragraph "b",
6 the administrative rules review committee, within
7 thirty-five days of the effective date of the rule and
8 upon the vote of two-thirds of its members, may suspend
9 the applicability of the rule or portion of the rule
10 for seventy days.

11 b. Notice of an effective date that was delayed
12 under this provision shall be published in the Iowa
13 administrative code and bulletin.

14 Sec. 124. Section 17A.4, Code 2013, is amended by
15 adding the following new subsection:

16 NEW SUBSECTION. 9. Upon the vote of two-thirds of
17 its members, the administrative rules review committee,
18 following notice of intended action as provided in
19 subsection 1 and prior to adoption of a rule pursuant
20 to that notice, may suspend further action relating to
21 that notice for seventy days. Notice of a notice of
22 intended action that was suspended under this provision
23 shall be published in the Iowa administrative code and
24 bulletin.

25 Sec. 125. Section 17A.8, subsection 9, Code 2013,
26 is amended to read as follows:

27 9. a. Upon a vote of two-thirds of its members,
28 the administrative rules review committee may delay the
29 effective date of a rule or portion of a rule until
30 the adjournment of the next regular session of the
31 general assembly, unless the rule was promulgated under
32 section 17A.5, subsection 2, paragraph "b". If the
33 rule was promulgated under section 17A.5, subsection
34 2, paragraph "b", the administrative rules review
35 committee, within thirty-five days of the effective
36 date of the rule and upon the vote of two-thirds of its
37 members, may suspend the applicability of the rule or
38 portion of the rule until the adjournment of the next
39 regular session of the general assembly.

40 b. The committee shall refer a rule or portion
41 of a rule whose effective date has been delayed or
42 applicability has been suspended to the speaker of
43 the house of representatives and the president of the
44 senate who shall refer the delayed or suspended rule
45 or portion of the rule to the appropriate standing
46 committees of the general assembly. A standing
47 committee shall review a the rule within twenty-one
48 days after the rule is referred to the committee by
49 the speaker of the house of representatives or the
50 president of the senate and shall take formal committee

1 action by sponsoring a joint resolution to disapprove
2 the rule, by proposing legislation relating to the
3 rule, or by refusing to propose a joint resolution
4 or legislation concerning the rule. The standing
5 committee shall inform the administrative rules review
6 committee of the committee action taken concerning the
7 rule. If the general assembly has not disapproved of
8 the rule by a joint resolution, the rule shall become
9 effective. The speaker of the house of representatives
10 and the president of the senate shall notify the
11 administrative code editor of the final disposition
12 of each rule or portion of a rule whose effective
13 date has been delayed or whose applicability has been
14 suspended pursuant to this subsection. If a the
15 rule is disapproved, it the rule shall not become be
16 effective and the agency shall rescind the rule. ~~This~~
17 ~~section shall not apply to rules made effective under~~
18 ~~section 17A.5, subsection 2, paragraph "b".~~

19 Sec. 126. Section 17A.23, Code 2013, is amended to
20 read as follows:

21 17A.23 Construction – delegation of authority.

22 1. Except as expressly provided otherwise by this
23 chapter or by another statute referring to this chapter
24 by name, the rights created and the requirements
25 imposed by this chapter shall be in addition to those
26 created or imposed by every other statute in existence
27 on July 1, 1975, or enacted after that date. If any
28 other statute in existence on July 1, 1975, or enacted
29 after that date diminishes a right conferred upon a
30 person by this chapter or diminishes a requirement
31 imposed upon an agency by this chapter, this chapter
32 shall take precedence unless the other statute
33 expressly provides that it shall take precedence over
34 all or some specified portion of this ~~named~~ cited
35 chapter.

36 2. This chapter shall be construed broadly to
37 effectuate its purposes. This chapter shall also
38 be construed to apply to all agencies not expressly
39 exempted by this chapter or by another statute
40 specifically referring to this chapter by ~~name~~
41 citation; and except as to proceedings in process on
42 July 1, 1975, this chapter shall be construed to apply
43 to all covered agency proceedings and all agency action
44 not expressly exempted by this chapter or by another
45 statute specifically referring to this chapter by ~~name~~
46 citation.

47 3. An agency shall have only that authority or
48 discretion delegated to or conferred upon the agency by
49 law and shall not expand or enlarge its authority or
50 discretion beyond the powers delegated to or conferred

1 upon the agency. Unless otherwise specifically
2 provided in statute, a grant of rulemaking authority
3 shall be construed narrowly.

4 DIVISION XI

5 STATE EMPLOYEE AND ELECTED OFFICIAL PAYMENT OF HEALTH
6 INSURANCE PREMIUMS

7 Sec. 127. Section 2.40, subsection 1, paragraph
8 a, subparagraph (2), Code 2013, is amended to read as
9 follows:

10 (2) The member shall pay the premium for the
11 plan selected on the same basis as a full-time state
12 employee excluded from collective bargaining as
13 provided in chapter 20. However, the member shall pay
14 a portion of the total premium for the plan selected
15 in an amount as determined by the legislative council.
16 The payment amount as determined by the legislative
17 council shall be at least twenty percent of the total
18 premium for the single or family coverage provided
19 in connection with the member and shall include a
20 wellness credit to be applied to the member portion
21 of the premium. The payment amount determined by the
22 legislative council shall apply to employees of the
23 general assembly.

24 Sec. 128. NEW SECTION. 8A.440 Group health
25 insurance premium costs.

26 1. Collective bargaining agreements entered into
27 pursuant to chapter 20 for state employees shall
28 provide that a state employee covered by that agreement
29 who is a member of a state group health insurance plan
30 for employees of the state established under chapter
31 509A shall pay at least twenty percent of the total
32 premium for the single or family coverage provided in
33 connection with each employee. The agreements shall
34 include a wellness credit to be applied to the member
35 portion of the premium.

36 2. A state employee not covered by a collective
37 bargaining agreement as provided in chapter 20 who is
38 a member of a state group health insurance plan for
39 employees of the state established under chapter 509A
40 shall pay the same percentage of the total premium
41 for such insurance as is paid under the collective
42 bargaining agreement that covers the greatest number
43 of state employees in the state government entity
44 employing the state employee and shall be provided a
45 wellness credit option.

46 Sec. 129. STATEWIDE ELECTED OFFICIALS – GROUP
47 HEALTH INSURANCE PREMIUM COSTS. A statewide elected
48 official who is a member of a state group insurance
49 plan for employees of the state established under
50 chapter 509A shall pay a portion of the total premium

1 for the plan selected in an amount as determined by the
2 executive council. The payment amount as determined
3 by the executive council shall be at least 20 percent
4 of the total premium for the single or family coverage
5 provided in connection with the elected official and
6 shall include a wellness credit to be applied to the
7 member portion of the premium.

8 Sec. 130. GROUP HEALTH INSURANCE PREMIUMS FOR STATE
9 EMPLOYEES.

10 1. a. This subsection does not apply to members
11 of the general assembly or elected officials who are
12 subject to the provisions of this division of this
13 Act amending section 2.40 or requiring statewide
14 elected officials to pay a portion of health insurance
15 premiums.

16 b. For the fiscal year beginning July 1, 2013, each
17 state employee who is a member of a state group health
18 insurance plan for state employees established under
19 chapter 509A shall pay at least 20 percent of the total
20 premium for the single or family coverage provided
21 in connection with the employee's membership in the
22 insurance plan.

23 c. For the fiscal year beginning July 1, 2013,
24 each person who is a member of a state group health
25 insurance plan for employees of the state board of
26 regents and the institutions under the control of the
27 state board shall pay at least 20 percent of the total
28 premium for the single or family coverage provided
29 in connection with the person's membership in the
30 insurance plan.

31 d. For the fiscal year beginning July 1, 2013, each
32 judicial officer or employee of the judicial branch who
33 is a member of a state group health insurance plan for
34 state employees established under chapter 509A shall
35 pay at least 20 percent of the total premium for the
36 single or family coverage provided in connection with
37 the judicial officer or employee's membership in the
38 insurance plan.

39 e. The requirements in this subsection shall be
40 enforceable against all applicable employees for the
41 fiscal year beginning July 1, 2013, notwithstanding
42 any provision of chapter 20 to the contrary, and
43 shall remain applicable to each such state employee
44 and person in fiscal years succeeding the fiscal year
45 specified in this subsection until the requirement
46 implemented pursuant to section 8A.440 is applicable
47 to the employee or person.

48 f. The requirements in this subsection shall
49 include a wellness credit to be applied to the member
50 portion of the premium.

1 2. a. For the fiscal year beginning July 1, 2013,
2 the portion of the payments made pursuant to subsection
3 1 attributed to increases in payments as a result of
4 the percentage requirement implemented pursuant to
5 subsection 1 shall be transferred to the judicial
6 branch or the state agency charged for the state group
7 health insurance plan premiums of the judicial officer,
8 employee, or person who made the payment and shall
9 apply in lieu of a like amount from the appropriations
10 made to the judicial branch or the state agency for the
11 fiscal year.

12 b. The moneys paid by members or employees of
13 the general assembly pursuant to section 2.40, as
14 amended by this division of this Act, for the fiscal
15 year beginning July 1, 2013, are appropriated to the
16 general assembly in lieu of a like amount from the
17 appropriations made to the general assembly pursuant to
18 section 2.12, for the fiscal year.

19 c. The moneys paid by statewide elected officials
20 pursuant to the section of this division of this Act
21 requiring the officials to pay a portion of the health
22 insurance premium costs for the coverage provided to
23 the officials, for the fiscal year beginning July 1,
24 2012, are appropriated to the state agency charged for
25 the state group health insurance plan premiums of the
26 official who made the payment in lieu of a like amount
27 from the appropriations made to the state agency for
28 the fiscal year.

29 3. The department of management, with the
30 assistance of the department of administrative
31 services, state board of regents, the state fair
32 board, the state department of transportation, and each
33 judicial district department of correctional services,
34 shall submit a quarterly report to the general assembly
35 and the legislative services agency during the fiscal
36 year beginning July 1, 2013, regarding the reductions
37 to appropriations made pursuant to subsection 2 during
38 the quarter.

39 Sec. 131. APPLICABILITY. The section of this
40 division of this Act enacting section 8A.440, applies
41 to collective bargaining agreements entered into on
42 or after the effective date of that section of this
43 division of this Act.

44 Sec. 132. EFFECTIVE UPON ENACTMENT. The following
45 sections of this division of this Act, being deemed of
46 immediate importance, take effect upon enactment:

47 1. The section of this Act enacting section 8A.440.

48 2. The section of this Act relating to group health
49 insurance premiums for state employees.

50 DIVISION XII

SPEED DETECTION JAMMING DEVICES

1
2 Sec. 133. Section 321.232, Code 2013, is amended to
3 read as follows:

4 321.232 ~~Radar~~ Speed detection jamming devices -
5 penalty.

6 1. A person shall not sell, operate, or possess
7 a ~~radar~~ speed detection jamming device, except as
8 otherwise provided in this section, when the device is
9 in a vehicle operated on the highways of this state or
10 the device is held for sale in this state.

11 2. This section does not apply to ~~radar~~ speed
12 measuring devices purchased by, held for purchase for,
13 or operated by peace officers using the devices in
14 performance of their official duties.

15 3. A ~~radar~~ speed detection jamming device sold,
16 operated, or possessed in violation of subsection 1
17 may be seized by a peace officer and is subject to
18 forfeiture as provided by chapter 809 or 809A.

19 4. For the purposes of this section "~~radar jamming~~
20 device":

21 a. "Speed detection jamming device" means any
22 mechanism designed or used to transmit radio waves in
23 the electromagnetic wave spectrum to interfere with the
24 reception of those emitted from a device used by peace
25 officers of this state to measure the speed of motor
26 vehicles on the highways of this state and which is not
27 designed for two way transmission and cannot transmit
28 in plain language active or passive device, instrument,
29 mechanism, or equipment that is designed or intended
30 to interfere with, disrupt, or scramble the radar or
31 laser that is used by a peace officer to measure the
32 speed of motor vehicles. "Speed detection jamming
33 device" does not include equipment that is legal under
34 federal communications commission regulations, such as
35 a citizens' band radio, a ham radio, or other similar
36 electronic equipment.

37 b. "Speed measuring device" includes but is not
38 limited to devices commonly known as radar speed meters
39 or laser speed meters.

40 Sec. 134. Section 805.8A, subsection 14, paragraph
41 g, Code 2013, is amended to read as follows:

42 g. ~~Radar jamming~~ Speed detection jamming
43 devices. For a violation under section 321.232, the
44 scheduled fine is one hundred dollars.

45 DIVISION XIII
46 FIREARMS

47 Sec. 135. Section 724.23, Code 2013, is amended to
48 read as follows:

49 724.23 Records kept by commissioner and issuing
50 officers.

1 1. The commissioner of public safety shall maintain
2 a permanent record of all valid permits to carry
3 weapons and of current permit revocations.

4 2. a. Notwithstanding any other law or rule to
5 the contrary, the commissioner of public safety and
6 any issuing officer shall keep confidential personally
7 identifiable information of holders of nonprofessional
8 permits to carry weapons and permits to acquire pistols
9 or revolvers, including but not limited to the name,
10 social security number, date of birth, residential
11 or business address, and driver's license or other
12 identification number of the applicant or permit
13 holder.

14 b. This subsection shall not prohibit the
15 release of statistical information relating to the
16 issuance, denial, revocation, or administration of
17 nonprofessional permits to carry weapons and permits to
18 acquire pistols or revolvers, provided that the release
19 of such information does not reveal the identity of any
20 individual permit holder.

21 c. This subsection shall not prohibit the release
22 of information to any law enforcement agency or any
23 employee or agent thereof when necessary for the
24 purpose of investigating a possible violation of law
25 or for conducting a lawfully authorized background
26 investigation.

27 d. Except as provided in paragraphs "b" and "c",
28 the release of any confidential information under this
29 section shall require a court order or the consent of
30 the person whose personally identifiable information is
31 the subject of the information request.

32 Sec. 136. NEW SECTION. 724.29A Fraudulent purchase
33 of firearms or ammunition.

34 1. For purposes of this section:

35 a. "Ammunition" means any cartridge, shell, or
36 projectile designed for use in a firearm.

37 b. "Licensed firearms dealer" means a person who is
38 licensed pursuant to 18 U.S.C. § 923 to engage in the
39 business of dealing in firearms.

40 c. "Materially false information" means information
41 that portrays an illegal transaction as legal or a
42 legal transaction as illegal.

43 d. "Private seller" means a person who sells or
44 offers for sale any firearm or ammunition.

45 2. A person who knowingly solicits, persuades,
46 encourages, or entices a licensed firearms dealer or
47 private seller of firearms or ammunition to transfer
48 a firearm or ammunition under circumstances that the
49 person knows would violate the laws of this state or of
50 the United States commits a class "D" felony.

1 3. A person who knowingly provides materially
2 false information to a licensed firearms dealer or
3 private seller of firearms or ammunition with the
4 intent to deceive the firearms dealer or seller about
5 the legality of a transfer of a firearm or ammunition
6 commits a class "D" felony.

7 4. Any person who willfully procures another to
8 engage in conduct prohibited by this section shall be
9 held accountable as a principal.

10 5. This section shall not apply to a law
11 enforcement officer acting in the officer's official
12 capacity or to a person acting at the direction of such
13 law enforcement officer.

14 Sec. 137. EFFECTIVE UPON ENACTMENT. This division
15 of this Act, being deemed of immediate importance,
16 takes effect upon enactment.

17 Sec. 138. APPLICABILITY. The section of this
18 division of this Act amending section 724.23 applies
19 to holders of nonprofessional permits to carry weapons
20 and permits to acquire pistols or revolvers and to
21 applicants for nonprofessional permits to carry weapons
22 and permits to acquire pistols or revolvers on or after
23 the effective date of this division of this Act.

24 DIVISION XIV

25 NOTARY PUBLIC

26 Sec. 139. Section 9B.15, subsection 3, unnumbered
27 paragraph 1, Code 2013, is amended to read as follows:

28 A certificate of a notarial act is sufficient if it
29 meets the requirements of subsections 1 and 2 and ~~all~~
30 any of the following apply:

31 Sec. 140. Section 9B.17, subsection 1, paragraph a,
32 Code 2013, is amended to read as follows:

33 a. Include the notary public's name, the words
34 "Notarial Seal" and "Iowa", the words "Commission
35 Number" followed by a number assigned to the notary
36 public by the secretary of state, the words "My
37 Commission Expires" followed either by the date that
38 the notary public's term would ordinarily expire as
39 provided in section 9B.21 or a blank line on which the
40 notary public shall indicate the date of expiration,
41 if any, of the notary public's commission, as required
42 by and in satisfaction of section 9B.15, subsection 1,
43 paragraph "e", and other information required by the
44 secretary of state.

45 Sec. 141. Section 321I.31, subsection 3, Code 2013,
46 is amended to read as follows:

47 3. An owner of an all-terrain vehicle shall apply
48 to the county recorder for issuance of a certificate
49 of title within thirty days after acquisition.

50 The application shall be on forms the department

1 prescribes and accompanied by the required fee. The
2 application shall be signed and sworn to before a
3 ~~notary public~~ notarial officer as provided in chapter
4 9B or other person who administers oaths, or shall
5 include a certification signed in writing containing
6 substantially the representation that statements made
7 are true and correct to the best of the applicant's
8 knowledge, information, and belief, under penalty of
9 perjury. The application shall contain the date of
10 sale and gross price of the all-terrain vehicle or
11 the fair market value if no sale immediately preceded
12 the transfer and any additional information the
13 department requires. If the application is made for
14 an all-terrain vehicle last previously registered
15 or titled in another state or foreign country, the
16 application shall contain this information and any
17 other information the department requires.

18 Sec. 142. Section 462A.77, subsection 4, Code 2013,
19 is amended to read as follows:

20 4. Every owner of a vessel subject to titling
21 under this chapter shall apply to the county recorder
22 for issuance of a certificate of title for the vessel
23 within thirty days after acquisition. The application
24 shall be on forms the department prescribes, and
25 accompanied by the required fee. The application shall
26 be signed and sworn to before a ~~notary public~~ notarial
27 officer as provided in chapter 9B or other person who
28 administers oaths, or shall include a certification
29 signed in writing containing substantially the
30 representation that statements made are true and
31 correct to the best of the applicant's knowledge,
32 information, and belief, under penalty of perjury.
33 The application shall contain the date of sale and
34 gross price of the vessel or the fair market value
35 if no sale immediately preceded the transfer, and any
36 additional information the department requires. If
37 the application is made for a vessel last previously
38 registered or titled in another state or foreign
39 country, it shall contain this information and any
40 other information the department requires.

41 Sec. 143. Section 554.3505, subsection 2, Code
42 2013, is amended to read as follows:

43 2. A protest is a certificate of dishonor made by a
44 United States consul or vice consul, or a ~~notary public~~
45 notarial officer as provided in chapter 9B or other
46 person authorized to administer oaths by the law of
47 the place where dishonor occurs. It may be made upon
48 information satisfactory to that person. The protest
49 must identify the instrument and certify either that
50 presentment has been made or, if not made, the reason

1 why it was not made, and that the instrument has been
2 dishonored by nonacceptance or nonpayment. The protest
3 may also certify that notice of dishonor has been given
4 to some or all parties.

5 Sec. 144. Section 589.4, Code 2013, is amended to
6 read as follows:

7 589.4 Acknowledgments by corporation officers.

8 The acknowledgments of all deeds, mortgages, or
9 other instruments in writing taken or certified more
10 than ten years earlier, which instruments have been
11 recorded in the recorder's office of any county of this
12 state, including acknowledgments of instruments made by
13 a corporation, or to which the corporation was a party,
14 or under which the corporation was a beneficiary,
15 and which have been acknowledged before or certified
16 by a ~~notary public~~ notarial officer as provided in
17 chapter 9B who was at the time of the acknowledgment or
18 certifying a stockholder or officer in the corporation,
19 are legal and valid official acts of the notaries
20 public, and entitle the instruments to be recorded,
21 anything in the laws of the state of Iowa in regard to
22 acknowledgments to the contrary notwithstanding. This
23 section does not affect pending litigation.

24 Sec. 145. Section 589.5, Code 2013, is amended to
25 read as follows:

26 589.5 Acknowledgments by stockholders.

27 All deeds and conveyances of lands within this
28 state executed more than ten years earlier, but
29 which have been acknowledged or proved according
30 to and in compliance with the laws of this state
31 before a ~~notary public~~ notarial officer as provided
32 in chapter 9B or other official authorized by law
33 to take acknowledgments who was, at the time of
34 the acknowledgment, an officer or stockholder of a
35 corporation interested in the deed or conveyance, or
36 otherwise interested in the deeds or conveyances, are,
37 if otherwise valid, valid in law as though acknowledged
38 or proved before an officer not interested in the
39 deeds or conveyances; and if recorded more than ten
40 years earlier, in the respective counties in which
41 the lands are, the records are valid in law as though
42 the deeds and conveyances, so acknowledged or proved
43 and recorded, had, prior to being recorded, been
44 acknowledged or proved before an officer having no
45 interest in the deeds or conveyances.

46 Sec. 146. Section 622.86, Code 2013, is amended to
47 read as follows:

48 622.86 Foreign affidavits.

49 Those taken out of the state before any judge or
50 clerk of a court of record, or before a ~~notary public~~

1 notarial officer as provided in chapter 9B, or a
2 commissioner appointed by the governor of this state to
3 take acknowledgment of deeds in the state where such
4 affidavit is taken, are of the same credibility as if
5 taken within the state.

6 DIVISION XV

7 FINANCIAL LITERACY

8 Sec. 147. FINANCIAL LITERACY PROGRAM. There is
9 transferred from the general fund of the state to the
10 banking division within the department of commerce for
11 the fiscal year beginning July 1, 2013, and ending June
12 30, 2014, the following amount, or so much thereof as
13 is necessary, for the purposes designated:

14 For deposit in the banking division financial
15 literacy fund created in section 524.107A to support
16 financial literacy education as determined by the
17 banking division through a bank, bank holding company,
18 savings bank, or savings and loan association organized
19 under the law of this state, another state, or the
20 United States:

21 \$ 50,000

22 Sec. 148. NEW SECTION. 524.107A Financial literacy
23 fund.

24 A financial literacy fund is created in the state
25 treasury under the authority of the superintendent.
26 Moneys credited to the fund for a fiscal year are
27 appropriated to the banking division to be used for
28 financial literacy program activities. Moneys in the
29 fund shall not be used for administrative purposes.
30 Notwithstanding section 8.33, moneys credited to the
31 fund that remain unencumbered or unobligated at the
32 close of the fiscal year shall not revert but shall
33 remain available for expenditure for the purposes
34 designated until the close of the succeeding fiscal
35 year. Notwithstanding section 12C.7, subsection 2,
36 interest or earnings on moneys deposited in the fund
37 shall be credited to the fund.

38 DIVISION XVI

39 PRACTICE BY BUSINESS ENTITIES

40 Sec. 149. REPEAL. 2013 Iowa Acts, [Senate File 181](#),
41 section 29, is repealed.

42 Sec. 150. RETROACTIVE APPLICABILITY. This division
43 of this Act applies retroactively to March 28, 2013.

44 Sec. 151. EFFECTIVE UPON ENACTMENT. This division
45 of this Act, being deemed of immediate importance,
46 takes effect upon enactment.

47 DIVISION XVII

48 MANUFACTURED AND MOBILE HOMES

49 Sec. 152. Section 435.1, subsection 6, Code 2013,
50 is amended to read as follows:

1 6. "Mobile home park" means a site, lot, field,
2 or tract of land upon which three or more mobile
3 homes, ~~or~~ manufactured homes, modular homes, motor
4 homes, recreational park trailers, travel trailers,
5 or a combination of any of these homes or trailers,
6 are placed on developed spaces pursuant to a rental
7 agreement as defined in section 562B.7 and operated
8 as a for-profit enterprise with water, sewer or
9 septic, and electrical services available. The term
10 "mobile home park" shall not be construed to include
11 manufactured or mobile homes, buildings, tents,
12 or other structures temporarily maintained by any
13 individual, educational institution, or company on
14 their own premises and used exclusively to house their
15 own labor or students. The term "mobile home park"
16 shall not be construed to include a campground as
17 defined in section 557B.1.

18 Sec. 153. Section 435.1, Code 2013, is amended by
19 adding the following new subsections:

20 NEW SUBSECTION. 8. "Motor home" means the same as
21 defined in section 321.1, subsection 36C.

22 NEW SUBSECTION. 9. "Recreational park trailer"
23 means a recreational vehicle built on a single chassis,
24 mounted on wheels, which may be connected to utilities
25 necessary for operation of installed fixtures and
26 appliances, with a gross trailer area not exceeding
27 four hundred square feet when in the set-up mode, and
28 certified by the manufacturer as complying with the
29 American national standards institute construction
30 standard commonly referred to as "ANSI A 119.5".

31 Sec. 154. Section 562B.7, subsection 7, Code 2013,
32 is amended to read as follows:

33 7. "Mobile home park" ~~shall mean any~~ means a site,
34 lot, field, or tract of land upon which three or
35 more mobile homes, manufactured homes, ~~or~~ modular
36 homes, motor homes, recreational park trailers, travel
37 trailers, or a combination of any of these homes
38 or trailers are placed on developed spaces pursuant
39 to a rental agreement and operated as a for-profit
40 enterprise with water, sewer or septic, and electrical
41 services available. The term "mobile home park"
42 shall not be construed to include manufactured or
43 mobile homes, buildings, tents, or other structures
44 temporarily maintained by any individual, educational
45 institution, or company on their own premises and used
46 exclusively to house their own labor or students.
47 The term "mobile home park" shall not be construed to
48 include a campground as defined in section 557B.1.

49 Sec. 155. Section 562B.7, Code 2013, is amended by
50 adding the following new subsections:

1 NEW SUBSECTION. 8A. "Motor home" means the same as
2 defined in section 321.1, subsection 36C.

3 NEW SUBSECTION. 9A. "Recreational park trailer"
4 means a recreational vehicle built on a single chassis,
5 mounted on wheels, which may be connected to utilities
6 necessary for operation of installed fixtures and
7 appliances, with a gross trailer area not exceeding
8 four hundred square feet when in the set-up mode, and
9 certified by the manufacturer as complying with the
10 American national standards institute construction
11 standard commonly referred to as "ANSI A 119.5".

12 DIVISION XVIII

13 MH/DS SYSTEM REDESIGN – IMPLEMENTATION

14 REGIONAL FORMATION REQUIREMENTS

15 Sec. 156. Section 331.389, subsection 3, paragraph
16 a, Code 2013, is amended to read as follows:

17 a. The counties comprising the region are
18 contiguous except that a region may include a county
19 that is not contiguous with any of the other counties
20 in the region, if the county that is not contiguous has
21 had a formal relationship for two years or longer with
22 one or more of the other counties in the region for the
23 provision of mental health and disability services.

24 ELIGIBILITY MAINTENANCE

25 Sec. 157. Section 331.396, subsection 1, Code 2013,
26 is amended by adding the following new paragraph:

27 NEW PARAGRAPH. 0d. Notwithstanding paragraphs
28 "a" through "c", the person is an adult or child who
29 received mental health services from a county in
30 accordance with the county's service management plan
31 approved under section 331.439, Code 2013.

32 Sec. 158. Section 331.396, subsection 2, Code 2013,
33 is amended by adding the following new paragraph:

34 NEW PARAGRAPH. 0d. Notwithstanding paragraphs
35 "a" through "c", the person is an adult or child who
36 received intellectual disability services from a county
37 in accordance with the county's service management plan
38 approved in accordance with section 331.439, Code 2013.

39 Sec. 159. Section 331.397, subsection 2, paragraph
40 b, Code 2013, is amended to read as follows:

41 b. Until funding is designated for other service
42 populations, eligibility for the service domains
43 listed in this section shall be limited to such persons
44 who are in need of mental health or intellectual
45 disability services. However, if a county in a region
46 was providing services to an individual child or to an
47 individual adult person with a developmental disability
48 other than intellectual disability or a brain injury
49 prior to formation of the region, the individual child
50 or adult person shall remain eligible for the services

1 provided when the region is formed, provided that funds
2 are available to continue such services.

3 STATE PAYMENTS TO REGION

4 Sec. 160. Section 426B.3, subsection 4, as enacted
5 by 2012 Iowa Acts, chapter 1120, section 137, is
6 amended to read as follows:

7 4. a. For the fiscal years beginning July 1, 2013,
8 and July 1, 2014, a county with a county population
9 expenditure target amount that exceeds the amount of
10 the county's base year expenditures for mental health
11 and disabilities services shall receive an equalization
12 payment for the difference.

13 b. The equalization payments determined in
14 accordance with this subsection shall be made by the
15 department of human services for each fiscal year as
16 provided in appropriations made from the property tax
17 relief fund for this purpose. If the county is part of
18 a region that has been approved by the department in
19 accordance with section 331.389, to commence partial
20 or full operations, the county's equalization payment
21 shall be remitted to the region for expenditure as
22 approved by the region's governing board. The payment
23 for a county that has been approved by the department
24 to operate as an individual county region shall be
25 remitted to the county for expenditure as approved by
26 the county board of supervisors. For the fiscal year
27 beginning July 1, 2013, and succeeding fiscal years,
28 the payment shall be remitted on or before December
29 31 only for those counties approved to operate as an
30 individual county region or to be part of a region.
31 Remittance of the payment for a county without such
32 approval shall be deferred until such approval is
33 granted.

34 STRATEGIC PLAN REQUIREMENT FOR FY 2013-2014

35 Sec. 161. 2012 Iowa Acts, chapter 1128, section 8,
36 is amended to read as follows:

37 SEC. 8. COUNTY MENTAL HEALTH, ~~MENTAL RETARDATION~~
38 INTELLECTUAL DISABILITY, AND DEVELOPMENTAL

39 DISABILITIES SERVICES MANAGEMENT PLAN - STRATEGIC
40 PLAN. Notwithstanding section 331.439, subsection
41 1, paragraph "b", subparagraph (3), counties are not
42 required to submit a three-year strategic plan by
43 April 1, 2012, to the department of human services. A
44 county's strategic plan in effect as of the effective
45 date of this section shall remain in effect until the
46 regional service system management plan for the region
47 to which the county belongs is approved in accordance
48 with section 331.393, subject to modification before
49 that date as necessary to conform with statutory
50 changes affecting the plan and any amendments to the

1 plan that are adopted in accordance with law.

2 TRANSITION FUNDS – FY 2012-2013

3 Sec. 162. 2013 Iowa Acts, House File 160, section
4 1, is amended by adding the following new subsection:

5 NEW SUBSECTION. 4. A county receiving an
6 allocation under this section may use the allocation
7 to pay for non-Medicaid mental health and disability
8 services provided during the state fiscal year
9 beginning July 1, 2012, and for the county's unpaid
10 obligation for non-Medicaid bills for services provided
11 in prior state fiscal years. Moneys allocated in this
12 section shall not be used for services provided in
13 the state fiscal year beginning July 1, 2013. Moneys
14 allocated to a county under this section that remain
15 unencumbered or unobligated at the close of the state
16 fiscal year beginning July 1, 2012, shall be remitted
17 to the department on or before December 15, 2013.

18 TRANSITION FUND – SERVICES MAINTENANCE

19 Sec. 163. TRANSITION FUND – SERVICES
20 MAINTENANCE. A county receiving an allocation of
21 funding from the mental health and disability services
22 redesign transition fund created in 2012 Iowa Acts,
23 chapter 1120, section 23, shall utilize the allocation
24 so that the services available to an individual child
25 or other individual person in accordance with the
26 county's approved service management plan in effect as
27 of June 30, 2012, remain in place provided the child or
28 other person continues to comply with the eligibility
29 requirements applicable under the plan as of that date.

30 REDESIGN EQUALIZATION PAYMENT APPROPRIATION

31 Sec. 164. MENTAL HEALTH AND DISABILITY SERVICES –
32 EQUALIZATION PAYMENTS TRANSFER AND APPROPRIATION.

33 1. There is transferred from the general fund of
34 the state to the department of human services for the
35 fiscal year beginning July 1, 2013, and ending June 30,
36 2014, the following amount, or so much thereof as is
37 necessary, to be used for the purposes designated:

38 For deposit in the property tax relief fund created
39 in section 426B.1, for distribution as provided in this
40 section:

41 \$ 29,820,478

42 2. The moneys credited to the property tax relief
43 fund in accordance with this section are appropriated
44 to the department of human services for distribution
45 of equalization payments for counties in the amounts
46 specified in section 426B.3, subsection 4, as enacted
47 by 2012 Iowa Acts, chapter 1120, section 137, for the
48 fiscal year beginning July 1, 2013. If the county
49 is part of a region that has been approved by the
50 department in accordance with section 331.389, to

1 commence partial or full operations, the county's
2 equalization payment shall be remitted to the region
3 for expenditure as approved by the region's governing
4 board.

5 3. a. For the purposes of this subsection,
6 "payment obligation" means an outstanding obligation
7 for payment to the department of human services for the
8 undisputed cost of services provided under the medical
9 assistance program prior to July 1, 2012, or for the
10 undisputed cost of non-Medicaid services provided prior
11 to July 1, 2013.

12 b. (1) If a county with a payment obligation
13 has not either satisfied the payment obligation on
14 or before June 28, 2013, or received approval by the
15 director of human services for a repayment plan for
16 the obligation in accordance with subparagraph (2),
17 the department shall offset up to the amount of the
18 obligation any amount otherwise payable to or for the
19 county under this section or under the mental health
20 and disability regional services fund created in 2012
21 Iowa Acts, chapter 1120, section 9. Any offset amount
22 shall be transferred to the appropriation made for
23 the medical assistance program for the fiscal year
24 beginning July 1, 2012, in 2011 Iowa Acts, chapter
25 1133, section 122. The department shall credit a
26 county's payment obligation with any amount owed by
27 the department to the county for mental health or
28 disability services provided through June 30, 2013.

29 (2) A county with a payment obligation may submit
30 a request to the department to enter into a repayment
31 plan to satisfy the payment obligation during the
32 fiscal year beginning July 1, 2013. The request must
33 be submitted to the department on or before June 15,
34 2013. The terms of a repayment plan shall require
35 the payment obligation to be paid in full by the
36 close of the fiscal year beginning July 1, 2013, and
37 provide, after county payments for the fiscal year are
38 made in accordance with the plan, that the projected
39 ending balance of the county's services fund under
40 section 331.424A be equal to at least 15 percent of
41 the projected gross revenue for the services fund
42 for the fiscal year. The terms may also allow for
43 the department to authorize remittance of all or a
44 portion of the amount otherwise payable to or for the
45 county under this section or under the mental health
46 and disability regional services fund created in 2012
47 Iowa Acts, chapter 1120, section 9, during or upon
48 completion of the repayment plan. A payment plan
49 entered into under this subparagraph and its terms and
50 conditions are subject to approval of the director of

1 human services. The director's approval process shall
2 be completed on or before July 30, 2013.

3 c. The equalization payment under this section for
4 a county that is not subject to paragraph "b" shall be
5 remitted on or before July 15, 2013.

6 MEDICAID OBLIGATION COST SETTLEMENT

7 Sec. 165. COUNTY MEDICAL ASSISTANCE NONFEDERAL
8 SHARE - COST SETTLEMENT. Any county obligation for
9 payment to the department of human services of the
10 nonfederal share of the cost of services provided under
11 the medical assistance program prior to July 1, 2012,
12 pursuant to sections 249A.12 and 249A.26, shall remain
13 at the amount billed through the period ending June 30,
14 2013. The final monthly billings for the obligations
15 shall be remitted to counties on or before August 1,
16 2013. Any adjustments to the final amounts billed for
17 such services that occur on or after July 1, 2013,
18 shall be applied to the appropriation made to the
19 department of human services from the general fund of
20 the state for the medical assistance program for the
21 fiscal year beginning July 1, 2013.

22 TRANSITION FROM LEGAL SETTLEMENT TO RESIDENCY

23 Sec. 166. MENTAL HEALTH AND DISABILITY REGIONAL
24 SERVICES FUND - FY 2013-2014. Moneys credited to
25 the mental health and disability regional services
26 fund created in 2012 Iowa Acts, chapter 1120, section
27 9, for the fiscal year beginning July 1, 2013, are
28 appropriated to the department for distribution to
29 be used to pay the costs of county or regionally
30 administered non-Medicaid mental health and disability
31 services. The department of human services shall
32 determine the financial need of counties as necessary
33 to minimize the effects of the change in determining
34 the financial responsibility for such services based
35 on legal settlement to residency. If the county of
36 residence is part of a region that has been approved
37 by the department in accordance with section 331.389,
38 to commence partial or full operations, the moneys
39 appropriated by this section shall be remitted to the
40 region for expenditure as approved by the region's
41 governing board.

42 COUNTY MENTAL HEALTH AND DISABILITY
43 SERVICES FUND - FY 2013-2014

44 Sec. 167. SERVICES FUND - MANAGEMENT PLAN. For
45 the fiscal year beginning July 1, 2013, and ending
46 June 30, 2014, the appropriations made by the county
47 board of supervisors for payment for mental health
48 and disability services pursuant to section 331.424A,
49 subsection 3, as enacted by 2012 Iowa Acts, chapter
50 1120, section 132, shall be made in accordance with the

1 county's service management plan approved under section
2 331.439, Code 2013, until the county management plan is
3 replaced by a regional service system management plan
4 approved under section 331.393.

5 Sec. 168. EFFECTIVE UPON ENACTMENT. This division
6 of this Act, being deemed of immediate importance,
7 takes effect upon enactment.

8 DIVISION XIX

9 DATA AND STATISTICAL INFORMATION AND OUTCOME AND
10 PERFORMANCE MEASURES

11 Sec. 169. Section 225C.4, subsection 1, paragraph
12 j, Code 2013, is amended to read as follows:

13 j. Establish and maintain a data collection and
14 management information system oriented to the needs of
15 patients, providers, the department, and other programs
16 or facilities in accordance with section 225C.6A. The
17 system shall be used to identify, collect, and analyze
18 service outcome and performance measures data in order
19 to assess the effects of the services on the persons
20 utilizing the services. The administrator shall
21 annually submit to the commission information collected
22 by the department indicating the changes and trends
23 in the disability services system. The administrator
24 shall make the outcome data available to the public.

25 Sec. 170. Section 225C.6A, Code 2013, is amended to
26 read as follows:

27 225C.6A Disability services system ~~redesign~~ central
28 data repository.

29 1. The ~~commission~~ department shall do the following
30 relating to ~~redesign of~~ data concerning the disability
31 services system in the state:

32 ~~1. Identify sources of revenue to support statewide~~
33 ~~delivery of core disability services to eligible~~
34 ~~disability populations.~~

35 ~~2. Ensure there is a continuous improvement process~~
36 ~~for development and maintenance of the disability~~
37 ~~services system for adults and children. The process~~
38 ~~shall include but is not limited to data collection and~~
39 ~~reporting provisions.~~

40 ~~3-~~ a. Plan, collect, and analyze data as necessary
41 to issue cost estimates for serving additional
42 populations and providing core disability services
43 statewide. The department shall maintain compliance
44 with applicable federal and state privacy laws
45 to ensure the confidentiality and integrity of
46 individually identifiable disability services data.
47 The department ~~shall regularly~~ may periodically assess
48 the status of the compliance in order to assure that
49 data security is protected.

50 b. ~~In implementing~~ Implement a system central data

1 repository under this ~~subsection~~ section for collecting
2 and analyzing state, county and region, and private
3 contractor data, ~~the~~. The department shall establish
4 a client identifier for the individuals receiving
5 services. ~~The client identifier shall be used in lieu~~
6 ~~of the individual's name or social security number.~~
7 ~~The client identifier shall consist of the last four~~
8 ~~digits of an individual's social security number, the~~
9 ~~first three letters of the individual's last name, the~~
10 ~~individual's date of birth, and the individual's gender~~
11 ~~in an order determined by the department.~~

12 c. Consult on an ongoing basis with regional
13 administrators, service providers, and other
14 stakeholders in implementing the central data
15 repository and operations of the repository. The
16 consultation shall focus on minimizing the state and
17 local costs associated with operating the repository.

18 d. Engage with other state and local government
19 and nongovernmental entities operating the Iowa
20 health information network under chapter 135 and
21 other data systems that maintain information relating
22 to individuals with information in the central data
23 repository in order to integrate data concerning
24 individuals.

25 e. 2. A county or region shall not be required to
26 utilize a uniform data operational or transactional
27 system. However, the system utilized shall have the
28 capacity to exchange information with the department,
29 counties and regions, contractors, and others involved
30 with services to persons with a disability who have
31 authorized access to the central data repository. The
32 information exchanged shall be labeled consistently
33 and share the same definitions. Each county
34 regional administrator shall regularly report to the
35 department annually on or before December 1, for the
36 preceding fiscal year the following information for
37 each individual served: demographic information,
38 expenditure data, and data concerning the services and
39 other support provided to each individual, as specified
40 in administrative rule adopted by the commission by the
41 department.

42 4. Work with county representatives and other
43 qualified persons to develop an implementation plan
44 for replacing the county of legal settlement approach
45 to determining service system funding responsibilities
46 with an approach based upon residency. The plan shall
47 address a statewide standard for proof of residency,
48 outline a plan for establishing a data system for
49 identifying residency of eligible individuals, address
50 residency issues for individuals who began residing

~~1 in a county due to a court order or criminal sentence
2 or to obtain services in that county, recommend an
3 approach for contesting a residency determination, and
4 address other implementation issues.~~

5 3. The outcome and performance measures applied
6 to the regional disability services system shall
7 utilize measurement domains. The department may
8 identify other measurement domains in consultation with
9 system stakeholders to be utilized in addition to the
10 following initial set of measurement domains:

- 11 a. Access to services.
- 12 b. Life in the community.
- 13 c. Person-centeredness.
- 14 d. Health and wellness.
- 15 e. Quality of life and safety.
- 16 f. Family and natural supports.

17 4. a. The processes used for collecting outcome
18 and performance measures data shall include but are
19 not limited to direct surveys of the individuals and
20 families receiving services and the providers of the
21 services. The department shall involve a workgroup of
22 persons who are knowledgeable about both the regional
23 service system and survey techniques to implement and
24 maintain the processes. The workgroup shall conduct
25 an ongoing evaluation for the purpose of eliminating
26 the collection of information that is not utilized.
27 The surveys shall be conducted with a conflict-free
28 approach in which someone other than a provider of
29 services surveys an individual receiving the services.

30 b. The outcome and performance measures data
31 shall encompass and provide a means to evaluate both
32 the regional services and the services funded by the
33 medical assistance program provided to the same service
34 populations.

35 c. The department shall develop and implement an
36 internet-based approach with graphical display of
37 information to provide outcome and performance measures
38 data to the public and those engaged with the regional
39 service system.

40 d. The department shall include any significant
41 costs for collecting and interpreting outcome and
42 performance measures and other data in the department's
43 operating budget.

44 Sec. 171. REPEAL. The amendment to section 225C.4,
45 subsection 1, paragraph j, in 2012 Iowa Acts, chapter
46 1120, section 2, is repealed.

47 Sec. 172. REPEAL. The amendments to section
48 225C.6A, in 2012 Iowa Acts, chapter 1120, sections 6,
49 7, and 95, are repealed.

CHILDREN'S CABINET

1
2 Sec. 173. NEW SECTION. 242.1 Findings.
3 The general assembly finds there is a need for a
4 state-level children's cabinet to provide guidance,
5 oversight, problem solving, long-term strategy
6 development, and collaboration among the state and
7 local efforts to build a comprehensive, coordinated
8 system to promote the well-being of the children in
9 this state and to address the needs of children for
10 mental health treatment and other specialized services.

11 Sec. 174. NEW SECTION. 242.2 Children's cabinet
12 established.

13 There is established within the department of human
14 services a children's cabinet.

15 1. The voting members of the children's cabinet
16 shall consist of the following:

17 a. The director of the department of education or
18 the director's designee.

19 b. The director of the department of human services
20 or the director's designee. This member shall be
21 chairperson of the cabinet.

22 c. The director of the department of public health
23 or the director's designee.

24 d. A parent of a child with a severe emotional
25 disturbance or a disability who is the primary
26 caregiver for that child, appointed by the governor.

27 e. A juvenile court judge or juvenile court officer
28 appointed by the chief justice of the supreme court.

29 f. A community-based provider of child welfare,
30 health, or juvenile justice services to children,
31 appointed by the director of human services.

32 g. A member of the early childhood Iowa state
33 board, appointed by the state board.

34 h. A community stakeholder who is not affiliated
35 with a provider of services, appointed by the governor.

36 i. Not more than three other members, including
37 a pediatrician, designated by the cabinet chairperson
38 to ensure adequate representation of the persons and
39 interests who may be affected by the recommendations
40 made by the cabinet.

41 2. In addition to the voting members, there
42 shall be four ex officio, nonvoting members of the
43 children's cabinet. These members shall be two state
44 representatives, one appointed by the speaker of
45 the house of representatives and one by the minority
46 leader of the house of representatives, and two state
47 senators, one appointed by the majority leader of the
48 senate and one by the minority leader of the senate.

49 3. a. The voting members, other than department
50 directors and their designees, shall be appointed for

1 four-year terms. The terms of such members begin on
2 May 1 in the year of appointment and expire on April 30
3 in the year of expiration.

4 b. Vacancies shall be filled in the same manner as
5 original appointments. A vacancy shall be filled for
6 the unexpired term.

7 c. The voting members shall receive actual and
8 necessary expenses incurred in the performance of their
9 duties and legislative members shall be compensated as
10 provided in section 2.32A.

11 4. Staffing services for the children's cabinet
12 shall be provided by the department of human services.

13 Sec. 175. NEW SECTION. 242.3 Duties.

14 The children's cabinet shall perform the following
15 duties to address the needs of children and families in
16 this state:

17 1. Recommend operating provisions for health homes
18 for children implemented by the department of human
19 services. The provisions shall include but are not
20 limited to all of the following:

21 a. Identification of quality expectations.

22 b. Identification of performance criteria.

23 c. Provisions for monitoring the implementation of
24 specialized health homes.

25 2. Gather information and improve the understanding
26 of policymakers and the public of how the various
27 service systems intended to meet the needs of children
28 and families operate at the local level.

29 3. Address areas of overlap, gaps, and conflict
30 between service systems.

31 4. Support the evolution of service systems in
32 implementing new services and enhancing existing
33 services to address the needs of children and families
34 through process improvement methodologies.

35 5. Assist policymakers and service system users in
36 understanding and effectively managing system costs.

37 6. Ensure services offered are evidence-based.

38 7. Issue guidelines to enable the services and
39 other support which is provided by or under the control
40 of state entities and delivered at the local level to
41 have sufficient flexibility to engage local resources
42 and meet unique needs of children and families.

43 8. Integrate efforts of policymakers and service
44 providers to improve the well-being of community
45 members in addition to children and families.

46 9. Implement strategies so that the children and
47 families engaged with the service systems avoid the
48 need for higher level services and other support.

49 10. Submit a report annually by December 15 to the
50 governor, general assembly, and supreme court providing

1 findings and recommendations and issue other reports as
2 deemed necessary by the cabinet. The reports submitted
3 or issued by the children's cabinet shall be posted on
4 the department's internet site.

5 Sec. 176. INITIAL TERMS. Notwithstanding section
6 242.2, subsection 3, paragraph "a", as enacted by
7 this division of this Act, the appointing authorities
8 for the members of the children's cabinet created by
9 this division of this Act who are subject to terms of
10 service shall be coordinated so that the initial terms
11 of approximately half of such members are two years and
12 the remainder are for four years and remain staggered
13 thereafter.

14 DIVISION XXI

15 NEWBORN CRITICAL CONGENITAL HEART DISEASE SCREENING

16 Sec. 177. NEW SECTION. 136A.5A Newborn critical
17 congenital heart disease screening.

18 1. Each newborn born in this state shall receive
19 a critical congenital heart disease screening by
20 pulse oximetry or other means as determined by rule,
21 in conjunction with the metabolic screening required
22 pursuant to section 136A.5.

23 2. An attending health care provider shall ensure
24 that every newborn under the provider's care receives
25 the critical congenital heart disease screening.

26 3. This section does not apply if a parent objects
27 to the screening. If a parent objects to the screening
28 of a newborn, the attending health care provider shall
29 document the refusal in the newborn's medical record
30 and shall obtain a written refusal from the parent and
31 report the refusal to the department.

32 4. Notwithstanding any provision to the contrary,
33 the results of each newborn's critical congenital
34 heart disease screening shall only be reported in a
35 manner consistent with the reporting of the results
36 of metabolic screenings pursuant to section 136A.5
37 if funding is available for implementation of the
38 reporting requirement.

39 5. This section shall be administered in accordance
40 with rules adopted pursuant to section 136A.8.

41 Sec. 178. NEWBORN CRITICAL CONGENITAL HEART
42 DISEASE SCREENING. Notwithstanding any provision
43 to the contrary relating to the newborn screening
44 policy pursuant to [641 IAC 4.3\(1\)](#), critical congenital
45 heart disease screening shall be included in the
46 state's newborn screening panel as included in the
47 recommended uniform screening panel as approved by the
48 United States secretary of health and human services.
49 The center for congenital and inherited disorders
50 advisory committee shall make recommendations regarding

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1 implementation of the screening and the center for
2 congenital and inherited disorders shall adopt rules
3 as necessary to implement the screening. However,
4 reporting of the results of each newborn's critical
5 congenital heart disease screening shall not be
6 required unless funding is available for implementation
7 of the reporting requirement.

8 DIVISION XXII

9 INDIVIDUAL DEVELOPMENT ACCOUNT PROGRAM

10 Sec. 179. Section 541A.2, subsection 1, paragraph
11 a, Code 2013, is amended to read as follows:

12 a. To be eligible to open an account, a prospective
13 account holder must have a household income that is
14 equal to or less than ~~two~~ one hundred percent of the
15 federal poverty level.

16 Sec. 180. Section 541A.7, subsection 2, Code 2013,
17 is amended to read as follows:

18 2. Moneys available in the fund for a fiscal
19 year are appropriated to the administrator to be
20 used to provide the state match for account holder
21 deposits in accordance with section 541A.3. ~~At least~~
22 ~~eighty five percent of the amount appropriated shall~~
23 ~~be used for state match payments and the remainder may~~
24 Moneys credited to the fund shall not be used for the
25 administrative costs of the operating organization.
26 Administrative costs include but are not limited to
27 accounting services, curriculum costs for financial
28 education or asset-specific training, and costs for
29 technical assistance contractors.>

30 2. Title page, line 2, after <fees> by inserting
31 <and penalties, providing for matters relating to
32 taxation>

33 3. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-3218 FILED MAY 6, 2013

HOUSE FILE 632

S-3220

1 Amend House File 632, as passed by the House, as
2 follows:

- 3 1. Page 1, line 22, by striking <division of this>
- 4 2. Page 1, line 25, by striking <division of this>
- 5 3. By renumbering as necessary.

By WILLIAM A. DOTZLER, JR.

S-3220 FILED MAY 6, 2013