EIGHTY-FIFTH GENERAL ASSEMBLY
2014 REGULAR SESSION
DAILY

HOUSE CLIP SHEET

MARCH 19, 2014

Senate Amendment to
HOUSE FILE 475

H-8131

Amend House File 475, as passed by the House, as follows:

1. Page 1, line 1, by striking <2013> and inserting <2014>

2. Page 1, by striking lines 12 through 24 and inserting:

<1. A peace officer may make a written application to a magistrate for the issuance of a search warrant to authorize the placement, tracking, monitoring, or removal of a global positioning device, supported by a peace officer's oath or affirmation, which includes facts, information, and circumstances tending to establish sufficient grounds for granting the peace officer's application, and probable cause for believing the grounds exist.

2. The application shall describe the person, place, or thing to be tracked or monitored by a global positioning device, or the removal of such a device from a person, place, or thing with sufficient specificity to enable an independent reasonable person with reasonable effort to ascertain and identify the person, place, or thing. If the magistrate issues the search warrant, the magistrate shall endorse on the application the name and address of all persons upon whose sworn testimony the magistrate relied to issue the warrant together with the abstract of each witness' testimony, or the witness' affidavit. However, if the grounds for issuance are supplied by an informant, the magistrate shall identify only the peace officer to whom the information was given. The application or sworn testimony supplied in support of the application must establish the credibility of the informant or the credibility of the information given by the informant. The magistrate may in the magistrate's discretion require that a witness upon whom the applicant relies for the information appear personally and be examined concerning the information.

3. Upon a finding of probable cause to issue such a warrant, the magistrate shall issue a warrant, signed by the magistrate with the magistrate's name of office, directed to any peace officer, commanding that the peace officer place, track, monitor, or remove the global positioning device.>

RECEIVED FROM THE SENATE

H-8131 FILED MARCH 18, 2014

Senate Amendment to
HOUSE FILE 514

H-8130

1 Amend House File 514, as passed by the House, as
2 follows:
3 1. By striking everything after the enacting clause
4 and inserting:
5 <Section 1. Section 631.1, Code 2014, is amended by
6 adding the following new subsection:
7 NEW SUBSECTION. 9. The district court sitting in
8 small claims has concurrent jurisdiction of an action
9 to determine ownership of goods under section 714.28
10 relating to claims against purchased or pledged goods
11 held by pawnbrokers, regardless of the value of the
12 items in dispute.
13 Sec. 2. NEW SECTION. 714.28 Claims against
14 purchased or pledged goods held by pawnbrokers.
15 1. As used in this section, unless the context
16 otherwise requires:
17 a. "Claimant" means a person who claims that the
18 person's property was misappropriated.
19 b. "Conveying customer" means a person who delivers
20 property into the custody of a pawnbroker, either by
21 pawn, sale, consignment, or trade.
22 c. "Misappropriated" means stolen, embezzled,
23 converted, or otherwise wrongfully appropriated against
24 the will of the rightful owner.
25 2. To obtain possession of purchased or pledged
26 goods held by a pawnbroker which a claimant claims to
27 have been misappropriated, the claimant must notify
28 the pawnbroker by certified mail, return receipt
29 requested, or in person evidenced by signed receipt,
30 of the claimant's claim to the purchased or pledged
31 goods. The notice must contain a complete and accurate
32 description of the purchased or pledged goods and must
33 be accompanied by a legible copy of the applicable
34 law enforcement agency's report documenting the
35 misappropriation of the property. If the claimant and
36 the pawnbroker do not resolve the right to possession
37 within ten days after the pawnbroker's receipt of the
38 notice, the claimant may petition the district court
39 sitting in small claims to order the return of the
40 property, naming the pawnbroker as a defendant, and
41 shall serve the pawnbroker with a copy of the petition.
42 The pawnbroker shall hold the property described in the
43 petition until the right to possession is resolved by
44 the parties or by the court.
45 3. If, after notice and a hearing, the court finds
46 that the property was misappropriated and orders the
47 return of the property to the claimant, both of the
48 following shall apply:
49 a. The claimant may recover from the pawnbroker the
50 costs of the action.

1 b. If the conveying customer was convicted in a
2 separate criminal proceeding of theft or dealing in
3 stolen property involving the misappropriated property,
4 the court shall order the conveying customer to repay
5 the pawnbroker the full amount that the conveying
6 customer received from the pawnbroker for the property,
7 plus all applicable pawn service charges. As used
8 in this paragraph, "convicted" includes a plea of
9 no contest to the charges or any agreement in which
10 adjudication is withheld.
11 4. If the court finds that the claimant failed
12 to comply with the requirements of this section or
13 otherwise finds against the claimant, the claimant
14 shall be liable for the defendant's costs.>
15 2. Title page, by striking lines 1 through 3 and
16 inserting <An Act specifying procedures for resolving
17 claims against purchased or pledged goods held by
18 pawnbrokers.>

RECEIVED FROM THE SENATE

H-8130 FILED MARCH 18, 2014

Senate Amendment to
HOUSE FILE 2388

H-8127
1 Amend House File 2388, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 7, after <child> by inserting
4 <adjudicated under chapter 232 or>
5 2. Page 1, line 13, after <child> by inserting
6 <adjudicated under chapter 232 or>
7 3. Page 1, line 17, after <children> by inserting
8 adjudicated or>
9 4. Page 1, line 20, after <~~in~~> by inserting
10 <adjudicated under chapter 232 or>
11 5. Page 1, line 22, after <~~in~~> by inserting
12 <adjudicated under chapter 232 or>
13 6. Page 1, line 29, after <child> by inserting
14 <adjudicated under chapter 232 or>
15 7. Page 1, line 32, after <child> by inserting
16 <adjudicated under chapter 232 or>
17 8. Page 2, line 11, after <child> by inserting
18 <adjudicated under chapter 232 or>
19 9. Page 2, line 15, after <child> by inserting
20 <adjudicated under chapter 232 or>
21 10. Page 2, line 20, after <children> by inserting
22 <adjudicated under chapter 232 or>
23 11. Page 2, line 25, after <child> by inserting
24 <adjudicated under chapter 232 or>
25 12. Title page, line 1, after <children> by
26 inserting <adjudicated under the juvenile justice law
27 or>

RECEIVED FROM THE SENATE

H-8127 FILED MARCH 18, 2014

SENATE FILE 2310

H-8128

1 Amend Senate File 2310, as passed by the Senate, as
2 follows:
3 1. Page 1, by striking lines 7 and 8 and inserting
4 <having reasonable cause to believe the person to be
5 under the age of eighteen, to consume or possess on
6 such property any alcoholic>
7 2. Page 1, after line 15 by inserting:
8 <c. This subsection shall not apply to any of the
9 following:
10 (1) A landlord or manager of the property.
11 (2) A person under legal age who consumes or
12 possesses any alcoholic liquor, wine, or beer in
13 connection with a religious observance, ceremony, or
14 right.>
15 3. Page 3, line 1, by striking <underage> and
16 inserting <under eighteen years of age>
17 4. By renumbering as necessary.

COMMITTEE ON PUBLIC SAFETY
BAUDLER of Adair, Chairperson

H-8128 FILED MARCH 18, 2014

SENATE FILE 2310

H-8133

1 Amend Senate File 2310, as passed by the Senate, as
2 follows:
3 1. Page 1, after line 15 by inserting:
4 <c. The provisions of this subsection shall be
5 implemented uniformly throughout the state. The
6 provisions of this subsection shall preempt any local
7 county or city ordinance regarding a person who is the
8 owner or lessee of, or who otherwise has control over,
9 property that is not a licensed premises who knowingly
10 permits the consumption or possession of any alcoholic
11 liquor, wine, or beer by a person under legal age. In
12 addition, a county or city shall not adopt or continue
13 in effect an ordinance regarding a person who is the
14 owner or lessee of, or who otherwise has control over,
15 property that is not a licensed premises who knowingly
16 permits the consumption or possession of any alcoholic
17 liquor, wine, or beer by a person under legal age.>
18 2. By renumbering as necessary.

By BAUDLER of Adair

H-8133 FILED MARCH 18, 2014

SENATE FILE 366

H-8126

1 Amend the amendment, H-8114, to Senate File 366,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, line 12, after <data> by inserting <and
5 information on sources of funding available for radon
6 testing and mitigation>

By WINDSCHITL of Harrison

H-8126 FILED MARCH 18, 2014

SENATE FILE 2211

H-8134

1 Amend Senate File 2211, as passed by the Senate, as
2 follows:
3 1. Page 1, line 8, by striking <but whose> and
4 inserting <whether or not the>
5 2. Page 1, line 11, by striking <insanity.
6 "Conviction"> and inserting <insanity. "Convicted">

By HEARTSILL of Marion

H-8134 FILED MARCH 18, 2014

SENATE FILE 2239

H-8129

1 Amend the amendment, H-8119, to Senate File 2239,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, line 19, after <court.> by inserting:
5 <"Caretaker" does not include a caretaker as defined in
6 section 235E.1.>

By BALTIMORE of Boone

H-8129 FILED MARCH 18, 2014

SENATE FILE 2301

H-8132

1 Amend the amendment, H-8116, to Senate File 2301,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, after line 3 by inserting:
5 <___. Page 10, after line 3 by inserting:
6 <Sec. ___. EFFECTIVE UPON ENACTMENT. This Act,
7 being deemed of immediate importance, takes effect upon
8 enactment.>>
9 2. Page 1, after line 5 by inserting:
10 <___. Title page, line 5, after <voters> by
11 inserting <, and including effective date provisions>>
12 3. By renumbering as necessary.

By HAGENOW of Polk

H-8132 FILED MARCH 18, 2014

SENATE FILE 2311

H-8124

1 Amend the amendment, H-8117, to Senate File 2311, as
2 passed by the Senate, as follows:
3 1. Page 2, by striking lines 28 through 40 and
4 inserting:
5 <Sec. ___. NEW SECTION. 802.2B Other sexual
6 offenses.
7 1. An information or indictment for the following
8 offenses committed on or with a person who is a child
9 or is under the age of eighteen years shall be found
10 within ten years after the person upon whom the offense
11 is committed attains eighteen years of age:
12 a. Lascivious acts with a child in violation of
13 section 709.8.
14 b. Assault with intent to commit sexual abuse in
15 violation of section 709.11.
16 c. Indecent contact with a child in violation of
17 section 709.12.
18 d. Lascivious conduct with a minor in violation of
19 section 709.14.
20 e. Sexual misconduct with a juvenile in violation
21 of section 709.16, subsection 2.
22 f. Sexual exploitation of a minor in violation of
23 section 728.12.
24 2. If the person against whom the information or
25 indictment is sought is identified through the use of a
26 DNA profile for an offense described in subsection 1,
27 an information or indictment shall be found within ten
28 years after its commission, or within three years from
29 the date the person is identified by the person's DNA
30 profile, whichever is later.>
31 2. Page 3, by striking lines 3 through 6 and
32 inserting:
33 <___. Title page, by striking lines 1 through 4
34 and inserting <An Act relating to sexual and criminal
35 offenses involving minors and others, including
36 prostitution, pimping, and human trafficking, and
37 including penalties.>>

By HESS of Clay

H-8124 FILED MARCH 18, 2014

SENATE FILE 2311

H-8125

1 Amend the amendment, H-8117, to Senate File 2311, as
2 passed by the Senate, as follows:
3 1. Page 2, by striking lines 28 through 40 and
4 inserting:
5 <Sec. ___. NEW SECTION. 802.2B Other sexual
6 offenses.
7 An information or indictment for the following
8 offenses committed on or with a person who is under the
9 age of eighteen years shall be found within ten years
10 after the person upon whom the offense is committed
11 attains eighteen years of age, or if the person
12 against whom the information or indictment is sought
13 is identified through the use of a DNA profile, an
14 information or indictment shall be found within three
15 years from the date the person is identified by the
16 person's DNA profile, whichever is later:
17 1. Lascivious acts with a child in violation of
18 section 709.8.
19 2. Assault with intent to commit sexual abuse in
20 violation of section 709.11.
21 3. Indecent contact with a child in violation of
22 section 709.12.
23 4. Lascivious conduct with a minor in violation of
24 section 709.14.
25 5. Sexual misconduct with a juvenile in violation
26 of section 709.16, subsection 2.
27 6. Sexual exploitation of a minor in violation of
28 section 728.12.>
29 2. Page 2, after line 48 by inserting:
30 <Sec. ___. Section 802.10, subsection 3, Code 2014,
31 is amended to read as follows:
32 3. However, notwithstanding subsection 2, an
33 indictment or information shall be found against a
34 person within three years from the date the person is
35 identified by the person's DNA profile. If the action
36 involves sexual abuse~~,~~ or another sexual offense the
37 indictment or information shall be found as provided in
38 section 802.2 or 802.2B, if the person is identified by
39 the person's DNA profile.>
40 3. Page 3, by striking lines 3 through 6 and
41 inserting:
42 <___. Title page, by striking lines 1 through 4
43 and inserting <An Act relating to sexual and criminal
44 offenses involving minors and others, including
45 prostitution, pimping, and human trafficking, and
46 including penalties.>>

By HESS of Clay

H-8125 FILED MARCH 18, 2014

Fiscal Note

Fiscal Services Division

HF 2441 – Compressed Natural Gas Taxation (LSB 5791HV)
Analyst: Adam Broich (Phone: (515) 281-8223) (adam.broich@legis.iowa.gov)
Fiscal Note Version – As passed by the House Ways and Means Committee

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Description

House File 2441 revises the calculation that determines excise tax on compressed natural gas (CNG) used as special fuel. The calculation is amended to make CNG excise tax equivalent to the motor fuel tax by establishing a gallon equivalent. This Bill also creates a new calculation to determine liquefied natural gas (LNG) use as special fuel. The rates are set as follows:

- **Compressed Natural Gas:** A gasoline gallon equivalent of CNG is 5.66 pounds or 126.67 cubic feet measured at 60 degrees Fahrenheit. This gallon equivalent of CNG is taxed at 21 cents.
- **Liquefied Natural Gas:** A diesel gallon equivalent of LNG is 6.06 pounds, and is taxed at 22.5 cents.

Background

Compressed and liquified natural gas are currently taxed using gallon equivalents. A gasoline gallon equivalent of CNG is 100 cubic feet at a temperature of 60 degrees Fahrenheit.

The Department of Revenue reports that $52,700 in tax was collected for CNG using the current gallon equivalents.

Assumptions

Consumption of CNG in Iowa has increased from 63,000 gallon equivalents in FY 2012 to 329,000 gallon equivalents in FY 2013. Taxes collected were $10,100 and $52,600, respectively. This fiscal note compares the current CNG equivalency formula to the formula proposed in **SF 2101**. This fiscal note does not project further change in CNG consumption.

Fiscal Impact

The revision of the CNG excise tax formula will have a minimal fiscal impact on the Road Use Tax Fund. If applied to FY 2013 gallon equivalents, the proposed formula will increase revenue by $1,900. In FY 2013, no tax was collected for LNG.

Sources

Department of Transportation
Department of Revenue

/s/ Holly M. Lyons

March 17, 2014

The fiscal note for this bill was prepared pursuant to **Joint Rule 17** and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

Fiscal Note

Fiscal Services Division

SF 2319 – Dyslexia and Students in Schools (LSB 5570SV.1)
Analyst: John Parker (Phone: (515) 725-2249) (john.parker@legis.iowa.gov)
Fiscal Note Version – As amended by the House Education Committee amendment **H-8115**

Description

Senate File 2319,as amended by **H-8115**, requires the Iowa Reading Research Center (IRRC) to collaborate and coordinate with the Area Education Agencies (AEAs) and the Department of Education (DE) to develop and offer school districts no-cost professional development services. The professional development services are to enhance the skills of elementary teachers in the use of evidence-based strategies to improve the literacy skills of all students. This requirement is subject to an appropriation by the General Assembly.

Currently, school districts are required to assist students assessed as exhibiting a substantial deficiency in the skills to read at grade level. **SF 2319** requires the assistance to include but not be limited to strategies that formally address dyslexia. Dyslexia is defined in this Bill.

Committee amendment **H-8115** preserves the name of the Iowa Reading Research Center as established during the 2012 Legislative Session. The Bill as passed by the Senate changed the name of the Iowa Reading Research Center to the Iowa Reading Resource Center.

Background

The Iowa Reading Research Center was established during the 2012 Legislative Session. The Center received a General Fund appropriation of $2.7 million for FY 2013 and $1.3 million for FY 2014. School districts received a General Fund appropriation of $8.0 million for FY 2014 to assist students identified as having a substantial deficiency in reading with intensive instructional supports and services.

Assumptions

The following assumptions were used to determine the development costs, delivery costs, and providing substitute teachers for full-time teachers participating in development services relating to early literacy:

Overall Assumptions

- The DE indicates two grade levels (chosen from kindergarten through 3rd grade) of professional development will be developed and delivered in each of the next two years.
- Approximately 5,802 teachers (includes public and nonpublic teachers) will participate in the professional development training in the first and second years. The teacher count represents the average FTE positions dedicated to two grade levels in grades K-3.
- If all elementary teachers (K-5) participate in the professional development training over the next two years, a total of 17,018 will complete the training with half (8,509) completing the training each year. This analysis is included in the summary of impacts section.

Development Costs

- Contracting with two national experts for 60 days will cost $1,500 per day per expert.
- Travel expenses for the two national experts for two on-location trips will cost $2,000 per trip.
- Printing 300 pages of training materials for the teachers will cost $0.15 per page.

Delivery Costs

- Professional development will require five days of training.
- A total of 39 training sessions will be required if the sessions are limited to 150 teachers in each session assuming two grade levels from K-3 participate in the training over the next two years. A total of 57 training sessions will be required assuming all elementary teachers (K-5) participate in the training over two years.
- Renting space to deliver the professional development training will cost $800 per day.
- Meals for the participants will cost $4,000 per day.
- Materials and handouts for participants will cost $1,000 per day.
- Travel for the participants and trainers will cost $3,700 per day.
- Trainers delivering the professional development will cost $2,500 per day.

Substitute Teacher Replacement

- Professional development training will take place during the school year and will require substitute teachers for teachers participating in the training.
- Substitute teachers will be required for five days at an average cost of $110 per day.
- School districts will be required to pay for the substitute teachers using current revenue sources.

Fiscal Impact

Training limited to two grade levels from K-3 teachers

The following impacts are to the General Fund for FY 2015 assuming 5,802 teachers complete the training:

Development Costs		
Contracting with two experts - cost per day	$	3,000
Number of days		60
Travel expenses		4,000
Subtotal:	$	184,000
Printing 300 pages for 5,802 teachers:		261,090
Total Costs for the IRRC to Develop Content and Materials:	**$**	**445,090**
Delivery Costs		
		Cost Per Day
Rental Space	$	800
Meals for participants		4,000
Materials and handouts		1,000
Travel expenses for the participants and trainers		3,700
Trainer's cost to deliver the training		2,500
Total for one day of training:	$	12,000
Total cost for five days of training:	$	60,000
Total cost to offer 39 training sessions to cover all teachers:	**$**	**2,340,000**
Total General Fund impact of Development and Delivery:	**$**	**2,785,090**

The impact to the General Fund in FY 2016 will only include delivery cost for 5,802 teachers and will be similar to the FY 2015 estimate of $2.3 million.

School districts will be required to pay for substitute teachers when full-time teachers are participating in the professional development. The impact to school districts providing substitute teachers for five days is estimated to cost $3.2 million statewide for FY 2015 and FY 2016.

Training for half of all FTE positions in K-5 over the next two years
The following impacts are to the General Fund for FY 2015 assuming 8,509 or half of the total FTE positions in K-5 complete the training:

Development Costs		
Contracting with two experts - cost per day	$	3,000
Number of days		60
Travel expenses		4,000
Subtotal:	$	184,000
Printing 300 pages for 8,509 teachers:		382,905
Total Costs for the IRRC to Develop Content and Materials:	**$**	**566,905**
Delivery Costs		
		Cost Per Day
Rental Space	$	800
Meals for participants		4,000
Materials and handouts		1,000
Travel expenses for the participants and trainers		3,700
Trainer's cost to deliver the training		2,500
Total for one day of training:	$	12,000
Total cost for five days of training:	$	60,000
Total cost to offer 57 training sessions to cover all teachers:	**$**	**3,420,000**
Total General Fund impact of Development and Delivery:	**$**	**3,986,905**

The impact to the General Fund in FY 2016 will only include delivery cost for the remaining 8,509 teachers in grades K-5 and will be similar to the FY 2015 estimate of $3.4 million.

School districts will be required to pay for substitute teachers when full-time teachers are participating in the professional development. The impact to school districts providing substitute teachers for five days is estimated to cost $4.7 million statewide for FY 2015 and FY 2016.

Sources

Department of Education
Iowa Reading Research Center

/s/ Holly M. Lyons

March 18, 2014

The fiscal note for this Bill was prepared pursuant to **Joint Rule 17** and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

Fiscal Note

Fiscal Services Division

HF 2139 – Higher Education Tuition Income Tax Deduction (LSB 5063YH)
Analyst: Jeff Robinson (Phone: (515) 281-4614) (jeff.robinson@legis.iowa.gov)
Fiscal Note Version – New
Requested by Rep. Beth Wessel-Kroeschell

Description

House File 2139 creates a new Iowa income tax deduction for qualified tuition and related expenses of postsecondary education to the extent not otherwise deductible under federal law. The new deduction does not have amount or income limits.

Qualified tuition and related expenses include the tuition and fees required for enrollment and attendance at an eligible educational institution. Eligible educational institutions generally include all accredited public, nonprofit, and for-profit postsecondary institutions that are eligible to participate in a federal financial aid program.

Taxpayers are allowed to deduct the expenses of the taxpayer, the taxpayer's spouse, and the taxpayer's dependents. Taxpayers claimed as dependents on another tax return are not eligible for the deduction.

The new deduction is effective retroactive to January 1, 2014 (tax year 2014).

Assumptions

- Postsecondary education expenses are estimated primarily by using data from the federal tuition and related expense deduction available previously (available tax year 2008 through 2013) and tax year 2012 federal claims for education tax credits.
- Using the federal tuition deduction and credit claim information of Iowa taxpayers, the Department of Revenue estimates that 161,000 Iowa tax returns will benefit from the new deduction, and the average deduction will equal $7,065 per benefited tax return. The $7,065 average includes an adjustment for tuition expenses paid through scholarships and existing tax-benefited programs such as College Savings Iowa.
- The Department of Revenue utilized their income tax micro-simulation model to estimate the tax revenue impact of the proposed deduction.
- The conversion of tax year model results to fiscal year General Fund revenue impacts was completed based on historical patterns of withholding, estimates, final returns, and refunds.
- The new tax deduction reduces taxable income, and also reduces the statewide yield from the local option income surtax for schools. The surtax reduction is estimated to equal 3.5% of the net General Fund impact.

Fiscal Impact

The new tax deduction created in this Bill is projected to reduce net General Fund revenue by the following amounts:

- FY 2014 = $ 0.6 million
- FY 2015 = $59.6 million
- FY 2016 = $60.0 million
- FY 2017 = $61.8 million
- FY 2018 = $63.7 million

Going forward, the impact will grow in line with increases in postsecondary tuition. In addition to the State General Fund impact, the new deduction will decrease the revenue produced by the local option income surtax for schools by $2.1 million per year, beginning FY 2015.

Source

Department of Revenue

/s/ Holly M. Lyons

March 18, 2014

The fiscal note for this bill was prepared pursuant to **Joint Rule 17** and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.