EIGHTY-FIFTH GENERAL ASSEMBLY
2014 REGULAR SESSION
DAILY

HOUSE CLIP SHEET

APRIL 2, 2014

HOUSE FILE 2450

H-8200

Amend the amendment, H-8179, to House File 2450 as follows:

1. Page 1, by striking lines 3 through 44 and inserting:

<<Sec. ___. STATEWIDE CHEMICAL SUBSTANCE ABUSE MONITORING PILOT PROGRAM.

1. The department of public health in collaboration with the department of corrections may approve an application from a county for a countywide chemical substance abuse monitoring pilot program that is available 24 hours a day, seven days a week, in an effort to reduce the number of crimes that have a nexus with chemical substance abuse.

2. The chemical substance monitoring pilot program shall do all of the following:

a. Require a person who has been charged with, pled guilty to, or convicted of a crime that has a nexus with chemical substance abuse to abstain from all chemical substances for a period of time.

b. Require the person to be subject to testing to determine the presence of chemical substances under any of the following circumstances:

(1) At least twice a day at a central location where an immediate sanction can be applied.

(2) Where twice-a-day testing is impractical, by continuous transdermal or electronic monitoring.

c. Apply sanctions when testing results are definitive and not presumptive for chemical substances.

d. Require a person participating in the program to pay program costs, including costs of installation, monitoring, and deactivation of any testing devices.

3. A court in a county that has established a pilot program pursuant to this section may order a defendant, as a condition of pretrial release, probation, or bond to participate in the program.

4. An approved pilot program shall begin on January 15, 2015, or upon the effective date of department rules, whichever is earlier, and shall be conducted for a minimum of one year.

5. The department of public health shall adopt rules pursuant to chapter 17A to implement this section which shall include but not be limited to provisions relating to applications for, approval of, costs of, and oversight of such pilot programs and reporting requirements for participating counties.

6. The department of public health shall submit a report on the results of the pilot projects and make recommendations to the general assembly by December 15, 2016.

7. For the purposes of this section, "chemical

1 substance" means alcohol, wine, spirits, and beer as
2 defined in section 123.3 and controlled substances as
3 defined in section 124.101.>>
4 2. By renumbering as necessary.

By DAWSON of Woodbury

H-8200 FILED APRIL 1, 2014

HOUSE FILE 2450

H-8202
1 Amend the amendment, H-8192, to House File 2450 as
2 follows:
3 1. Page 1, line 4, before < $189,200> by inserting
4 <at least>
5 2. Page 1, after line 6 by inserting:
6 <___. Page 8, after line 34 by inserting:
7 <Of the amount appropriated in this lettered
8 paragraph "c", at least $262,292 shall be used to fund
9 the drug courts in the third judicial district.>
10 ___. Page 9, after line 3 by inserting:
11 <Of the amount appropriated in this lettered
12 paragraph "d", at least $231,409 shall be used to fund
13 the drug courts in the fourth judicial district.>
14 ___. Page 9, after line 8 by inserting:
15 <Of the amount appropriated in this lettered
16 paragraph "e", at least $398,628 shall be used to fund
17 the drug courts in the fifth judicial district.>
18 ___. Page 9, after line 12 by inserting:
19 <Of the amount appropriated in this lettered
20 paragraph "f", at least $127,390 shall be used to fund
21 the drug courts in the sixth judicial district.>
22 ___. Page 9, after line 16 by inserting:
23 <Of the amount appropriated in this lettered
24 paragraph "g", at least $104,491 shall be used to fund
25 the drug courts in the seventh judicial district.>
26 ___. Page 9, after line 20 by inserting:
27 <Of the amount appropriated in this lettered
28 paragraph "h", at least $248,345 shall be used to fund
29 the drug courts in the eighth judicial district.>>
30 3. By renumbering as necessary.

By ISENHART of Dubuque

H-8202 FILED APRIL 1, 2014

Senate Amendment to
HOUSE FILE 2192

H-8198
1 Amend House File 2192, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 3, line 20, after <demand> by inserting <,
4 as provided under section 455B.174>

RECEIVED FROM THE SENATE

H-8198 FILED APRIL 1, 2014

Senate Amendment to
HOUSE FILE 2273

H-8204

1 Amend House File 2273, as passed by the House, as
2 follows:
3 1. By striking page 1, line 3, through page 2, line
4 29, and inserting:
5 <Sec. ___. Section 321.46, subsection 3, unnumbered
6 paragraph 1, Code 2014, is amended to read as follows:
7 The applicant shall be entitled to a credit for
8 that portion of the annual registration fee of the
9 vehicle sold, traded, transferred, or junked which
10 had not expired prior to the transfer of ownership of
11 the vehicle. The annual registration fee for the new
12 registration for the vehicle acquired shall be reduced
13 by the amount of the credit. The credit shall be
14 computed on the basis of the number of months remaining
15 in the registration year, rounded to the nearest whole
16 dollar. The credit shall be subject to the following
17 limitations:
18 Sec. ___. Section 321.46, subsection 3, paragraphs
19 a and b, Code 2014, are amended to read as follows:
20 a. The credit shall be claimed within six months
21 from the date the vehicle for which credit is granted
22 was sold, traded, transferred, or junked. After six
23 months, all credits shall be disallowed.
24 b. Any credit granted to the owner of a vehicle
25 which has been sold, traded, transferred,> or junked
26 may only be claimed by that person toward the annual
27 registration fee for another vehicle purchased and the
28 credit may not be sold, transferred, or assigned to any
29 other person.>
30 2. By striking page 2, line 30, through page 3,
31 line 9, and inserting:
32 <DIVISION ___
33 VEHICLE REGISTRATION FEES AND RENTAL TAXATION
34 Sec. ___. Section 321.105A, subsection 2, paragraph
35 c, subparagraph (6), Code 2014, is amended to read as
36 follows:
37 (6) Vehicles, excluding motorcycles and motorized
38 bicycles, subject to registration in any state when
39 purchased for rental or registered and titled by a
40 motor vehicle dealer licensed pursuant to chapter 322
41 for rental use, and held for rental for a period of one
42 hundred twenty days or more and actually rented for
43 periods of sixty days or less by a person regularly
44 engaged in the business of renting vehicles, including
45 but not limited to motor vehicle dealers licensed
46 pursuant to chapter 322 who rent automobiles to users,
47 if the rental of the vehicles is subject to taxation
48 under section 423.2 orchapter 423C.
49 Sec. ___. Section 423.2, subsection 6, paragraph a,
50 Code 2014, is amended to read as follows:

a. The sales price of any of the following enumerated services is subject to the tax imposed by subsection 5: alteration and garment repair; armored car; vehicle repair; battery, tire, and allied; investment counseling; service charges of all financial institutions; barber and beauty; boat repair; vehicle wash and wax; campgrounds; carpentry; roof, shingle, and glass repair; dance schools and dance studios; dating services; dry cleaning, pressing, dyeing, and laundering; electrical and electronic repair and installation; excavating and grading; farm implement repair of all kinds; flying service; furniture, rug, carpet, and upholstery repair and cleaning; fur storage and repair; golf and country clubs and all commercial recreation; gun and camera repair; house and building moving; household appliance, television, and radio repair; janitorial and building maintenance or cleaning; jewelry and watch repair; lawn care, landscaping, and tree trimming and removal; limousine service, including driver; machine operator; machine repair of all kinds; motor repair; motorcycle, scooter, and bicycle repair; oilers and lubricators; office and business machine repair; painting, papering, and interior decorating; parking facilities; pay television; pet grooming; pipe fitting and plumbing; wood preparation; executive search agencies; private employment agencies, excluding services for placing a person in employment where the principal place of employment of that person is to be located outside of the state; reflexology; security and detective services, excluding private security and detective services furnished by a peace officer with the knowledge and consent of the chief executive officer of the peace officer's law enforcement agency; sewage services for nonresidential commercial operations; sewing and stitching; shoe repair and shoeshine; sign construction and installation; storage of household goods, mini-storage, and warehousing of raw agricultural products; swimming pool cleaning and maintenance; tanning beds or salons; taxidermy services; telephone answering service; test laboratories, including mobile testing laboratories and field testing by testing laboratories, and excluding tests on humans or animals; termite, bug, roach, and pest eradicators; tin and sheet metal repair; transportation service consisting of the rental of recreational vehicles or recreational boats, or the rental of ~~motor~~ vehicles subject to registration which are registered for a gross weight of thirteen tons or less for a period of sixty days or less, or the

rental of aircraft for a period of sixty days or less; Turkish baths, massage, and reducing salons, excluding services provided by massage therapists licensed under chapter 152C; water conditioning and softening; weighing; welding; well drilling; wrapping, packing, and packaging of merchandise other than processed meat, fish, fowl, and vegetables; wrecking service; wrecker and towing.>

3. Title page, line 2, by striking <registrations> and inserting <registration, taxation of rental vehicles,>

4. By renumbering as necessary.

RECEIVED FROM THE SENATE

Senate Amendment to
HOUSE FILE 2366

H-8199

1 Amend House File 2366, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, before line 1 by inserting:
4 <DIVISION I
5 ELECTIONS AND VOTER REGISTRATION
6 Section 1. Section 44.4, subsection 1, Code 2014,
7 is amended to read as follows:
8 1. Nominations made pursuant to this chapter and
9 chapter 45 which are required to be filed in the office
10 of the state commissioner shall be filed in that office
11 not more than ninety-nine days nor later than 5:00 p.m.
12 on the eighty-first day before the date of the general
13 election to be held in November. Nominations made for
14 a special election called pursuant to section 69.14
15 shall be filed by 5:00 p.m. not less than twenty-five
16 days before the date of an election called upon at
17 least forty days' notice and not less than fourteen
18 days before the date of an election called upon at
19 least eighteen days' notice. Nominations made for a
20 special election called pursuant to section 69.14A
21 shall be filed by 5:00 p.m. not less than twenty-five
22 days before the date of the election. Nominations
23 made pursuant to this chapter and chapter 45 which are
24 required to be filed in the office of the commissioner
25 shall be filed in that office not more than ninety-two
26 days nor later than 5:00 p.m. on the sixty-ninth day
27 before the date of the general election. Nominations
28 made pursuant to this chapter or chapter 45 for city
29 office shall be filed not more than seventy-two days
30 nor later than 5:00 p.m. on the forty-seventh day
31 before the city election with the ~~city clerk~~ county
32 commissioner of elections responsible under section
33 47.2 for conducting elections held for the city, who
34 shall process them as provided by law.
35 Sec. ___. Section 44.4, subsection 2, paragraph a,
36 subparagraphs (2) and (3), Code 2014, are amended to
37 read as follows:
38 (2) Those filed with the commissioner, not less
39 than sixty-four days before the date of the election,
40 except as provided in subparagraph (3).
41 (3) Those filed with the ~~city clerk~~ commissioner
42 for an elective city office, at least forty-two
43 days before the regularly scheduled or special
44 city election. However, for those cities that may
45 be required to hold a primary election, at least
46 sixty-three days before the regularly scheduled or
47 special city election.
48 Sec. ___. Section 44.7, Code 2014, is amended to
49 read as follows:
50 44.7 Hearing before commissioner.

~~Objections~~ Except as otherwise provided in section 44.8, objections filed with the commissioner shall be considered by the county auditor, county treasurer, and county attorney, and a majority decision shall be final~~; but~~. However, if the objection is to the certificate of nomination of one or more of the above named county officers, the officer or officers objected to shall not pass upon the objection, but their places shall be filled, respectively, by the chairperson of the board of supervisors, the sheriff, and the county recorder.

Sec. ___. Section 44.8, Code 2014, is amended to read as follows:

44.8 Hearing before mayor.

1. Objections filed with the city clerk pursuant to section 362.4 or with the commissioner for an elective city office shall be considered by the mayor and clerk and one member of the council chosen by the council by ballot, and a majority decision shall be final~~; but~~. However, if the objection is to the certificate of nomination of either of those city officials, that official shall not pass upon ~~said~~ the objection, but the official's place shall be filled by a member of the council against whom no such objection exists, chosen as above provided.

2. The hearing shall be held within twenty-four hours of the receipt of the objection if a primary election must be held for the office sought by the candidate against whom the objection has been filed.

Sec. ___. Section 44.9, subsections 2 and 6, Code 2014, are amended to read as follows:

2. In the office of the proper commissioner, at least sixty-four days before the date of the election, except as otherwise provided in subsection 6.

6. In the office of the proper ~~city clerk~~ commissioner, at least forty-two days before the regularly scheduled or special city election. However, for those cities that may be required to hold a primary election, at least sixty-three days before a regularly scheduled or special city election.

Sec. ___. Section 44.11, Code 2014, is amended to read as follows:

44.11 Vacancies filled.

If a candidate named under this chapter withdraws before the deadline established in section 44.9, declines a nomination, or dies before election day, or if a certificate of nomination is held insufficient or inoperative by the officer with whom it is required to be filed, or in case any objection made to a certificate of nomination, or to the eligibility of any

candidate named in the certificate, is sustained by the board appointed to determine such questions, the vacancy or vacancies may be filled by the convention, or caucus, or in such manner as such convention or caucus has previously provided. The vacancy or vacancies shall be filled not less than seventy-four days before the election in the case of nominations required to be filed with the state commissioner, not less than sixty-four days before the election in the case of nominations required to be filed with the commissioner, not less than thirty-five days before the election in the case of nominations required to be filed in the office of the school board secretary, and not less than forty-two days before the election in the case of nominations required to be filed with the ~~city clerk~~ commissioner for city elections.>

2. Page 1, line 33, after <election.> by inserting <If the council fails to make an appointment within sixty days as required by this subsection, the city clerk shall give notice of the vacancy to the county commissioner and the county commissioner shall call a special election to fill the vacancy at the earliest practicable date but no fewer than thirty-two days after the notice is received by the county commissioner.>

3. Page 3, after line 7 by inserting:

<Sec. ___. Section 376.4, subsection 1, paragraph a, Code 2014, is amended to read as follows:

a. An eligible elector of a city may become a candidate for an elective city office by filing with the ~~city clerk~~ county commissioner of elections responsible under section 47.2 for conducting elections held for the city a valid petition requesting that the elector's name be placed on the ballot for that office. The petition must be filed not more than seventy-one days and not less than forty-seven days before the date of the election, and must be signed by eligible electors equal in number to at least two percent of those who voted to fill the same office at the last regular city election, but not less than ten persons. However, for those cities which may be required to hold a primary election, the petition must be filed not more than eighty-five days and not less than sixty-eight days before the date of the regular city election. Nomination petitions shall be filed not later than 5:00 p.m. on the last day for filing.

Sec. ___. Section 376.4, subsections 3, 4, and 5, Code 2014, are amended to read as follows:

3. ~~If the city clerk is not readily available during normal office hours, the city clerk shall~~

~~designate other employees or officials of the city who are ordinarily available to accept nomination papers under this section.~~ On the final date for filing nomination papers the office of the ~~city clerk~~ county commissioner shall remain open until 5:00 p.m.

4. The ~~city clerk~~ county commissioner shall review each petition and affidavit of candidacy for completeness following the standards in section 45.5 and shall accept the petition for filing if on its face it appears to have the requisite number of signatures and if it is timely filed. The ~~city clerk~~ county commissioner shall note upon each petition and affidavit accepted for filing the date and time that they were filed. The ~~clerk~~ county commissioner shall return any rejected nomination papers to the person on whose behalf the nomination papers were filed.

5. Nomination papers filed with the ~~city clerk~~ county commissioner shall be available for public inspection.

5A. The city clerk shall deliver ~~all nomination papers together with~~ the text of any public measure being submitted by the city council to the electorate to the county commissioner of elections ~~on the day following~~ no later than the last day on which nomination petitions can be filed, and not later than 5:00 p.m. on that day.

Sec. ___. Section 376.11, subsections 3, 4, and 5, Code 2014, are amended to read as follows:

3. In city primary elections any person who receives write-in votes shall execute an affidavit in substantially the form required by section 45.3, and file it with the county commissioner of elections ~~or the city clerk~~ not later than 5:00 p.m. on the day after the canvass of the primary election. If any person who received write-in votes fails to file the affidavit at the time required, the county commissioner shall disregard the write-in votes cast for that person. A notation shall be made on the abstract of votes showing which persons who received write-in votes filed affidavits. The total number of votes cast for each office on the ballot shall be amended by subtracting the write-in votes of those candidates who failed to file the affidavit. It is not necessary for a candidate whose name was printed upon the ballot to file an affidavit. Of the remaining candidates, those who receive the highest number of votes to the extent of twice the number of unfilled positions shall be placed on the ballot for the regular city election as candidates for that office.

4. In cities in which the city council has chosen a

runoff election in lieu of a primary, if a person who was elected by write-in votes chooses not to accept the office by filing a resignation notice with the ~~city clerk or~~ commissioner of elections not later than 5:00 p.m. on the day following the canvass, all remaining persons who received write-in votes and who wish to be considered candidates for the runoff election shall execute an affidavit in substantially the form required by section 45.3 and file it with the county commissioner ~~or the city clerk~~ not later than 5:00 p.m. of the fourth day following the canvass. If a person receiving write-in votes fails to file the affidavit at the time required, the county commissioner of elections shall disregard the write-in votes cast for that person. The abstract of votes shall be amended to show that the person who was declared elected declined the office and a notation shall be made next to the names of those persons who did not file the affidavit. A runoff election shall be held with the remaining candidates who have the highest number of votes to the extent of twice the number of unfilled positions.

5. In a city in which the council has chosen a runoff election, if no person was declared elected for an office, all persons who received write-in votes shall execute an affidavit in substantially the form required by section 45.3 and file it with the county commissioner of elections ~~or the city clerk~~ not later than 5:00 p.m. on the day following the canvass of votes. If any person who received write-in votes fails to file the affidavit, the county commissioner of elections shall disregard the write-in votes cast for that person. The abstract of votes shall be amended to note which of the write-in candidates failed to file the affidavit. A runoff election shall be held with the remaining candidates who have the highest number of votes to the extent of twice the number of unfilled positions.

DIVISION ___

MISCELLANEOUS PROVISIONS

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

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

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

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

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

50.20 Notice of number of provisional ballots.

The commissioner shall compile a list of the number of provisional ballots cast under section 49.81 in each precinct. The list shall be made available to the public as soon as possible, but in no case later than 9:00 a.m. on the second day following the election. Any elector may examine the list during normal office hours, and may also examine the ~~affidavit~~ affidavits on the envelopes ~~bearing~~ containing the ballots of challenged electors until the reconvening of the special precinct board as required by this chapter. Only those persons so permitted by section 53.23, subsection 4, shall have access to the affidavits while that board is in session. Any elector may present written statements or documents, supporting or opposing the counting of any provisional ballot, at the commissioner's office until the reconvening of the special precinct board.

Sec. ___. Section 53.2, subsection 6, Code 2014, is amended to read as follows:

6. If an application for an absentee ballot is received from an eligible elector who is not a registered voter the commissioner shall send the eligible elector a voter registration form and another absentee ballot application form. If the application is received after the time registration closes pursuant to section 48A.9 but by 5:00 p.m. on the Saturday before the election for general ~~and primary~~ elections or by 5:00 p.m. on the Friday before the election for all other elections, the commissioner shall notify the

applicant by mail of the election day and in-person absentee registration provisions of section 48A.7A. In addition to notification by mail, the commissioner shall also attempt to contact the applicant by any other method available to the commissioner.

Sec. ___. Section 53.8, subsection 1, Code 2014, is amended to read as follows:

1. a. Upon receipt of an application for an absentee ballot and immediately after the absentee ballots are printed, the commissioner shall mail an absentee ballot to the applicant within twenty-four hours, except as otherwise provided in subsection 3. The absentee ballot shall be sent to the registered voter by one of the following methods:

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

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

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

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

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

1 necessary, and seal it in ~~an affidavit~~ the envelope
2 marked with the affidavit; subscribe to the affidavit
3 on the reverse side of the envelope; and return the
4 absentee ballot to the commissioner. The commissioner
5 shall record the numbers appearing on the application
6 and affidavit envelope along with the name of the
7 registered voter.
8 Sec. ___. Section 53.16, Code 2014, is amended to
9 read as follows:
10 53.16 Subscribing to affidavit.
11 After marking the ballot, the voter shall make and
12 subscribe to the affidavit on the ~~reverse side of the~~
13 affidavit envelope or on the return envelope marked
14 with the affidavit, and fold the ballot or ballots,
15 separately, so as to conceal the markings on them, and
16 deposit them in the envelope, and securely seal the
17 envelope.
18 Sec. ___. Section 53.17, subsection 1, unnumbered
19 paragraph 1, Code 2014, is amended to read as follows:
20 ~~The~~ If the commissioner mailed the ballot pursuant
21 to section 53.8, subsection 1, paragraph "a",
22 subparagraph (1), the sealed envelope bearing the
23 voter's affidavit and containing the absentee ballot
24 shall be enclosed in a return envelope which shall be
25 securely sealed. If the commissioner mailed the ballot
26 pursuant to section 53.8, subsection 1, paragraph "a",
27 subparagraph (2), the absentee ballot shall be enclosed
28 in the return envelope which shall be securely sealed.
29 The sealed return envelope shall be returned to the
30 commissioner by one of the following methods:
31 Sec. ___. Section 53.18, subsections 2 and 3, Code
32 2014, are amended to read as follows:
33 2. If the commissioner receives the return envelope
34 containing the completed absentee ballot by 5:00
35 p.m. on the Saturday before the election for general
36 ~~and primary~~ elections and by 5:00 p.m. on the Friday
37 before the election for all other elections, the
38 commissioner shall review the affidavit marked on the
39 return envelope, if applicable, for completeness or
40 shall open the return envelope to review the affidavit
41 for completeness. If the affidavit is incomplete, the
42 commissioner shall, within twenty-four hours of the
43 time the envelope was received, notify the voter of
44 that fact and that the voter may complete the affidavit
45 in person at the office of the commissioner by 5:00
46 p.m. on the day before the election, vote a replacement
47 ballot in the manner and within the time period
48 provided in subsection 3, or appear at the voter's
49 precinct polling place on election day and cast a
50 ballot in accordance with section 53.19, subsection 3.

3. If the affidavit envelope or the return envelope marked with the affidavit contains a defect that would cause the absentee ballot to be rejected by the absentee and special voters precinct board, the commissioner shall immediately notify the voter of that fact and that the voter's absentee ballot shall not be counted unless the voter requests and returns a replacement ballot in the time permitted under section 53.17, subsection 2. The voter may request a replacement ballot in person, in writing, or over the telephone. The same serial number that was assigned to the records of the original absentee ballot application shall be used on the envelope and records of the replacement ballot. The ~~affidavit~~ envelope marked with the affidavit and containing the completed replacement ballot shall be marked "Replacement ballot". The ~~affidavit~~ envelope marked with the affidavit and containing the original ballot shall be marked "Defective" and the replacement ballot shall be attached to ~~the affidavit~~ such envelope containing the original ballot and shall be stored in a secure place until they are delivered to the absentee and special voters precinct board, notwithstanding sections 53.26 and 53.27.

Sec. ___. Section 53.21, subsection 2, paragraph b, Code 2014, is amended to read as follows:

b. The voter shall enclose one copy of the above statement in the return envelope along with the affidavit envelope, if the voter was mailed a separate affidavit envelope, and shall retain a copy for the voter's records.

Sec. ___. Section 53.23, subsection 3, paragraph b, subparagraph (1), Code 2014, is amended to read as follows:

(1) The commissioner may direct the board to meet on the day before the election for the purpose of reviewing the absentee voters' affidavits appearing on the sealed ~~affidavit~~ envelopes. If in the commissioner's judgment this procedure is necessary due to the number of absentee ballots received, the members of the board may open the sealed affidavit envelopes and remove the secrecy envelope containing the ballot, but under no circumstances shall a secrecy envelope or a return envelope marked with an affidavit be opened before the board convenes on election day, except as provided in paragraph "c". If the affidavit envelopes are opened before election day pursuant to this paragraph "b", two observers, one appointed by each of the two political parties referred to in section 49.13, subsection 2, shall witness the

proceedings. The observers shall be appointed by the county chairperson or, if the county chairperson fails to make an appointment, by the state chairperson. However, if either or both political parties fail to appoint an observer, the commissioner may continue with the proceedings.

Sec. ___. Section 53.23, subsection 5, Code 2014, is amended to read as follows:

5. The special precinct election board shall preserve the secrecy of all absentee and provisional ballots. After the affidavits on the envelopes have been reviewed and the qualifications of the persons casting the ballots have been determined, those that have been accepted for counting shall be opened. The ballots shall be removed from the affidavit envelopes or return envelopes marked with the affidavit, as applicable, without being unfolded or examined, and then shall be thoroughly intermingled, after which they shall be unfolded and tabulated. If secrecy folders or envelopes are used with provisional paper ballots, the ballots shall be removed from the secrecy folders after the ballots have been intermingled.

Sec. ___. Section 53.25, Code 2014, is amended to read as follows:

53.25 Rejecting ballot.

1. If the absentee voter's affidavit lacks the voter's signature, if the applicant is not a duly registered voter on election day in the precinct where the absentee ballot was cast, if the ~~affidavit~~ envelope marked with the affidavit contains more than one ballot of any one kind, or if the voter has voted in person, such vote shall be rejected by the absentee and special voters precinct board. If the affidavit envelope or return envelope marked with the affidavit is open, or has been opened and resealed, or if the ballot is not enclosed in ~~the affidavit~~ such envelope, and an affidavit envelope or return envelope marked with the affidavit with the same serial number and marked "Replacement ballot" is not attached as provided in section 53.18, the vote shall be rejected by the absentee and special voters precinct board.

2. If the absentee ballot is rejected prior to the opening of the affidavit envelope or return envelope marked with the affidavit, the voter casting the ballot shall be notified by a precinct election official by the time the canvass is completed of the reason for the rejection on a form prescribed by the state commissioner of elections.

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

53.27 Rejection of ballot ---- return of envelope.

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

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

53.30 Ballots, ballot envelopes, and other information preserved.

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

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

53.32 Ballot of deceased voter.

When it shall be made to appear by due proof to the precinct election officials that any elector, who has so marked and forwarded a ballot, has died before the ~~affidavit~~ envelope marked with the affidavit is opened, then the ballot of such deceased voter shall be endorsed, "Rejected because voter is dead", and be returned to the commissioner~~; but the~~. The casting of the ballot of a deceased voter shall not invalidate the election.

Sec. ___. Section 53.38, Code 2014, is amended to read as follows:

53.38 What constitutes registration.

Whenever a ballot is requested pursuant to section 53.39 or 53.45 on behalf of a voter in the armed forces of the United States, the affidavit upon the ~~affidavit~~ envelope marked with the affidavit of such voter, if the voter is found to be an eligible elector of the county to which the ballot is submitted, shall constitute a sufficient registration under chapter 48A. A completed federal postcard registration and federal absentee ballot request form submitted by such eligible elector shall also constitute a sufficient registration under chapter 48A. The commissioner shall

1 place the voter's name on the registration record as a
2 registered voter if it does not already appear there.
3 The identification requirements of section 48A.8 and
4 the verification requirements of section 48A.25A do
5 not apply to persons who register to vote under this
6 division.
7 Sec. ___. Section 53.40, subsection 3, Code 2014,
8 is amended to read as follows:
9 3. If the affidavit on the ~~affidavit~~ envelope
10 marked with the affidavit shows that the affiant is not
11 a qualified voter on the day of the election at which
12 the ballot is offered for voting, the envelope shall
13 not be opened, but the envelope and ballot contained
14 in the envelope shall be preserved and returned by the
15 precinct election officials to the commissioner, who
16 shall preserve them for the period of time and under
17 the conditions provided for in sections 50.12, 50.13,
18 50.15, and 50.19.
19 Sec. ___. Section 53.44, Code 2014, is amended to
20 read as follows:
21 53.44 Affidavit to be signed and returned.
22 1. The affidavit on the ~~affidavit~~ envelope marked
23 with the affidavit used in connection with voting by
24 absentee ballot under this division by members of the
25 armed forces of the United States need not be notarized
26 or witnessed, but the affidavit on such envelope shall
27 be completed and signed by the voter.
28 2. Absentee ballots issued under this division
29 shall be returned in the same manner and within the
30 same time limits specified in section 53.17.
31 Sec. ___. REPEAL. Sections 53.13 and 53.14, Code
32 2014, are repealed.
33 Sec. ___. EFFECTIVE UPON ENACTMENT. This division
34 of this Act, being deemed of immediate importance,
35 takes effect upon enactment.>
36 4. Title page, by striking lines 1 through 4 and
37 inserting <An Act related to the policy administration
38 of elections and voter registration and including
39 effective date provisions.>
40 5. By renumbering, redesignating, and correcting
41 internal references as necessary.

RECEIVED FROM THE SENATE

H-8199 FILED APRIL 1, 2014

HOUSE FILE 2454

H-8201

1 Amend the amendment, H-8189, to House File 2454 as
2 follows:
3 1. Page 1, by striking lines 2 and 3 and inserting:
4 <___. By striking everything after the enacting
5 clause and inserting:
6 <DIVISION I
7 PAST VERSIONS OF THE AGRICULTURAL ASSETS TRANSFER TAX
8 CREDIT
9 Section 1. APPLICABILITY OF CARRYFORWARD
10 PROVISIONS.
11 1. This section shall apply, notwithstanding any
12 of the following:
13 a. The five-year carryforward period during which
14 a taxpayer may claim a tax credit in excess of the
15 taxpayer's liability as provided in section 175.37, as
16 enacted in 2006 Iowa Acts, chapter 1161, including any
17 subsequent amendments to that section.
18 b. The directive to strike future amendments to
19 section 175.37, as provided in 2013 Iowa Acts, chapter
20 125, section 25, subsection 3.
21 c. The repeal of section 175.37 as provided in 2014
22 Iowa Acts, Senate File 2328, section 112, if enacted.
23 2. For any tax year commencing in calendar years
24 2008 through 2012, a tax credit that could have been
25 first issued, awarded, or allowed and claimed under
26 section 175.37, as that section applied when the tax
27 credit could have been first claimed, and which is in
28 excess of the taxpayer's liability, may be credited to
29 the tax liability of that taxpayer for ten tax years
30 following the tax year for which the taxpayer could
31 have first claimed the tax credit, or until depleted,
32 whichever is earlier.
33 3. The carryforward provisions of this section
34 shall continue to be effective until no longer
35 applicable, including by application to tax years
36 beginning on or after January 1, 2018.
37 Sec. 2. EFFECTIVE UPON ENACTMENT. This division of
38 this Act, being deemed of immediate importance, takes
39 effect upon enactment.
40 Sec. 3. RETROACTIVE APPLICABILITY. This division
41 of this Act applies retroactively to January 1, 2008,
42 for tax years beginning on or after that date.
43 DIVISION II
44 CURRENT VERSION OF THE AGRICULTURAL ASSETS TRANSFER TAX
45 CREDIT
46 Sec. 4. Section 175.37, subsection 6, Code 2014, is
47 amended to read as follows:
48 6. A tax credit in excess of the taxpayer's
49 liability for the tax year may be credited to the tax
50 liability for the following ~~five~~ ten tax years or until

1 depleted, whichever is earlier. A tax credit shall not
2 be carried back to a tax year prior to the tax year
3 in which the taxpayer redeems the tax credit. A tax
4 credit shall not be transferable to any other person
5 other than the taxpayer's estate or trust upon the
6 taxpayer's death.
7 Sec. 5. APPLICABILITY OF CARRYFORWARD PROVISIONS.
8 1. This section shall apply, notwithstanding any
9 of the following:
10 a. The five-year carryforward period during which
11 a taxpayer may claim a tax credit in excess of the
12 taxpayer's liability as provided in section 175.37,
13 subsection 7, Code 2013.
14 b. The directive to strike future amendments to
15 section 175.37, as provided in 2013 Iowa Acts, chapter
16 125, section 25, subsection 3.
17 c. The repeal of section 175.37 as provided in 2014
18 Iowa Acts, Senate File 2328, section 112, if enacted.
19 2. For any tax year commencing in calendar year
20 2013 or 2014, a tax credit that could have been or
21 could be first issued, awarded, or allowed and claimed
22 under section 175.37, as that section applies when the
23 tax credit could have been or is first claimed, and in
24 excess of the taxpayer's liability, may be credited to
25 the tax liability of that taxpayer for ten tax years
26 following the tax year for which the taxpayer could
27 have first claimed or could first claim the tax credit,
28 or until depleted, whichever is earlier.
29 3. a. For any tax year commencing in calendar
30 years 2015 through 2017, a tax credit that is first
31 issued, awarded, or allowed and claimed under section
32 175.37, as that section applies when the tax credit
33 is first claimed, and in excess of the taxpayer's
34 liability, may be credited to the tax liability of that
35 taxpayer for ten tax years following the tax year that
36 the taxpayer first claims the tax credit, or until
37 depleted, whichever is earlier.
38 b. Paragraph "a" does not apply if 2014 Iowa Acts,
39 Senate File 2328, is enacted.
40 4. The carryforward provisions of this section
41 shall continue to be effective until no longer
42 applicable, including by application to tax years
43 beginning on or after January 1, 2018.
44 Sec. 6. EFFECTIVE UPON ENACTMENT. This division of
45 this Act, being deemed of immediate importance, takes
46 effect upon enactment.
47 Sec. 7. RETROACTIVE APPLICABILITY. This division
48 of this Act applies retroactively to January 1, 2013,
49 for tax years beginning on or after that date.
50 DIVISION III

CONDITIONAL FUTURE VERSION OF THE AGRICULTURAL ASSETS TRANSFER TAX CREDIT ---- 2015 CODE

Sec. 8. Section 16.80, subsection 6, if enacted in 2014 Iowa Acts, Senate File 2328, section 60, is amended to read as follows:

6. A tax credit in excess of the taxpayer's liability for the tax year may be credited to the tax liability for the following ~~five~~ ten tax years or until depleted, whichever is earlier. A tax credit shall not be carried back to a tax year prior to the tax year in which the taxpayer redeems the tax credit. A tax credit shall not be transferable to any other person other than the taxpayer's estate or trust upon the taxpayer's death.

Sec. 9. APPLICABILITY OF CARRYFORWARD PROVISIONS.

1. This section shall apply, notwithstanding the amendment to section 16.80 as provided in 2014 Iowa Acts, Senate File 2328, section 122, if enacted.

2. For any tax year commencing in calendar years 2015 through 2017, a tax credit that is first issued, awarded, or allowed and claimed under section 16.80, as that section applies when the tax credit is first claimed, and in excess of the taxpayer's liability, may be credited to the tax liability of that taxpayer for ten tax years following the tax year that the taxpayer first claims the tax credit, or until depleted, whichever is earlier.

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

Sec. 10. EFFECTIVE DATE ---- CONDITION. This division of this Act takes effect January 1, 2015, only if 2014 Iowa Acts, Senate File 2328 is enacted.

DIVISION IV

FIRST CONDITIONAL FUTURE VERSION OF THE AGRICULTURAL ASSETS TRANSFER TAX CREDIT ---- 2018 CODE

Sec. 11. APPLICABILITY OF CARRYFORWARD PROVISIONS. Upon the repeal of amendments to section 175.37, as enacted in 2013 Iowa Acts, chapter 125, section 25, the following shall apply: Section 175.37, subsection 7, Code 2013, is amended by striking the words "five years" and inserting in lieu thereof the words "ten tax years".

Sec. 12. EFFECTIVE DATE ---- CONDITION. This division of this Act takes effect January 1, 2018, only if 2014 Iowa Acts, Senate File 2328, is not enacted.

Sec. 13. APPLICABILITY. This division of this Act applies to tax years beginning on and after January 1, 2018.

DIVISION V

SECOND CONDITIONAL FUTURE VERSION OF THE AGRICULTURAL ASSETS TRANSFER TAX CREDIT ---- 2018 CODE

Sec. 14. Section 16.80, subsection 7, as amended by 2014 Iowa Acts, Senate File 2328, section 122, if enacted, is amended to read as follows:

7. A tax credit in excess of the taxpayer's liability for the tax year may be credited to the tax liability for the following ~~five~~ ten tax years or until depleted, whichever is earlier. A tax credit shall not be carried back to a tax year prior to the tax year in which the taxpayer redeems the tax credit. A tax credit shall not be transferable to any other person other than the taxpayer's estate or trust upon the taxpayer's death.

Sec. 15. EFFECTIVE DATE ---- CONDITION. This division of this Act takes effect January 1, 2018, only if 2014 Iowa Acts, Senate File 2328, is enacted.

Sec. 16. APPLICABILITY. This division of this Act applies to tax years beginning on or after January 1, 2018.

DIVISION VI

CURRENT VERSION OF THE CUSTOM CONTRACT TAX CREDIT

Sec. 17. Section 175.38, subsection 9, Code 2014, is amended to read as follows:

9. A custom farming contract tax credit in excess of the taxpayer's liability for the tax year may be credited to the tax liability for the following ~~five~~ ten tax years or until depleted, whichever is earlier. A tax credit shall not be carried back to a tax year prior to the tax year in which the taxpayer redeems the tax credit. A tax credit shall not be transferable to any other person other than the taxpayer's estate or trust upon the taxpayer's death.

Sec. 18. APPLICABILITY OF CARRYFORWARD PROVISIONS.

1. This section shall apply, notwithstanding any of the following:

a. The five-year carryforward period during which a taxpayer may claim a tax credit in excess of the taxpayer's liability as provided in section 175.38, subsection 9, Code 2014.

b. The repeal of section 175.38, as provided in 2013 Iowa Acts, chapter 125, section 25, subsection 2.

c. The directive to strike future amendments to section 175.38, as provided in 2013 Iowa Acts, chapter 125, section 25, subsection 3.

d. The repeal of section 175.38, as provided in 2014 Iowa Acts, Senate File 2328, section 112, if enacted.

2. For any tax year commencing in calendar year

1 2013 or 2014, a tax credit that could have been or
2 could be first issued, awarded, or allowed and claimed
3 under section 175.38, as that section applies when the
4 tax credit could have been or could be first claimed,
5 and in excess of the taxpayer's liability, may be
6 credited to the tax liability of that taxpayer for ten
7 tax years following the tax year for which the taxpayer
8 first claimed or could first claim the tax credit, or
9 until depleted, whichever is earlier.
10 3. a. For any tax year commencing in calendar
11 years 2015 through 2017, a tax credit that is first
12 issued, awarded, or allowed and claimed under section
13 175.38, as that section applies when the tax credit
14 is first claimed, and in excess of the taxpayer's
15 liability, may be credited to the tax liability of
16 that taxpayer for ten tax years following the tax year
17 for which the taxpayer first claims the tax credit, or
18 until depleted, whichever is earlier.
19 b. Paragraph "a" does not apply if 2014 Iowa Acts,
20 Senate File 2328, is enacted.
21 4. The carryforward provisions of this section
22 shall continue to be effective until no longer
23 applicable, including by application to tax years
24 beginning on or after January 1, 2018.
25 Sec. 19. EFFECTIVE UPON ENACTMENT. This division
26 of this Act, being deemed of immediate importance,
27 takes effect upon enactment.
28 Sec. 20. RETROACTIVE APPLICABILITY. This division
29 of this Act applies retroactively to January 1, 2013,
30 for tax years beginning on or after that date.
31 DIVISION VII
32 CONDITIONAL FUTURE VERSION OF THE CUSTOM CONTRACT TAX
33 CREDIT ---- 2015 CODE
34 Sec. 21. Section 16.81, subsection 9, if enacted
35 in 2014 Iowa Acts, Senate File 2328, section 61, is
36 amended to read as follows:
37 9. A custom farming contract tax credit in excess
38 of the taxpayer's liability for the tax year may be
39 credited to the tax liability for the following ~~five~~
40 ten tax years or until depleted, whichever is earlier.
41 A tax credit shall not be carried back to a tax year
42 prior to the tax year in which the taxpayer redeems the
43 tax credit. A tax credit shall not be transferable to
44 any other person other than the taxpayer's estate or
45 trust upon the taxpayer's death.
46 Sec. 22. APPLICABILITY OF CARRYFORWARD PROVISIONS.
47 1. This section shall apply, notwithstanding the
48 repeal of section 16.81 as provided in 2014 Iowa Acts,
49 Senate File 2328, section 120, if enacted.
50 2. For any tax year commencing in calendar years

1 2015 through 2017, a tax credit that is first issued,
2 awarded, or allowed and claimed under section 16.81,
3 as that section applies when the tax credit is first
4 claimed, and in excess of the taxpayer's liability,
5 may be credited to the tax liability of that taxpayer
6 for ten tax years following the tax year for which
7 the taxpayer first claims the tax credit, or until
8 depleted, whichever is earlier.
9 3. The carryforward provisions of this section
10 shall continue to be effective until no longer
11 applicable, including by application to tax years
12 beginning on or after January 1, 2018.
13 Sec. 23. EFFECTIVE DATE ---- CONDITION. This
14 division of this Act takes effect January 1, 2015, only
15 if 2014 Iowa Acts, Senate File 2328, is enacted.
16 Sec. 24. APPLICABILITY. This division of this Act
17 applies to tax years beginning on and after January 1,
18 2015.>
19 ___. Title page, line 4, by striking <carryover>
20 and inserting <carryforward>>

By DEYOE of Story

H-8201 FILED APRIL 1, 2014

HOUSE FILE 2458

H-8205

Amend House File 2458 as follows:

1. Page 25, after line 5 by inserting:

<DIVISION ___

RELATED STATUTORY CHANGES FOR CODIFICATION IN 2014

PRESERVE WHITETAIL

Sec. ___. Section 484C.2, subsection 2, Code 2014, is amended to read as follows:

2. This chapter authorizes the department of natural resources to regulate preserve whitetail and land associated with hunting preserves. However, the department of agriculture and land stewardship shall regulate whitetail kept as farm deer pursuant to chapter 170.

Sec. ___. Section 484C.4, Code 2014, is amended to read as follows:

484C.4 Departmental programs and requirements.

The department shall develop, administer, and enforce hunting preserve programs and requirements, which implement the provisions of this chapter and rules adopted by the department pursuant to section 484C.3, regarding fencing, recordkeeping, reporting, ~~and the~~ tagging, and transportation~~,~~; the testing, ~~and~~ monitoring, and quarantining for disease of preserve whitetail; and the quarantining of a hunting preserve or a former hunting preserve where diseased preserve whitetail are or were kept.

Sec. ___. Section 484C.12, Code 2014, is amended by adding the following new subsection:

NEW SUBSECTION. 3. a. The department may quarantine a hunting preserve or former hunting preserve if it determines that the presence of an infectious, contagious, or reportable disease threatens the health of animal populations.

b. A landowner of the hunting preserve or former hunting preserve shall comply with all requirements of the quarantine. The quarantine shall provide for the maintenance of a fence in the same manner as required in section 484C.6, regardless of any of the following:

(1) The fence has not been certified or is no longer certified under section 484C.6 or the hunting preserve has not been registered or is no longer registered pursuant to section 484C.7.

(2) The landowner has relinquished the hunting preserve as part of a business, including but not limited to by removing any number of whitetail.

c. The department shall establish the period of the quarantine which shall not be for more than ten years from the date that the department determines the presence of the infectious, contagious, or reportable disease as provided in paragraph "a".>

2. Title page, line 5, by striking <and including> and inserting <including>

3. Title page, line 5, after <provisions> by inserting <, and making penalties applicable>

4. By renumbering as necessary.

By HANSON of Jefferson
MAXWELL of Poweshiek
SHEETS of Appanoose
GASKILL of Wapello

H-8205 FILED APRIL 1, 2014

HOUSE FILE 2458

H-8206

Amend House File 2458 as follows:

1. Page 18, after line 25 by inserting:

<10. SOUTHERN IOWA DEVELOPMENT AND CONSERVATION FUND

a. For deposit in the southern Iowa development and conservation fund created in section 161D.12:
..... $ 250,000

b. Not more than 10 percent of the moneys appropriated in paragraph "a" may be used for administrative costs.>

By GASKILL of Wapello
HANSON of Jefferson

H-8206 FILED APRIL 1, 2014

SENATE FILE 2196

H-8203

Amend the amendment, H-8186, to Senate File 2196, as passed by the Senate, as follows:

1. Page 4, by striking lines 33 through 35 and inserting:

<Sec. ___. Section 135.175, subsection 5, paragraph b, Code 2014, as amended by this Act, is amended by striking the paragraph.

Sec. ___. Section 135.175, subsection 5, paragraph f, Code 2014, is amended by striking the paragraph.>

2. By renumbering as necessary.

By COSTELLO of Mills

H-8203 FILED APRIL 1, 2014

Fiscal Note

Fiscal Services Division

HF 2459 – Emergency Medical Services and Firefighter Tax Credit (LSB 5552HV)
Analyst: Jeff Robinson (Phone: (515) 281-4614) (jeff.robinson@legis.iowa.gov)
Fiscal Note Version – New

Description

House File 2459 increases the Firefighter and Emergency Medical Services (EMS) Tax Credit from the existing maximum of $50 to $100. Full-time fire fighters who are also sere elsewhere as volunteer fire fighters, are made eligible for the credit. The changes are retroactive to tax year 2014.

This Bill also creates a tax credit for reserve police officers. The new credit is equal to $100 and is first available for tax year 2014.

Background

The existing EMS and Firefighter Tax Credit was created in SF 2322 (Volunteer Firefighter and EMS Tax Credit Act of 2012). The credit was first available for tax year 2013.

Assumptions

- Since the tax credit was not available until tax year 2013, taxpayer usage numbers are not yet available. Therefore, usage and tax credit redemption numbers from the originating 2012 legislation are used. That estimate assumed 21,000 volunteer firefighter and EMS personnel would qualify for the credit.
- According to the Iowa Law Enforcement Academy, there are currently 646 active State-certified reserve peace officers in the State. This group is assumed to have met the minimum training standards and would be eligible for the tax credit.
- To estimate the projected impact of a nonrefundable $100 tax credit, the Department of Revenue utilized their individual income tax micro-simulation model. The credit was randomly assigned to 21,646 tax returns, so the results could be adjusted for tax returns that do not have the full $100 in income tax liability.
- Nonrefundable income tax credits impact the calculation of the local option income surtax for schools. Statewide, that surtax equals 3.5% of the revenue amount raised by the State individual income tax.

Fiscal Impact

The new reserve peace officer tax credit, along with the increased Firefighter and EMS Tax Credit, is estimated to reduce net General Fund revenue by $1.1 million per year, beginning in FY 2015.

As a nonrefundable tax credit, the credit will also have an impact on the revenue generated by the local option income surtax for schools. The tax credit increase is estimated to decrease the annual statewide surtax yield by $38,500, beginning with FY 2015.

Source

Department of Revenue

/s/ Holly M. Lyons

April 1, 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 2455 – Brownfield/Grayfield Tax Credit Restructure (LSB 5288HZ)
Analyst: Jeff Robinson (Phone: (515) 281-4614) (jeff.robinson@legis.iowa.gov)
Fiscal Note Version – New

Description

House File 2455 modifies the existing Brownfield/Grayfield Tax Credit Program. This Bill includes two provisions with an identified potential fiscal impact:

- Section 4, allowing refundable tax credits for nonprofit organizations.
- Section 9, removing the automatic repeal date (June 30, 2021) for the Program.

Background

The Brownfield/Grayfield Tax Credit was created in **HF 2687** (Underutilized Property Redevelopment Tax Credit Act of 2008). The tax credit requirements are found in **Iowa Code section 15.293A**. The automatic repeal date was added in SF 514 (Brownfield/Grayfield Act of 2011).

The Program is included in the Economic Development Authority's annual aggregate tax credit limitation contained in **Iowa Code section 15.119**. The maximum credit a single project may receive is limited to 10.0% of the Brownfield/Grayfield credits available that year. Neither of those provisions is modified in this Bill.

Fiscal Impact

Making tax credits refundable for nonprofit applicants will impact the timing of tax credit redemptions, bringing forward credits that, if awarded as nonrefundable credits to for-profit entities, will be redeemed later or perhaps never. This Bill will result in a negative impact to the General Fund in future years as follows:

- FY 2017 = $0.5 million
- FY 2018 = $0.3 million
- FY 2019 = $0.2 million
- FY 2020 = $0.2 million
- FY 2021 = $0.1 million
- FY 2022 = $0.1 million

In future fiscal years, the $1.4 million in negative fiscal impact cited above will be offset in whole or in large part by reduced tax credit redemptions, as the identified fiscal impact is simply a timing impact.

Since the Brownfield/Grayfield Tax Credit Program is part of the Economic Development Authority's annual aggregate tax credit limitation, removing the June 20, 2021, sunset does not change the annual amount of tax credits awarded by the Authority, it instead alters the amount of tax credits available for other programs under the aggregate cap.

Sources

Department of Revenue
Economic Development Authority

/s/ Holly M. Lyons

April 1, 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.