

**EIGHTY-SIXTH GENERAL ASSEMBLY  
2015 REGULAR SESSION  
DAILY  
HOUSE CLIP SHEET**

MARCH 10, 2015

**HOUSE FILE 229**

**H-1027**

1 Amend House File 229 as follows:  
2 1. Page 1, after line 15 by inserting:  
3 <Sec. \_\_\_\_\_. Section 714.16, subsection 2, Code 2015,  
4 is amended by adding the following new paragraph:  
5 NEW PARAGRAPH. o. (1) It is an unlawful practice  
6 for a person to make a free offer to a consumer, or  
7 impose a financial obligation on the consumer as a  
8 result of the consumer's acceptance of a free offer,  
9 unless the person provides the consumer with clear and  
10 conspicuous information regarding the terms of the free  
11 offer before the consumer agrees to accept the free  
12 offer, including at a minimum all of the following:  
13 (a) Identification of all goods or services, or  
14 enrollments in a membership, subscription, or service  
15 contract, that the consumer will receive or incur a  
16 financial obligation for as a result of accepting the  
17 free offer.  
18 (b) The cost to the consumer of any financial  
19 obligation the consumer will incur if the consumer  
20 accepts the free offer, including any fees or charges.  
21 (c) Any requirement, if applicable, that the  
22 consumer take affirmative action to reject the free  
23 offer and instructions about how the consumer is to  
24 indicate the consumer's rejection of the free offer.  
25 (d) A statement, if applicable, that by accepting  
26 the free offer, the consumer will become obligated  
27 for additional goods or services, or enrollment in  
28 a membership, subscription, or service contract,  
29 unless the consumer takes affirmative action to cancel  
30 the free offer or otherwise reject receipt of the  
31 additional goods or services or the enrollment in a  
32 membership, subscription, or service contract.  
33 (e) Except as provided in subparagraph division  
34 (h), the consumer's right to cancel the free offer  
35 using procedures specifically intended for that purpose  
36 that, at a minimum, enable the consumer to cancel by  
37 calling a toll-free telephone number or to cancel in  
38 a manner substantially similar to that by which the  
39 consumer accepted the free offer.  
40 (f) The time period during which the consumer  
41 must cancel in order to avoid incurring a financial  
42 obligation as a result of accepting the free offer.  
43 (g) If applicable, the consumer's right to receive  
44 a credit on goods or services received as a result of  
45 accepting the free offer when the goods or services are  
46 returned or rejected, and the time period during which  
47 the goods or services must be returned or rejected for  
48 the purpose of receiving a credit.  
49 (h) With respect to a free offer that is for a  
50 publication, including but not limited to a magazine,

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1 newspaper, or other periodical, a statement that  
2 the consumer will receive, at the time the consumer  
3 receives an invoice to pay for the publication,  
4 information regarding the consumer's right to cancel  
5 the free offer and an explanation of the procedure to  
6 cancel the free offer, including but not limited to  
7 written notice of cancellation by mail to the person  
8 providing the free offer.

9 (2) It is an unlawful practice for a person to  
10 cause a consumer to incur a financial obligation as  
11 a result of accepting a free offer unless one of the  
12 following occurs:

13 (a) The person obtains the consumer's billing  
14 information directly from the consumer. For purposes  
15 of this subparagraph division, a person obtains a  
16 consumer's billing information directly from the  
17 consumer if the billing information is obtained by the  
18 person or by the person's agent or employee.

19 (b) The consumer gives affirmative consent at the  
20 time the consumer accepts a free offer for the person  
21 to provide billing information to a person other than  
22 the person making the free offer.

23 (3) It is an unlawful practice for a person to  
24 impose a financial obligation on a consumer as a result  
25 of the consumer's acceptance of a free offer unless the  
26 consumer's affirmative consent to the terms of the free  
27 offer as disclosed in subparagraph (1) is obtained.

28 (4) It is an unlawful practice for a person that  
29 makes a free offer to a consumer to fail or refuse to  
30 cancel the free offer if the consumer has used, or  
31 made reasonable efforts to attempt to use, one of the  
32 procedures required to be available to the consumer as  
33 described in subparagraph (1), subparagraph division  
34 (e).

35 (5) This paragraph "o" does not apply to free  
36 offers made in connection with services that are  
37 subject to the federal Communications Act of 1934, 47  
38 U.S.C. {151 et seq.

39 (6) For purposes of this paragraph "o":

40 (a) "Affirmative consent" means a consumer's  
41 agreement to incur a financial obligation as a result  
42 of accepting a free offer, or to provide the consumer's  
43 billing information, given or made in the manner  
44 specifically identified for the consumer to indicate  
45 the consumer's agreement.

46 (b) "Billing information" means any record or  
47 information compiled or maintained with respect to a  
48 consumer that identifies the consumer and provides a  
49 means by which the consumer's financial obligation  
50 incurred by accepting a free offer may be paid or

1 otherwise satisfied, including but not limited to  
2 information pertaining to a consumer's credit card,  
3 payment card, charge card, debit card, checking,  
4 savings, or other banking account, and electronic funds  
5 transfer information.

6 (c) "Clear and conspicuous information" means  
7 language that is readily understandable and presented  
8 in such size, color, contrast, and location, or  
9 audibility and cadence, compared to other language, as  
10 to be readily noticed and understood, and that is in  
11 close proximity to the request for consent to a free  
12 offer.

13 (d) "Consumer" means an individual who seeks to  
14 accept or accepts a free offer.

15 (e) (i) "Free offer" means an offer of goods or  
16 services without cost, or for a one-time payment to  
17 cover only incidental charges such as shipping or  
18 handling, to a consumer that, if accepted, causes the  
19 consumer to incur a financial obligation for any of the  
20 following:

21 (A) The goods or services received.

22 (B) Additional goods or services other than those  
23 initially received.

24 (C) Enrollment in a membership, subscription, or  
25 service contract as a result of accepting the offer.

26 (ii) "Free offer" does not include a free good or  
27 service that is received by a consumer as a result  
28 of the consumer's entering into an agreement for  
29 enrollment in a membership, subscription, or service  
30 contract that is not otherwise a free offer or a  
31 consequence of the consumer's agreement to accept a  
32 free offer.>

33 2. Title page, line 1, after <of> by inserting  
34 <free offers and>

**By** KAUFMANN of Cedar

**HOUSE FILE 266**

**H-1030**

1 Amend House File 266 as follows:

2 1. Page 1, line 5, by striking <energy.> and  
3 inserting <energy and all of the following conditions  
4 are met:

5 (1) The sanitary landfill operated the methane  
6 collection system prior to January 1, 2015.

7 (2) The yard waste collected for disposal does  
8 not exceed the amount necessary to operate the  
9 methane collection system in a cost-effective and  
10 environmentally beneficial manner.

11 (3) The energy produced is used to power on-site  
12 operations or is purchased by or otherwise provided  
13 to a utility or off-site user for beneficial use, and  
14 any flaring of gases is incidental to such energy  
15 generation.>

16 2. By renumbering as necessary.

**By** ISENHART of Dubuque

**H-1030** FILED MARCH 9, 2015

**HOUSE FILE 347**

**H-1025**

1 Amend House File 347 as follows:

2 1. Page 1, line 18, after <services.> by inserting  
3 <Notwithstanding requirements of the department of  
4 human services regarding space allocated to child care  
5 centers licensed under chapter 237A, a program operated  
6 or contracted by a board which is located on school  
7 grounds may define alternative spaces, in policy and  
8 procedures, appropriate to meet the needs of children  
9 in the program if the primary space is required for  
10 another use.>

11 2. By renumbering as necessary.

**By** FRY of Clarke

**H-1025** FILED MARCH 9, 2015

**HOUSE FILE 506**

**H-1026**

1 Amend House File 506 as follows:

2 1. By striking everything after the enacting clause  
3 and inserting:

4 <Section 1. Section 53.17, subsection 2, Code 2015,  
5 is amended to read as follows:

6 2. In order for the ballot to be counted, the  
7 return envelope must be received in the commissioner's  
8 office before the polls close on election day or must  
9 be clearly postmarked by an officially authorized  
10 postal service not later than the day before the  
11 election and received by the commissioner not later  
12 than noon on the Monday following the election or must  
13 be clearly postmarked by received by the commissioner  
14 through an officially authorized postal service not  
15 later than 5:00 p.m. on the day before after the  
16 election and received by the commissioner not later  
17 than noon on the Monday following the election.>

**By** HUNTER of Polk

**H-1026** FILED MARCH 9, 2015

**HOUSE FILE 509**

**H-1028**

1 Amend House File 509 as follows:

2 1. Page 1, by striking lines 3 through 31 and  
3 inserting:

4 <Sec. \_\_\_\_ . Section 22.7, subsection 11, paragraph  
5 a, subparagraph (5), Code 2015, is amended to read as  
6 follows:>

7 2. Page 3, by striking lines 8 through 14.

8 3. Title page, line 4, by striking <and retroactive  
9 applicability>

10 4. By renumbering as necessary.

**By** KOESTER of Polk

**H-1028** FILED MARCH 9, 2015

**HOUSE FILE 527**

**H-1029**

1 Amend House File 527 as follows:

2 1. By striking page 14, line 20, through page 15,  
3 line 23.

4 2. By striking page 15, line 30, through page 16,  
5 line 24.

6 3. Page 17, by striking lines 8 and 9.

7 4. Page 17, by striking line 10.

8 5. Page 17, by striking lines 12 through 17.

9 6. By renumbering as necessary.

**By** STECKMAN of Cerro Gordo

**H-1029** FILED MARCH 9, 2015

HOUSE FILE 536

H-1024

1 Amend House File 536 as follows:

2 1. Page 6, line 17, by striking <executive> and  
3 inserting <executive>

COMMITTEE ON JUDICIARY

BALTIMORE of Boone, Chairperson

H-1024 FILED MARCH 9, 2015



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**HF 352** – State Budgeting Practices (LSB1110HV)  
Analyst: David Reynolds (Phone: (515) 281-6934) ([dave.reynolds@legis.iowa.gov](mailto:dave.reynolds@legis.iowa.gov))  
Fiscal Note Version – New

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**Description**

**House File 352** requires Executive Branch departments and the Judicial Branch to submit annual budgets using a zero-base approach. The Bill also requires departments to provide sufficient supporting data and explanations to justify and prioritize all expenditures.

**Background**

Under current law, Iowa Code section **8.23**, Executive Branch departments submit budgets that are based on 75.0% of the current year's funding, and the remaining budget requests are prioritized by program. **House File 352** requires all Executive Branch department programs and Judicial Branch programs to be prioritized. However, since the 2005 Legislative Session, language has been annually enacted in lieu of Iowa Code section **8.23**, allowing the Governor to use other budget methodologies in place of the 75.0% concept. The requirement currently in place for the FY 2016 budgets specifies that all departments must transmit estimates of all proposed expenditures, together with supporting data and explanations to the Department of Management (DOM). The language also requires the expenditures to be prioritized by program or results to be achieved, and requires performance measures for evaluating the effectiveness of the programs or results.

**Fiscal Impact**

The fiscal impact of **HF 352** cannot be determined because it is uncertain how much budget detail state agencies will be required to provide at the direction of the DOM to fulfill the zero-based budget requirements. If a significant amount of detail is required, a review of the current I-3 budget system will be needed to determine if the system can accommodate the increased data. In addition, it is not known how much additional staff time, if any, will be required on behalf of state agencies to reconfigure their budgets to accommodate a zero-base approach.

**Sources**

Department of Management  
Legislative Services Agency

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/s/ Holly M. Lyons

March 9, 2015

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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.

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