

**EIGHTY-FOURTH GENERAL ASSEMBLY
2012 REGULAR SESSION
DAILY
HOUSE CLIP SHEET**

APRIL 8, 2015

HOUSE FILE 589

H-1193

1 Amend House File 589 as follows:

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

4 <Section 1. Section 232.147, subsections 1, 2, 3,
5 and 8, Code 2015, are amended to read as follows:

6 1. Juvenile court social records shall be
7 confidential. They shall not be inspected and their
8 contents shall not be disclosed except as provided in
9 this section or as authorized by other provisions in
10 this chapter.

11 2. Official juvenile court records in cases
12 alleging delinquency, including complaints under
13 section 232.28, shall be public records, subject to the
14 following restrictions:

15 a. Records containing a dismissal of a complaint or
16 an informal adjustment of a complaint when no petition
17 is filed relating to the complaint, shall not be
18 available to the public and may only be inspected by or
19 disclosed to the following:

20 (1) The judge and professional court staff,
21 including juvenile court officers.

22 (2) The child's counsel or guardian ad litem.

23 (3) The county attorney and county attorney's
24 assistants.

25 (4) The superintendent or the superintendent's
26 designee of the school district for the school attended
27 by the child or the authorities in charge of an
28 accredited nonpublic school attended by the child.

29 (5) A member of the armed forces of the United
30 States who is conducting a background investigation of
31 an individual pursuant to federal law.

32 (6) The statistical analysis center for the
33 purposes stated in section 216A.136.

34 (7) The state public defender.

35 ~~a.~~ b. Official juvenile court records containing a
36 petition or complaint alleging delinquency filed prior
37 to January 1, 2007, shall be public records subject
38 to a confidentiality order under section 232.149A or
39 sealing under section 232.150.

40 ~~b.~~ c. Official juvenile court records containing a
41 petition or complaint alleging delinquency filed on or
42 after January 1, 2007, shall be public records subject
43 to a confidentiality order under section 232.149A
44 or sealing under section 232.150. The official
45 records shall not be available to the public or any
46 governmental agency through the internet or in an
47 electronic customized data report unless the child has
48 been adjudicated delinquent. However, the following
49 shall have access to official juvenile court records
50 through the internet or in an electronic customized

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1 data report prior to the child being adjudicated
2 delinquent:

3 (1) The judge and professional court staff,
4 including juvenile court officers.

5 (2) The child's counsel or guardian ad litem.

6 (3) The county attorney and the county attorney's
7 assistants.

8 (4) A court, court professional staff, and adult
9 probation officers in connection with the preparation
10 of a presentence report concerning a person who prior
11 thereto had been the subject of a juvenile court
12 proceeding.

13 (5) A state or local law enforcement agency.

14 (6) The state public defender.

15 (7) The division of criminal and juvenile justice
16 planning of the department of human rights.

17 ~~e.~~ d. If the court has excluded the public from
18 a hearing under division II of this chapter, the
19 transcript of the proceedings shall not be deemed a
20 public record and inspection and disclosure of the
21 contents of the transcript shall not be permitted
22 except pursuant to court order or unless otherwise
23 provided in this chapter.

24 ~~d.~~ e. Complaints under section 232.28 shall be
25 released in accordance with section 915.25. Other
26 official juvenile court records may be released under
27 this section by a juvenile court officer.

28 3. Official juvenile court records in all cases
29 except those alleging delinquency shall be confidential
30 and are not public records but may be inspected and
31 their contents shall be disclosed to the following
32 without court order:

33 a. The judge and professional court staff,
34 including juvenile court officers.

35 b. The child and the child's counsel.

36 c. The child's parent, guardian or custodian, court
37 appointed special advocate, and guardian ad litem, and
38 the members of the child advocacy board created in
39 section 237.16 or a local citizen foster care review
40 board created in accordance with section 237.19 who are
41 assigning or reviewing the child's case.

42 d. The county attorney and the county attorney's
43 assistants.

44 e. An agency, association, facility or institution
45 which has custody of the child, or is legally
46 responsible for the care, treatment or supervision of
47 the child.

48 f. A court, court professional staff, and adult
49 probation officers in connection with the preparation
50 of a presentence report concerning a person who prior

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1 thereto had been the subject of a juvenile court
2 proceeding.

3 g. The child's foster parent or an individual
4 providing preadoptive care to the child.

5 h. The state public defender.

6 8. All Subject to restrictions imposed by sections
7 232.48, subsection 4, and 232.97, subsection 3, all
8 juvenile court records shall be made available for
9 inspection and their contents shall be disclosed to any
10 party to the case and the party's counsel and to any
11 trial or appellate court in connection with an appeal
12 pursuant to division VI of this chapter.

13 Sec. 2. Section 232.149, Code 2015, is amended by
14 adding the following new subsection:

15 NEW SUBSECTION. 2A. Records and files of a
16 criminal or juvenile justice agency concerning a
17 defendant transferred under section 803.6 to the
18 juvenile court for the alleged commission of a public
19 offense are public records, except that release
20 of criminal history data, intelligence data, and
21 law enforcement investigatory files is subject to
22 the provisions of section 22.7 and chapter 692,
23 and juvenile court social records shall be deemed
24 confidential criminal identification files under
25 section 22.7, subsection 9. The records are subject to
26 sealing under section 232.150.>

By GUSTAFSON of Madison

H-1193 FILED APRIL 7, 2015

HOUSE FILE 606

H-1189

1 Amend House File 606 as follows:

2 1. Page 2, by striking line 22 and inserting
3 <chapter for a period of four years. For the period
4 of the contract, the designated agent shall establish
5 and maintain a>

6 2. Page 5, by striking lines 28 through 31 and
7 inserting <the costs of administering the program,
8 including payments made by the department to the
9 department's designated agent.>

By VANDER LINDEN of Mahaska

H-1189 FILED APRIL 7, 2015

SENATE FILE 345

H-1194

1 Amend Senate File 345, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by striking lines 1 through 8.
4 2. Title page, lines 2 and 3, by striking
5 <providing for training for school personnel,>
6 3. By renumbering as necessary.

By SALMON of Black Hawk	SHEETS of Appanoose
VANDER LINDEN of Mahaska	FISHER of Tama
WATTS of Dallas	MAXWELL of Poweshiek
GASSMAN of Winnebago	KOOIKER of Sioux
HOLT of Crawford	HEARTSILL of Marion

H-1194 FILED APRIL 7, 2015

SENATE FILE 345

H-1195

1 Amend Senate File 345, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by striking lines 9 through 22.
4 2. Title page, lines 3 and 4, by striking
5 <establishing a bullying and violence prevention
6 student mentoring pilot program,>
7 3. By renumbering as necessary.

By SALMON of Black Hawk	SHEETS of Appanoose
VANDER LINDEN of Mahaska	FISHER of Tama
WATTS of Dallas	MAXWELL of Poweshiek
GASSMAN of Winnebago	KOOIKER of Sioux
HOLT of Crawford	HEARTSILL of Marion

H-1195 FILED APRIL 7, 2015

SENATE FILE 345

H-1196

1 Amend Senate File 345, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 23, by striking <c,> and inserting
4 <b,>

5 2. By striking page 1, line 33, through page 2,
6 line 5, and inserting:

7 <b. "Harassment" and "bullying" shall be construed
8 to mean any electronic, written, verbal, or physical
9 act or conduct toward a student ~~which is based on any~~
10 ~~actual or perceived trait or characteristic of the~~
11 ~~student and~~ which creates an objectively hostile school
12 environment that meets one or more of the following
13 conditions:

14 (1) Places the student in reasonable fear of harm
15 to the student's person or property.

16 (2) Has a substantially detrimental effect on the
17 student's physical or mental health.

18 (3) Has the effect of substantially interfering
19 with a student's academic performance.

20 (4) Has the effect of substantially interfering
21 with the student's ability to participate in or benefit
22 from the services, activities, or privileges provided
23 by a school.

24 Sec. ____ . Section 280.28, subsection 2, paragraph
25 c, Code 2015, is amended by striking the paragraph.>

26 3. By renumbering as necessary.

By SALMON of Black Hawk FISHER of Tama
VANDER LINDEN of Mahaska MAXWELL of Poweshiek
WATTS of Dallas KOOIKER of Sioux
GASSMAN of Winnebago HEARTSILL of Marion
HOLT of Crawford BAXTER of Hancock
SHEETS of Appanoose

H-1196 FILED APRIL 7, 2015

SENATE FILE 345

H-1197

1 Amend Senate File 345, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, by striking lines 8 through 15 and
4 inserting:

5 <NEW PARAGRAPH. h. A procedure for the prompt
6 notification of the parents or guardians of all
7 students directly involved in a reported incident of
8 harassment or bullying.>

By SALMON of Black Hawk MAXWELL of Poweshiek
VANDER LINDEN of Mahaska KOOIKER of Sioux
WATTS of Dallas HEARTSILL of Marion
GASSMAN of Winnebago KOESTER of Polk
HOLT of Crawford BAXTER of Hancock
SHEETS of Appanoose ROGERS of Black Hawk
FISHER of Tama FRY of Clarke

H-1197 FILED APRIL 7, 2015

SENATE FILE 345

H-1198

1 Amend Senate File 345, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking page 2, line 17, through page 3,
4 line 2, and inserting <following new subsection:>

By SALMON of Black Hawk	MAXWELL of Poweshiek
VANDER LINDEN of Mahaska	KOOIKER of Sioux
WATTS of Dallas	HEARTSILL of Marion
GASSMAN of Winnebago	BAXTER of Hancock
HOLT of Crawford	ROGERS of Black Hawk
SHEETS of Appanoose	FRY of Clarke
FISHER of Tama	

H-1198 FILED APRIL 7, 2015

SENATE FILE 345

H-1199

1 Amend Senate File 345, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking page 4, line 17, through page 6,
4 line 5.

5 2. Title page, by striking lines 3 through 5 and
6 inserting <personnel, and establishing a bullying and
7 violence prevention student mentoring pilot program.>

8 3. By renumbering as necessary.

By SALMON of Black Hawk	FISHER of Tama
VANDER LINDEN of Mahaska	MAXWELL of Poweshiek
WATTS of Dallas	KOOIKER of Sioux
GASSMAN of Winnebago	HEARTSILL of Marion
HOLT of Crawford	BAXTER of Hancock
SHEETS of Appanoose	

H-1199 FILED APRIL 7, 2015

SENATE FILE 345

H-1200

1 Amend Senate File 345, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 3, after line 8 by inserting:

4 <NEW SUBSECTION. 11. Rule of construction. This
5 section shall not be interpreted to infringe upon
6 the rights of students under the First Amendment to
7 the Constitution of the United States and shall not
8 be construed to permit restraint of or discipline
9 for speech expressing religious, philosophical, or
10 political beliefs, or other categories of expression
11 protected by the United States and Iowa Constitutions
12 and the Bill of Rights, provided that such expression
13 does not cause actual, material disruption of the work
14 of the school.>

By SALMON of Black Hawk	MAXWELL of Poweshiek
VANDER LINDEN of Mahaska	KOOIKER of Sioux
WATTS of Dallas	HEARTSILL of Marion
GASSMAN of Winnebago	KOESTER of Polk
HOLT of Crawford	BAXTER of Hancock
SHEETS of Appanoose	FRY of Clarke
FISHER of Tama	

H-1200 FILED APRIL 7, 2015

SENATE FILE 345

H-1202

1 Amend Senate File 345, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, after line 15 by inserting:

4 <Sec. _____. Section 280.28, subsection 6, Code 2015,
5 is amended by striking the subsection.

6 Sec. _____. Section 280.28, subsection 7, Code 2015,
7 is amended to read as follows:

8 7. Integration of policy and reporting. The board
9 of directors of a school district and the authorities
10 in charge of each nonpublic school shall integrate
11 its antiharassment and antibullying policy into the
12 comprehensive school improvement plan required under
13 section 256.7, subsection 21, ~~and shall report data~~
14 ~~collected under subsection 6, as specified by the~~
15 ~~department, to the local community.>~~

16 2. By renumbering as necessary.

By SALMON of Black Hawk	FISHER of Tama
VANDER LINDEN of Mahaska	MAXWELL of Poweshiek
WATTS of Dallas	KOOIKER of Sioux
GASSMAN of Winnebago	HEARTSILL of Marion
HOLT of Crawford	BAXTER of Hancock
SHEETS of Appanoose	

H-1202 FILED APRIL 7, 2015

SENATE FILE 345

H-1203

1 Amend Senate File 345, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, by striking lines 8 through 15 and
4 inserting:

5 <Sec. _____. Section 280.28, subsection 4, Code 2015,
6 is amended to read as follows:

7 4. Programs encouraged.

8 a. The board of directors of a school district and
9 the authorities in charge of each accredited nonpublic
10 school are encouraged to establish programs designed
11 to eliminate harassment and bullying in schools. To
12 the extent that funds are available for these purposes,
13 school districts and accredited nonpublic schools shall
14 do the following:

15 a. (1) Provide training on antiharassment
16 and antibullying policies to school employees and
17 volunteers who have significant contact with students.

18 ~~b. (2)~~ Develop a process to provide school
19 employees, volunteers, and students with the skills and
20 knowledge to help reduce incidents of harassment and
21 bullying.

22 b. In order to promote respect among students
23 and to encourage students toward peaceful conflict
24 resolution, the board of directors of a school district
25 and the authorities in charge of each accredited
26 nonpublic school are encouraged to provide for the
27 display of the golden rule in all school classrooms as
28 follows: Do unto others as you would have them do unto
29 you.>

30 2. By renumbering as necessary.

By SALMON of Black Hawk
WATTS of Dallas
GASSMAN of Winnebago
HOLT of Crawford
MAXWELL of Poweshiek
KOOIKER of Sioux

BAXTER of Hancock
SHEETS of Appanoose
FISHER of Tama
HEARTSILL of Marion
KOESTER of Polk

H-1203 FILED APRIL 7, 2015

SENATE FILE 391

H-1191

1 Amend Senate File 391, as passed by the Senate, as
2 follows:

3 1. Page 1, before line 1 by inserting:

4 <Sec. _____. Section 321.276, subsection 2, paragraph
5 b, Code 2015, is amended by adding the following new
6 subparagraph:

7 NEW SUBPARAGRAPH. (4) A person who has passed the
8 department's distracted driving certification course
9 pursuant to subsection 7.>

10 2. Page 1, after line 2 by inserting:

11 <Sec. _____. Section 321.276, Code 2015, is amended
12 by adding the following new subsection:

13 NEW SUBSECTION. 7. The department shall create and
14 administer a distracted driving certification course to
15 educate persons about the forms of distracted driving,
16 ways to prevent distracted driving, and the dangers
17 that result from distracted driving. The course shall
18 be no more than eight hours in length. Upon successful
19 completion of the course, a person shall receive a
20 sticker, designed by the department, that shall be
21 displayed on the person's rear registration plate,
22 except that the sticker shall be displayed on the front
23 registration plate of a truck tractor. The department
24 may adopt rules to administer this subsection.>

25 3. Title page, line 2, by striking <offense> and
26 inserting <offense, and providing an exception>

27 4. By renumbering as necessary.

By OLSON of Polk

H-1191 FILED APRIL 7, 2015

SENATE FILE 391

H-1192

1 Amend Senate File 391, as passed by the Senate, as
2 follows:

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

5 <Section 1. Section 321.276, subsection 1, Code
6 2015, is amended by striking the subsection and
7 inserting in lieu thereof the following:

8 1. For purposes of this section:

9 a. "Electronic communication device" means an
10 electronic device capable of being used to compose,
11 read, or send an electronic message. "Electronic
12 communication device" includes but is not limited to
13 telephones, personal digital assistants, and portable
14 or mobile computers.

15 b. "Electronic message" means a self-contained piece
16 of digital communication, whether verbal or written,
17 that is designed or intended to be transmitted between
18 physical devices. "Electronic message" includes but is
19 not limited to telephone calls, video calls, electronic
20 mail, text messages, instant messages, and commands or
21 requests to access an internet site.

22 Sec. 2. Section 321.276, subsections 2, 3, and 4,
23 Code 2015, are amended to read as follows:

24 2. A person shall not use ~~a hand-held~~ an electronic
25 communication device ~~to write, send, or read a text~~
26 ~~message~~ while driving a motor vehicle unless the motor
27 vehicle is at a complete stop off the traveled portion
28 of the roadway.

29 a. A person does not violate this section by using
30 a global positioning system or navigation system or
31 ~~when, for the purpose of engaging in a call, the person~~
32 ~~selects or enters a telephone number or name in a~~
33 ~~hand-held mobile telephone or activates, deactivates,~~
34 ~~or initiates a function of a hand-held mobile telephone~~
35 by using an electronic communication device in a
36 hands-free or voice-activated mode.

37 b. The provisions of this subsection relating
38 to ~~reading a text message~~ the use of an electronic
39 communication device do not apply to the following
40 persons:

41 (1) A member of a public safety agency, as defined
42 in section 34.1, performing official duties.

43 (2) A health care professional in the course of an
44 emergency situation.

45 (3) A person sending or receiving safety-related
46 information including emergency, traffic, or weather
47 alerts.

48 c. The exceptions provided in paragraph "a" and
49 paragraph "b", subparagraph (3), shall not apply to any
50 of the following:

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1 (1) A person operating a motor vehicle in a school
2 district.

3 (2) A person operating a motor vehicle in a road
4 work zone.

5 (3) A person issued a driver's license under
6 section 321.178A, 321.180, 321.180A, 321.180B, 321.181,
7 or 321.194.

8 (4) A person issued a temporary restricted license
9 under section 321.215 or 321J.20.

10 3. Nothing in this section shall be construed to
11 authorize a peace officer to confiscate ~~a portable~~ an
12 electronic communication device from the driver or
13 occupant of a motor vehicle.

14 4. a. A person convicted of a violation of this
15 section occurring before July 1, 2017, shall be issued
16 a warning memorandum.

17 b. A person convicted of a violation of this
18 section occurring on or after July 1, 2017, is guilty
19 of a simple misdemeanor punishable as a scheduled
20 violation under section 805.8A, subsection 14,
21 paragraph "1".

22 ~~b.~~ c. A violation of this section shall not be
23 considered a moving violation for purposes of this
24 chapter or rules adopted pursuant to this chapter.

25 Sec. 3. Section 321.276, subsection 5, Code 2015,
26 is amended by striking the subsection.

27 Sec. 4. Section 805.8A, subsection 14, paragraph 1,
28 Code 2015, is amended to read as follows:

29 1. ~~Text-messaging~~ Use of electronic communication
30 devices while driving violations. For violations under
31 section 321.276, the scheduled fine is thirty dollars.

32 Sec. 5. PUBLIC EDUCATION AND AWARENESS. The
33 department of transportation, in cooperation with
34 the department of public safety and other interested
35 parties, shall develop and implement a public education
36 and awareness program to foster compliance with the
37 restrictions on the use of electronic communication
38 devices as established in this Act. The department
39 may incorporate the education initiative into existing
40 programs administered by the department and coordinate
41 efforts with other state or local agencies to reach the
42 widest population possible.>

43 2. Title page, line 2, by striking <driving as a
44 primary offense> and inserting <driving, and making
45 penalties applicable>

46 3. By renumbering as necessary.

COMMITTEE ON TRANSPORTATION

BYRNES of Mitchell, Chairperson

SENATE FILE 394

H-1205

1 Amend Senate File 394, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 4, by striking <a.>
4 2. Page 1, by striking lines 5 through 7 and
5 inserting <maintenance of prisoners, as described in
6 section 356.5, shall be ~~allowed~~ paid for by the board>
7 3. Page 1, line 16, by striking <b.> and inserting
8 2.>
9 4. Page 1, lines 28 and 29, by striking
10 <supervisors, city council, state agency, or the United
11 States> and inserting <supervisors>
12 5. By striking page 1, line 31, through page 2,
13 line 33.
14 6. By renumbering, redesignating, and correcting
15 internal references as necessary.

By KOESTER of Polk

H-1205 FILED APRIL 7, 2015

SENATE FILE 394

H-1206

1 Amend Senate File 394, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by striking lines 4 through 7 and
4 inserting:
5 <1. a. All charges and expenses, except those
6 charges and expenses resulting from a prisoner
7 resisting arrest, for the safekeeping and maintenance
8 of prisoners, as described in section 356.5, shall be
9 ~~allowed~~ paid for by the board>
10 2. Page 1, line 33, after <magistrate> by inserting
11 <required under section 804.21 or 804.22>

By BAUDLER of Adair

H-1206 FILED APRIL 7, 2015

SENATE FILE 424

H-1187

1 Amend Senate File 424, as passed by the Senate, as
2 follows:

3 1. Page 1, before line 1 by inserting:

4 <Section 1. Section 321.299, Code 2015, is amended
5 to read as follows:

6 321.299 Overtaking a vehicle or bicycle.

7 1. The following rules shall govern the overtaking
8 and passing of vehicles proceeding in the same
9 direction, subject to those limitations, exceptions,
10 and special rules hereinafter stated:

11 ~~1.~~ a. The driver of a vehicle overtaking another
12 vehicle proceeding in the same direction shall pass to
13 the left of the other vehicle at a safe distance and
14 shall not again drive to the right side of the roadway
15 until safely clear of the overtaken vehicle.

16 ~~2.~~ b. Except when overtaking and passing on
17 the right is permitted, the driver of an overtaken
18 vehicle shall give way to the right in favor of the
19 overtaking vehicle and shall not increase the speed of
20 the overtaken vehicle until completely passed by the
21 overtaking vehicle.

22 2. The driver of a vehicle overtaking a person
23 riding a bicycle proceeding in the same direction on a
24 roadway shall pass the bicycle in an adjacent lane to
25 the left of the lane in which the bicycle is traveling
26 and shall not again drive to the right side of the
27 roadway until safely clear of the overtaken bicycle in
28 accordance with section 321.281, unless such passing
29 is otherwise prohibited by law. If the bicycle is
30 traveling in a bicycle lane or on a paved shoulder, the
31 bicycle lane or paved shoulder shall be considered a
32 lane for the purposes of this subsection.>

33 2. Title page, line 1, by striking <lighted lamps
34 on>

35 3. By renumbering as necessary.

By KRESSIG of Black Hawk

H-1187 FILED APRIL 7, 2015

SENATE FILE 449

H-1188

1 Amend Senate File 449, as passed by the Senate, as
2 follows:

3 1. Page 1, before line 1 by inserting:

4 <DIVISION I
5 PUBLIC IMPROVEMENT LOCATION AND UNUSED PORTION OF
6 CONDEMNED PROPERTY>

7 2. Page 2, line 33, after <this> by inserting
8 <division of this>

9 3. Page 3, line 2, after <this> by inserting
10 <division of this>

11 4. Page 3, after line 5 by inserting:

12 <DIVISION _____
13 CONDEMNATION FOR CREATION OF A LAKE ---- NUMBER OF ACRES

14 Sec. _____. Section 6A.22, subsection 2, paragraph c,
15 subparagraph (1), subparagraph division (b), Code 2015,
16 is amended to read as follows:

17 (b) (i) For purposes of this subparagraph (1),
18 "number of acres justified as necessary for a surface
19 drinking water source" means according to guidelines of
20 the United States natural resource conservation service
21 and according to analyses of surface drinking water
22 capacity needs conducted by one or more registered
23 professional engineers.

24 (ii) For condemnation proceedings for which the
25 application pursuant to section 6B.3 was filed after
26 January 1, 2013, for condemnation of property that was
27 in whole or in part subject to an action under section
28 6A.24 for which the petition under section 6A.24 was
29 filed after January 1, 2013, but before January 1,
30 2014, "number of acres justified as necessary for a
31 surface drinking water source", as determined under
32 subparagraph subdivision (i) shall not exceed the
33 number of acres that would be necessary to provide
34 the amount of drinking water to meet the needs of a
35 population equal to the population of the county where
36 the lake is to be developed or created, according to
37 the most recent federal decennial census. However,
38 if the population of the county where the lake is to
39 be developed or created increased from the federal
40 decennial census immediately preceding the most
41 recent federal decennial census, the "number of acres
42 justified as necessary for a surface drinking water
43 source" shall not exceed the number of acres that
44 would be necessary to provide the amount of drinking
45 water to meet the needs of a population equal to the
46 product of one plus the percentage increase in the
47 population of the county between the two most recent
48 federal decennial censuses multiplied by the county's
49 population according to the most recent federal
50 decennial census.

H-1188

1 Sec. ____ . EFFECTIVE UPON ENACTMENT. This division
2 of this Act, being deemed of immediate importance,
3 takes effect upon enactment.

4 DIVISION ____

5 CONDEMNATION FOR CREATION OF A LAKE ---- EXISTING SOURCES

6 Sec. ____ . Section 6A.22, subsection 2, paragraph c,
7 subparagraph (1), subparagraph division (a), unnumbered
8 paragraph 1, Code 2015, is amended to read as follows:

9 If private property is to be condemned for
10 development or creation of a lake, only that number of
11 acres justified as necessary for a surface drinking
12 water source, and not otherwise acquired, may be
13 condemned. ~~In addition~~ However, an acquiring agency
14 shall not have the authority to condemn private
15 property for creation of a lake as a surface drinking
16 water source if an existing drinking water source may
17 be expanded or supplemented for such purpose. If an
18 existing drinking water source is incapable of being
19 expanded or supplemented as a surface drinking water
20 source, the acquiring agency shall conduct a review of
21 prudent and feasible alternatives to provision of a
22 drinking water source prior to making a determination
23 that such lake development or creation is reasonable
24 and necessary. Development or creation of a lake as
25 a surface drinking water source includes all of the
26 following:

27 Sec. ____ . EFFECTIVE UPON ENACTMENT. This division
28 of this Act, being deemed of immediate importance,
29 takes effect upon enactment.

30 Sec. ____ . APPLICABILITY. This division of this Act
31 applies to projects or condemnation proceedings pending
32 or commenced on or after the effective date of this
33 division of this Act.

34 DIVISION ____

35 DISPOSITION OF CONDEMNED PROPERTY

36 Sec. ____ . Section 6B.56A, subsection 4, Code 2015,
37 is amended to read as follows:

38 4. This section does not apply to property acquired
39 for street and highway projects undertaken by the
40 state, a county, or a city or to property that is
41 subject to the disposition of property requirements
42 under section 6B.56B.

43 Sec. ____ . NEW SECTION. 6B.56B Disposition of
44 condemned property ---- lake creation.

45 1. When two years have elapsed since property was
46 condemned for the creation of a lake according to the
47 requirements of section 6A.22, subsection 2, paragraph
48 "c", subparagraph (1), and the property has not been
49 used for the purpose stated in the application filed
50 pursuant to section 6B.3, and the acquiring agency has

1 not taken action to dispose of the property pursuant
2 to section 6B.56, the acquiring agency shall, within
3 sixty days, adopt a resolution offering the property
4 for sale to the prior owner at a price as provided in
5 section 6B.56. If the resolution adopted approves an
6 offer of sale to the prior owner, the offer shall be
7 made in writing and mailed by certified mail to the
8 prior owner. The prior owner has one hundred eighty
9 days after the offer is mailed to purchase the property
10 from the acquiring agency.

11 2. If the acquiring agency has not adopted a
12 resolution described in subsection 1 within the
13 sixty-day time period, the prior owner may, in writing,
14 petition the acquiring agency to offer the property
15 for sale to the prior owner at a price as provided in
16 section 6B.56. Within sixty days after receipt of
17 such a petition, the acquiring agency shall adopt a
18 resolution described in subsection 1. If the acquiring
19 agency does not adopt such a resolution within sixty
20 days after receipt of the petition, the acquiring
21 agency is deemed to have offered the property for sale
22 to the prior owner.

23 3. The acquiring agency shall give written notice
24 to the owner of the right to purchase the property
25 under this section at the time damages are paid to the
26 owner.

27 Sec. _____. EFFECTIVE UPON ENACTMENT. This division
28 of this Act, being deemed of immediate importance,
29 takes effect upon enactment.

30 Sec. _____. APPLICABILITY. This division of this Act
31 applies to projects or condemnation proceedings pending
32 or commenced on or after the effective date of this
33 division of this Act.>

34 5. Title page, line 3, after <including> by
35 inserting <effective date and>

36 6. By renumbering, redesignating, and correcting
37 internal references as necessary.

COMMITTEE ON GOVERNMENT OVERSIGHT

KAUFMANN of Cedar, Chairperson



HF 104 – Geothermal Installation Property Tax Exemption (LSB1665YH)
Analyst: Jeff Robinson (Phone: (515) 281-4614) (jeff.robinson@legis.iowa.gov)
Fiscal Note Version – New

Description

- House File 104** relates to property tax and geothermal heating and cooling systems. The Bill:
- Exempts the value added to a property by the installation of a geothermal heating and/or cooling system from property taxation. The new exemption is for property first assessed on or after January 1, 2016, and applies to installations made on or after July 1, 2015.
 - Removes the current 10-year limit on the property tax exemption for residential installations of geothermal heating and/or cooling systems (see Iowa Code section [427.1\(38\)](#)).
 - Makes Iowa Code section 25B.7 (State funding of property tax credits and exemptions) inapplicable to the geothermal property tax credit

Assumptions

- Commercial and industrial installations are projected to equal \$9.5 million in 2015 and grow 1.6% per year.
- Agricultural installations are projected to equal the total for commercial and industrial properties each year.
- The new exemption applies to installations on or after July 1, 2015. The impact for the first assessment year is assumed to be 50.0% of total 2015 installations.
- For computation of the value added, it is assumed that the value added is 20.0% of the installed value of the geothermal system.
- For all years, the rollback is assumed to be 90.0% for commercial and industrial property, 50.0% for agricultural properties, and 58.0% for residential properties.
- For all years, the property tax rate used is \$36.85 per \$1,000 of taxed valuation for commercial and industrial property, \$25.36 for agricultural property, and \$35.14 for residential property.

Fiscal Impact

Creating a new property tax exemption for geothermal heating and/or cooling system installations will increase the standing General Fund appropriation for State school aid and decrease local government revenue. The projected impact is found in the following table.

Geothermal Installation Property Tax Exemption			
	State General Fund Est. Appropriation Increase	Est. Local Government Revenue Decrease	Estimated Total Property Tax Reduction
FY 2018	\$ 7,000	\$ 36,000	\$ 43,000
FY 2019	22,000	110,000	132,000
FY 2020	37,000	185,000	222,000
FY 2021	52,000	261,000	313,000
FY 2022	67,000	339,000	406,000
FY 2023	82,000	417,000	499,000
FY 2024	98,000	497,000	595,000

In addition, removal of the 10-year limit on the current residential property tax exemption for geothermal systems will also increase the State school aid appropriation \$21,000 and decrease local government revenue \$115,000 in FY 2025, with similar additional impacts each succeeding fiscal year.

Sources

Department of Revenue
Legislative Services Agency analysis

/s/ Holly M. Lyons

April 7, 2015

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.
