

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

MAY 6, 2015

**Senate Amendment to
HOUSE FILE 504**

H-1321

1 Amend House File 504, as passed by the House, as
2 follows:
3 <1. Page 1, line 3, by striking <2. Subject> and
4 inserting <2. a. Subject>
5 2. Page 1, line 10, by striking <A notice> and
6 inserting:
7 b. A notice>
8 3. Page 1, by striking lines 12 and 13 and
9 inserting <by electronic means unless the notice is
10 sent and received as required pursuant to section
11 554D.117 in a manner that is verifiable and is
12 approved by the commissioner by rules adopted
13 pursuant to chapter 17A. Delivery of a notice or
14 document by electronic means in a manner that meets
15 the requirements of chapter 554D and this chapter,
16 and in a manner that is verifiable and is approved
17 by the commissioner by rule, may be used in lieu
18 of delivery by mail. Nothing in this section shall
19 prohibit the delivery of a courtesy copy of a notice of
20 cancellation, nonrenewal, or termination by electronic
21 means even if the manner of electronic delivery has not
22 been approved by the commissioner by rule if both of
23 the following requirements are met:
24 (1) The notice of cancellation, nonrenewal, or
25 termination is properly delivered by mail as provided
26 by law.
27 (2) The requirements of subsection 4 are
28 satisfied.>
29 4. Page 1, by striking lines 14 through 22 and
30 inserting:
31 <Sec. ____ . Section 505B.1, subsection 4, paragraph
32 b, subparagraphs (1), (2), (3), and (4), Code 2015, are
33 amended to read as follows:
34 (1) ~~Any~~ The right ~~or option~~ of the party to have
35 the notice or document provided or made available in
36 paper ~~or another nonelectronic~~ form.
37 (2) The right of the party to withdraw consent to
38 have a notice or document delivered by electronic means
39 and any ~~fees~~, ~~conditions~~, or consequences imposed in
40 the event consent is withdrawn.
41 (3) Whether the party's consent applies as follows:
42 (a) Only to the particular transaction as to which
43 the notice or document must be provided.
44 (b) To notices of cancellation, nonrenewal, or
45 termination.
46 ~~-(b)~~ (c) To other identified categories of notices
47 or documents that may be delivered by electronic means
48 during the course of the parties' relationship.
49 (4) ~~-(a)~~ The means, after consent is given, by
50 which a party may obtain a paper copy of a notice or

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1 document delivered by electronic means.

2 ~~(b) The fee, if any, for the paper copy.~~

3 Sec. _____. Section 505B.1, subsection 4, paragraph
4 d, subparagraph (1), subparagraph division (b), Code
5 2015, is amended to read as follows:

6 (b) The right of the party to withdraw consent
7 without the imposition of any ~~fee~~, condition, or
8 consequence that was not disclosed under paragraph "b",
9 subparagraph (2).>

10 5. Page 1, by striking lines 23 through 28.

11 6. Page 2, by striking lines 27 through 32 and
12 inserting:

13 <NEW SUBSECTION. 11A. It shall be the exclusive
14 responsibility of an insurer to satisfy the
15 requirements of this section and to deliver any notice
16 or document sent to a party pursuant to this section.>

17 7. Page 4, after line 11 by inserting:

18 <Sec. _____. Section 522B.11, subsection 7, paragraph
19 e, Code 2015, is amended by striking the paragraph and
20 inserting in lieu thereof the following:

21 e. An insurance producer owes any duties and
22 responsibilities referred to in this subsection only
23 to the policy owner, a person in privity of contract
24 with the insurance producer, and the principal in an
25 agency relationship with the insurance producer. If a
26 person to whom an insurance producer owes duties and
27 responsibilities is deceased or incapacitated, a direct
28 and specifically identified beneficiary referenced
29 in a written instrument required by the insurer and
30 delivered to the insurance producer prior to the death
31 or incapacity may enforce the insurance producer's
32 duties and responsibilities. An insurance producer
33 does not owe any duty or responsibility to a person who
34 was a direct and specifically identified beneficiary if
35 the policy owner changes the beneficiary in the manner
36 required by the policy or contract to remove the person
37 as a beneficiary.>

38 8. Title page, line 1, after <to> by inserting
39 <insurance, including>

40 9. Title page, line 2, after <documents> by
41 inserting <and to certain duties, responsibilities, and
42 liabilities of insurance producers>

43 10. By renumbering as necessary.

RECEIVED FROM THE SENATE

Senate Amendment to
HOUSE FILE 626

H-1314

1 Amend House File 626, as passed by the House, as
2 follows:

3 1. Page 1, line 2, by striking <REPEAL> and
4 inserting <EXTENSION>

5 2. Page 1, line 3, by striking <REPEAL.>

6 3. Page 1, by striking line 5 and inserting
7 <amended to read as follows:

8 SEC. 134. FUTURE REPEAL.

9 1. The sections of this division of this Act
10 amending sections 7E.6, 13.7, 428.4, 441.19, 441.35,
11 441.38, 441.39, 441.43, 441.49, and 445.60, and
12 enacting sections 421.1A and 441.37A, are repealed
13 effective July 1, ~~2018~~ 2021.

14 2. The portion of the section of this division of
15 this Act amending section 441.28 relating only to the
16 property assessment appeal board is repealed effective
17 July 1, ~~2018~~ 2021.

18 3. The repeals provided for in subsections 1 and
19 2 shall include all subsequent amendments to such
20 sections relating to the property assessment appeal
21 board.>

22 4. Title page, line 2, by striking <repealing> and
23 inserting <extending>

RECEIVED FROM THE SENATE

H-1314 FILED MAY 5, 2015

HOUSE FILE 628

H-1332

1 Amend House File 628 as follows:

2 1. Page 1, line 31, by striking <403.19, subsection
3 2,> and inserting <403.19>

4 2. Page 2, line 15, by striking <403.19, subsection
5 2,> and inserting <403.19>

6 3. By striking page 2, line 30, through page 4,
7 line 34, and inserting:

8 <Sec. _____. Section 403.17, subsection 5, Code 2015,
9 is amended to read as follows:

10 5. "Blighted area" means:

11 a. For an urban renewal area established before
12 the effective date of this Act, an area of a
13 municipality within which the local governing body
14 of the municipality determines that the presence
15 of a substantial number of slum, deteriorated, or
16 deteriorating structures; defective or inadequate
17 street layout; faulty lot layout in relation to size,
18 adequacy, accessibility, or usefulness; insanitary
19 or unsafe conditions; deterioration of site or other
20 improvements; diversity of ownership, tax or special
21 assessment delinquency exceeding the fair value of the
22 land; defective or unusual conditions of title; or the
23 existence of conditions which endanger life or property
24 by fire and other causes; or any combination of these
25 factors; substantially impairs or arrests the sound
26 growth of a municipality, retards the provision of
27 housing accommodations, or constitutes an economic or
28 social liability and is a menace to the public health,
29 safety, or welfare in its present condition and use. A
30 disaster area referred to in section 403.5, subsection
31 7, constitutes a "blighted area". "Blighted area" does
32 not include real property assessed as agricultural
33 property for purposes of property taxation.

34 b. For an urban renewal area established on or
35 after the effective date of this Act, an area of a
36 municipality within which the local governing body
37 of the municipality determines that the presence
38 of a substantial number of slum, deteriorated,
39 or deteriorating structures; insanitary or
40 unsafe conditions; deterioration of site or other
41 improvements; or the existence of conditions which
42 endanger life or property by fire and other causes;
43 or any combination of these factors; substantially
44 impairs or arrests the sound growth of a municipality,
45 retards the provision of housing accommodations, or
46 constitutes an economic or social liability and is a
47 menace to the public health, safety, or welfare in its
48 present condition and use. A disaster area referred to
49 in section 403.5, subsection 7, constitutes a "blighted
50 area". "Blighted area" does not include real property

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1 assessed as agricultural property for purposes of
2 property taxation.

3 Sec. _____. NEW SECTION. 403.18A Urban renewal area
4 duration -- limitations.

5 1. An urban renewal area in existence on the
6 effective date of this Act for which an ordinance
7 providing for a division of revenue under section
8 403.19 was adopted before the effective date of this
9 Act and that is not limited in duration under section
10 403.17, subsection 10, section 403.19, subsection 3A,
11 or section 403.22, subsection 5, shall be subject to
12 the duration limitation in subsection 2.

13 2. a. For an urban renewal area described in
14 subsection 1, the urban renewal area, including
15 all applicable urban renewal plans, projects, and
16 ordinances providing for a division of revenue, shall
17 continue in effect under this chapter, until such
18 time that the urban renewal area is dissolved by the
19 municipality or until the urban renewal area terminates
20 under the conditions of this section, whichever occurs
21 first. The municipality may continue to incur or issue
22 additional costs or indebtedness for such urban renewal
23 area, including loans, advances, and bonds that qualify
24 for payment from the special fund created in section
25 403.19, on or after the effective date of this Act and
26 until dissolution or termination of the urban renewal
27 area.

28 b. (1) For an urban renewal area described in
29 subsection 1 that is based on a finding that the
30 area is an economic development area and that no part
31 contains slum or blighted conditions, the urban renewal
32 area, including all applicable urban renewal plans,
33 projects, and ordinances providing for a division of
34 revenue, shall terminate and be of no further force and
35 effect on July 1, 2035.

36 (2) For an urban renewal area described in
37 subsection 1 that is based on a finding that all or a
38 part of the area contains slum or blighted conditions,
39 the urban renewal area, including all applicable urban
40 renewal plans, projects, and ordinances providing for
41 a division of revenue, shall terminate and be of no
42 further force and effect on July 1, 2040.

43 3. The department of management shall adopt rules
44 pursuant to chapter 17A necessary to implement and
45 administer this section.

46 Sec. _____. Section 403.19, Code 2015, is amended by
47 adding the following new subsection:

48 NEW SUBSECTION. 3A. a. Except as otherwise
49 provided in paragraph "b" or section 403.22, an
50 ordinance providing for a division of revenue under

1 this section that is adopted on or after the effective
2 date of this Act shall be limited to twenty years from
3 the calendar year following the calendar year in which
4 the municipality first certifies to the county auditor
5 the amount of any loans, advances, indebtedness,
6 or bonds that qualify for payment from the division
7 of revenue provided for in this section. The urban
8 renewal area, including all applicable urban renewal
9 plans, projects, and ordinances, shall terminate
10 and be of no further force and effect following the
11 twenty-year period provided in this subsection.

12 b. An ordinance providing for a division of revenue
13 under this section that is adopted on or after the
14 effective date of this Act for an urban renewal area
15 that contains slum or blighted conditions shall be
16 limited to twenty-five years from the calendar year
17 following the calendar year in which the municipality
18 first certifies to the county auditor the amount of any
19 loans, advances, indebtedness, or bonds that qualify
20 for payment from the division of revenue provided
21 in this section. The urban renewal area, including
22 all applicable urban renewal plans, projects, and
23 ordinances, shall terminate and be of no further force
24 and effect following the twenty-five-year period
25 provided in this subsection.>

26 4. Title page, by striking lines 4 and 5 and
27 inserting <the use of divided revenues, modifying the
28 conditions for establishing certain urban renewal
29 areas, imposing duration limits on certain urban
30 renewal areas, and including>

31 5. By renumbering as necessary.

By NUNN of Polk L. MILLER of Scott
VANDER LINDEN of Mahaska SANDS of Louisa
MAXWELL of Poweshiek

HOUSE FILE 635

H-1331

1 Amend the Senate amendment, H-1265, to House File
2 635, as amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, after line 3 by inserting:
5 <____. Page 11, after line 6 by inserting:
6 <Sec. ____ . NEW SECTION. 307.27A Insurance
7 verification program.

8 1. The department shall adopt rules for the
9 creation and administration of an insurance
10 verification program to electronically verify
11 compliance with the requirements of section 321.20B.
12 The department may revoke the registration of a
13 motor vehicle for which compliance cannot be verified
14 electronically pursuant to the program, and may refuse
15 to reinstate the registration for the motor vehicle
16 until the owner of the motor vehicle has provided proof
17 of financial liability coverage, as defined in section
18 321.1, and has paid to the department an administrative
19 reinstatement fee of one hundred dollars, which shall
20 be in addition to any other penalty imposed by law.
21 Administrative reinstatement fees collected pursuant
22 to this subsection shall be retained by the department
23 as repayment receipts, as defined in section 8.2,
24 and shall be used exclusively to offset the costs of
25 administering the program, including any payments made
26 to a third-party vendor.

27 2. Rules adopted by the department pursuant to
28 this section shall include a notification schedule
29 for registration revocation and a procedure by which
30 a revoked registration may be reinstated. Rules
31 adopted by the department pursuant to this section
32 shall require each insurer that issues a motor vehicle
33 liability policy, as defined in section 321A.21, to the
34 owner of a motor vehicle registered in this state to
35 submit to the department twice per month information
36 that demonstrates that financial liability coverage
37 is in effect for the insured vehicle, including each
38 insured's name, date of birth, and driver's license
39 number if available, the make, model, year, and vehicle
40 identification number of the vehicle, the policy
41 number and effective date of each policy, and any other
42 information necessary to administer the program. An
43 insurer that fails to provide information as required
44 shall be subject to a civil penalty as determined by
45 the department by rule, which shall not exceed one
46 thousand dollars per day.

47 3. a. The department shall contract with a
48 third-party vendor to act as the department's
49 designated agent for administration of the insurance
50 verification program. The department shall select the

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1 vendor through a competitive bidding process.

2 b. Notwithstanding section 321.11, the department
3 may provide data and information to the third-party
4 vendor as may be necessary for administration of
5 the program. Any data or information received by
6 the third-party vendor in the administration of the
7 program, whether from the department or an insurer,
8 shall be confidential and shall not be used for any
9 other purpose.

10 4. The insurance verification program implemented
11 by the department pursuant to this section shall not
12 take effect until July 1, 2016, and shall not operate
13 after June 30, 2020.

14 5. This section is repealed June 30, 2020.>>

15 2. Page 1, by striking lines 4 through 6.

16 3. Page 1, by striking lines 24 through 39.

17 4. By renumbering as necessary.

By VANDER LINDEN of Mahaska

H-1331 FILED MAY 5, 2015

HOUSE FILE 651

H-1312

1 Amend House File 651 as follows:

2 1. Page 1, line 32, by striking <fifty-three> and
3 inserting <fifty-seven>

By KRESSIG of Black Hawk

H-1312 FILED MAY 5, 2015

HOUSE FILE 651

H-1328

1 Amend House File 651 as follows:

2 1. Page 1, line 32, by striking <fifty-three> and
3 inserting <fifty-seven>

4 2. Page 3, line 1, by striking <thirteen> and
5 inserting <~~thirteen~~ ten>

By KRESSIG of Black Hawk

H-1328 FILED MAY 5, 2015

HOUSE FILE 653

H-1302

1 Amend House File 653 as follows:

2 1. Page 1, line 34, before <this> by inserting <the
3 section amending section 423.1, subsection 25, in>

By WINDSCHITL of Harrison

H-1302 FILED MAY 5, 2015

HOUSE FILE 655

H-1303

1 Amend House File 655 as follows:

2 1. Page 13, lines 16 and 17, by striking <airport,
3 aviation authority, or municipality> and inserting
4 <airport or authority>

By BALTIMORE of Boone

H-1303 FILED MAY 5, 2015

SENATE FILE 336

H-1304

1 Amend the amendment, H-1249, to Senate File 336, as
2 passed by the Senate, as follows:

3 1. By striking page 1, line 1, through page 17,
4 line 28, and inserting:

5 <Amend Senate File 336, as passed by the Senate, as
6 follows:

7 1. By striking everything after the enacting clause
8 and inserting:

9 <Section 1. Section 13.31, subsection 3, Code 2015,
10 is amended to read as follows:

11 3. Administer the domestic abuse program provided
12 in chapter 236 and the sexual abuse program provided
13 in chapter 236A.

14 Sec. 2. Section 232.8, subsection 1, paragraph d,
15 subparagraph (1), Code 2015, is amended to read as
16 follows:

17 (1) The juvenile court shall abide by the
18 provisions of sections 236.4, ~~and~~ 236.6, 236A.6, and
19 236A.8 in holding hearings and making a disposition.

20 Sec. 3. Section 232.22, subsection 1, paragraph g,
21 Code 2015, is amended to read as follows:

22 g. There is probable cause to believe that the
23 child has committed a delinquent act which would be
24 domestic abuse under chapter 236, ~~or~~ sexual abuse under
25 chapter 236A, or a domestic abuse assault under section
26 708.2A if committed by an adult.

27 Sec. 4. NEW SECTION. 236A.1 Short title.

28 This chapter may be cited as the "Sexual Abuse Act".

29 Sec. 5. NEW SECTION. 236A.2 Definitions.

30 For purposes of this chapter, unless a different
31 meaning is clearly indicated by the context:

32 1. "Department" means the department of justice.

33 2. "Emergency shelter services" include but are
34 not limited to secure crisis shelters or housing for
35 victims of sexual abuse.

36 3. "Plaintiff" includes a person filing an action
37 on behalf of an unemancipated minor.

38 4. "Pro se" means a person proceeding on the
39 person's own behalf without legal representation.

40 5. "Sexual abuse" means any commission of a crime
41 defined in chapter 709 or section 726.2 or 728.12.

42 "Sexual abuse" also means any commission of a crime
43 in another jurisdiction under a statute that is
44 substantially similar to any crime defined in chapter
45 709 or section 726.2 or 728.12.

46 6. "Support services" include but are not limited
47 to legal services, counseling services, transportation
48 services, child care services, and advocacy services.

49 Sec. 6. NEW SECTION. 236A.3 Commencement of
50 actions ---- waiver to juvenile court.

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1 1. A person, including a parent or guardian on
2 behalf of an unemancipated minor, may seek relief from
3 sexual abuse by filing a verified petition in the
4 district court. Venue shall lie where either party
5 resides. The petition shall state the following:

6 a. Name of the plaintiff and the name and address
7 of the plaintiff's attorney, if any. If the plaintiff
8 is proceeding pro se, the petition shall state a
9 mailing address for the plaintiff. A mailing address
10 may be provided by the plaintiff pursuant to section
11 236A.11.

12 b. Name and address of the parent or guardian
13 filing the petition, if the petition is being filed on
14 behalf of an unemancipated minor. A mailing address
15 may be provided by the plaintiff pursuant to section
16 236A.11.

17 c. Name and address, if known, of the defendant.

18 d. Nature of the alleged sexual abuse.

19 e. Name and age of each child under eighteen whose
20 welfare may be affected by the controversy.

21 f. Desired relief, including a request for
22 temporary or emergency orders.

23 2. A temporary or emergency order shall be based
24 on a showing of a prima facie case of sexual abuse.
25 If the factual basis for the alleged sexual abuse is
26 contested, the court shall issue a protective order
27 based upon a finding of sexual abuse by clear and
28 convincing evidence.

29 3. a. The filing fee and court costs for an order
30 for protection and in a contempt action under this
31 chapter shall be waived for the plaintiff.

32 b. The clerk of court, the sheriff of any county in
33 this state, and other law enforcement and corrections
34 officers shall perform their duties relating to service
35 of process without charge to the plaintiff. When an
36 order for protection is entered by the court, the court
37 may direct the defendant to pay to the clerk of court
38 the fees for the filing of the petition and reasonable
39 costs of service of process if the court determines the
40 defendant has the ability to pay the plaintiff's fees
41 and costs. In lieu of personal service of an order for
42 protection issued pursuant to this section, the sheriff
43 of any county in this state and other law enforcement
44 and corrections officers may serve a defendant with a
45 short-form notification pursuant to section 664A.4A.

46 4. If the person against whom relief from sexual
47 abuse is being sought is seventeen years of age
48 or younger, the district court shall waive its
49 jurisdiction over the action to the juvenile court.

50 Sec. 7. NEW SECTION. 236A.4 Plaintiffs proceeding

1 pro se ---- provision of forms and assistance.

2 1. The department shall prescribe standard forms
3 to be used by plaintiffs seeking protective orders
4 by proceeding pro se in actions under this chapter.

5 The standard forms shall include language in fourteen
6 point boldface type. Standard forms prescribed by
7 the department shall be the exclusive forms used by
8 plaintiffs proceeding pro se, and may be used by other
9 plaintiffs. The department shall distribute the forms
10 to the clerks of the district court.

11 2. The clerk of the district court shall furnish
12 the required forms to persons seeking protective orders
13 through pro se proceedings pursuant to this chapter.

14 Sec. 8. NEW SECTION. 236A.5 Assistance by county
15 attorney.

16 A county attorney's office may provide assistance
17 to a person wishing to initiate proceedings pursuant
18 to this chapter or to a plaintiff at any stage of a
19 proceeding under this chapter, if the individual does
20 not have sufficient funds to pay for legal assistance
21 and if the assistance does not create a conflict
22 of interest for the county attorney's office. The
23 assistance provided may include but is not limited to
24 assistance in obtaining or completing forms, filing
25 a petition or other necessary pleading, presenting
26 evidence to the court, and enforcing the orders of the
27 court entered pursuant to this chapter. Providing
28 assistance pursuant to this section shall not be
29 considered the private practice of law for the purposes
30 of section 331.752.

31 Sec. 9. NEW SECTION. 236A.6 Hearings ---- temporary
32 orders.

33 1. Not less than five and not more than fifteen
34 days after commencing a proceeding and upon notice to
35 the other party, a hearing shall be held at which the
36 plaintiff must prove the allegation of sexual abuse by
37 clear and convincing evidence.

38 2. The court may enter any temporary order it deems
39 necessary to protect the plaintiff from sexual abuse
40 prior to the hearing upon good cause shown in an ex
41 parte proceeding. Present danger of sexual abuse to
42 the plaintiff constitutes good cause for purposes of
43 this subsection.

44 3. If a hearing is continued, the court may make or
45 extend any temporary order under subsection 2 that it
46 deems necessary.

47 4. Upon application of a party, the court shall
48 issue subpoenas requiring attendance and testimony of
49 witnesses and production of papers.

50 5. The court shall advise the defendant of a

1 right to be represented by counsel of the defendant's
2 choosing and to have a continuance to secure counsel.

3 6. Hearings shall be recorded.

4 Sec. 10. NEW SECTION. 236A.7 Disposition.

5 1. Upon a finding that the defendant has engaged in
6 sexual abuse, the court may grant a protective order or
7 approve a consent agreement which may contain but is
8 not limited to any of the following provisions:

9 a. That the defendant cease sexual abuse of the
10 plaintiff.

11 b. That the defendant stay away from the
12 plaintiff's residence, school, or place of employment.

13 2. An order for a protective order or approved
14 consent agreement shall be for a fixed period of
15 time not to exceed one year. The court may amend or
16 extend its order or a consent agreement at any time
17 upon a petition filed by either party and after notice
18 and hearing. The court may extend the order if the
19 court, after hearing at which the defendant has the
20 opportunity to be heard, finds that the defendant
21 continues to pose a threat to the safety of the victim,
22 persons residing with the victim, or members of the
23 victim's immediate family. The number of extensions
24 that can be granted by the court is not limited.

25 3. The order shall state whether a person is to be
26 taken into custody by a peace officer for a violation
27 of the terms stated in the order.

28 4. The court may order that the defendant pay the
29 plaintiff's attorney fees and court costs.

30 5. An order or consent agreement under this section
31 shall not affect title to real property.

32 6. A copy of any order or approved consent
33 agreement shall be issued to the plaintiff, the
34 defendant, the county sheriff of the county in which
35 the order or consent decree is initially entered, and
36 the twenty-four-hour dispatcher for the county sheriff.
37 Any subsequent amendment or revocation of an order
38 or consent agreement shall be forwarded by the clerk
39 to all individuals and the county sheriff previously
40 notified.

41 7. The clerk shall notify the county sheriff and
42 the twenty-four-hour dispatcher for the county sheriff
43 in writing so that the county sheriff and the county
44 sheriff's dispatcher receive written notice within six
45 hours of filing the order, approved consent agreement,
46 amendment, or revocation. The clerk may fulfill this
47 requirement by sending the notice by facsimile or other
48 electronic transmission which reproduces the notice in
49 writing within six hours of filing the order.

50 8. The county sheriff's dispatcher shall notify all

1 law enforcement agencies having jurisdiction over the
2 matter and the twenty-four-hour dispatcher for the law
3 enforcement agencies upon notification by the clerk.

4 Sec. 11. NEW SECTION. 236A.8 Emergency orders.

5 1. When the court is unavailable from the close
6 of business at the end of the day or week to the
7 resumption of business at the beginning of the day or
8 week, a petition may be filed before a district judge,
9 or district associate judge designated by the chief
10 judge of the judicial district, who may grant emergency
11 relief in accordance with section 236A.7, subsection
12 1, paragraph "b", if the district judge or district
13 associate judge deems it necessary to protect the
14 plaintiff from sexual abuse, upon good cause shown in
15 an ex parte proceeding. Present danger of sexual abuse
16 to the plaintiff constitutes good cause for purposes
17 of this subsection.

18 2. An emergency order issued under subsection 1
19 shall expire seventy-two hours after issuance. When
20 the order expires, the plaintiff may seek a temporary
21 order from the court pursuant to section 236A.6.

22 3. A petition filed and emergency order issued
23 under this section and any documentation in support of
24 the petition and order shall be immediately certified
25 to the court. The certification shall commence a
26 proceeding for purposes of section 236A.3.

27 Sec. 12. NEW SECTION. 236A.9 Procedure.

28 A proceeding under this chapter shall be held in
29 accordance with the rules of civil procedure, except
30 as otherwise set forth in this chapter and in chapter
31 664A, and is in addition to any other civil or criminal
32 remedy.

33 Sec. 13. NEW SECTION. 236A.10 Sexual abuse
34 information.

35 1. Criminal or juvenile justice agencies, as
36 defined in section 692.1, shall collect and maintain
37 information on incidents involving sexual abuse
38 and shall provide the information to the department
39 of public safety in the manner prescribed by the
40 department of public safety.

41 2. The department of public safety may compile
42 statistics and issue reports on sexual abuse in Iowa,
43 provided individual identifying details of the sexual
44 abuse are deleted. The statistics and reports may
45 include nonidentifying information on the personal
46 characteristics of perpetrators and victims. The
47 department of public safety may request the cooperation
48 of the department of justice in compiling the
49 statistics and issuing the reports. The department of
50 public safety may provide nonidentifying information

1 on individual incidents of sexual abuse to persons
2 conducting bona fide research, including but not
3 limited to personnel of the department of justice.

4 Sec. 14. NEW SECTION. 236A.11 Plaintiff's address
5 ---- confidentiality of records.

6 1. A person seeking relief from sexual abuse under
7 this chapter may use any of the following addresses as
8 a mailing address for purposes of filing a petition
9 under this chapter, as well as for the purpose of
10 obtaining any utility or other service:

11 a. The mailing address of a shelter or other
12 agency.

13 b. A public or private post office box.

14 c. Any other mailing address, with the permission
15 of the resident of that address.

16 2. A person shall report any change of address,
17 whether designated according to subsection 1 or
18 otherwise, to the clerk of court no more than five days
19 after the previous address on record becomes invalid.

20 3. The entire file or a portion of the file in a
21 sexual abuse case shall be sealed by the clerk of court
22 as ordered by the court to protect the privacy interest
23 or safety of any person.

24 4. Notwithstanding subsection 3, court orders and
25 support payment records shall remain public records,
26 although the court may order that address and location
27 information be redacted from the public records.

28 Sec. 15. NEW SECTION. 236A.12 Duties of peace
29 officer ---- magistrate.

30 1. A peace officer shall use every reasonable means
31 to enforce an order or court-approved consent agreement
32 entered under this chapter, an order that establishes
33 conditions of release or is a protective order or
34 sentencing order in a criminal prosecution arising from
35 a sexual abuse, or a protective order under chapter
36 232. If a peace officer has reason to believe that
37 sexual abuse has occurred, the peace officer shall ask
38 the abused person if any prior orders exist, and shall
39 contact the twenty-four-hour dispatcher to inquire
40 if any prior orders exist. If a peace officer has
41 probable cause to believe that a person has violated
42 an order or approved consent agreement entered under
43 this chapter, an order establishing conditions of
44 release or a protective or sentencing order in a
45 criminal prosecution arising from sexual abuse, or, if
46 the person is an adult, a violation of a protective
47 order under chapter 232, the peace officer shall take
48 the person into custody and shall take the person
49 without unnecessary delay before the nearest or most
50 accessible magistrate in the judicial district in which

1 the person was taken into custody. The magistrate
2 shall make an initial preliminary determination whether
3 there is probable cause to believe that an order or
4 consent agreement existed and that the person taken
5 into custody has violated its terms. The magistrate's
6 decision shall be entered in the record.

7 2. If a peace officer has probable cause to believe
8 that a person has violated an order or approved
9 consent agreement entered under this chapter, an order
10 establishing conditions of release or a protective or
11 sentencing order in a criminal prosecution arising from
12 a sexual abuse, or a protective order under chapter
13 232, and the peace officer is unable to take the person
14 into custody within twenty-four hours of making the
15 probable cause determination, the peace officer shall
16 either request a magistrate to make a determination
17 as to whether a rule to show cause or arrest warrant
18 should be issued, or refer the matter to the county
19 attorney.

20 3. If the magistrate finds probable cause, the
21 magistrate shall order the person to appear either
22 before the court which issued the original order or
23 approved the consent agreement, or before the court
24 in the jurisdiction where the alleged violation took
25 place, at a specified time not less than five days nor
26 more than fifteen days after the initial appearance
27 under this section. The magistrate shall cause the
28 original court to be notified of the contents of the
29 magistrate's order.

30 4. A peace officer shall not be held civilly or
31 criminally liable for acting pursuant to this section
32 provided that the peace officer acts reasonably and in
33 good faith, on probable cause, and the officer's acts
34 do not constitute a willful and wanton disregard for
35 the rights or safety of another.

36 Sec. 16. NEW SECTION. 236A.13 Prevention of
37 further abuse ---- notification of rights ---- arrest ----
38 liability.

39 1. If a peace officer has reason to believe that
40 sexual abuse has occurred, the officer shall use all
41 reasonable means to prevent further abuse including but
42 not limited to the following:

43 a. If requested, remaining on the scene as long as
44 there is a danger to an abused person's physical safety
45 without the presence of a peace officer, including but
46 not limited to staying in the dwelling unit, or if
47 unable to remain on the scene, assisting the person in
48 leaving the residence.

49 b. Assisting an abused person in obtaining medical
50 treatment necessitated by an assault, including

1 providing assistance to the abused person in obtaining
2 transportation to the emergency room of the nearest
3 hospital.

4 c. Providing an abused person with immediate and
5 adequate notice of the person's rights. The notice
6 shall consist of handing the person a document that
7 includes the telephone numbers of shelters, support
8 groups, and crisis lines operating in the area and
9 contains a copy of the following statement written in
10 English and Spanish; asking the person to read the
11 card; and asking whether the person understands the
12 rights:

13 You have the right to ask the court for the
14 following help on a temporary basis:

15 [1] Keeping your attacker away from you, your home,
16 and your place of work.

17 [2] The right to stay at your home without
18 interference from your attacker.

19 You have the right to seek help from the court to
20 seek a protective order with or without the assistance
21 of legal representation. You have the right to seek
22 help from the courts without the payment of court costs
23 if you do not have sufficient funds to pay the costs.

24 You have the right to file criminal charges for
25 threats, assaults, or other related crimes.

26 You have the right to seek restitution against your
27 attacker for harm to yourself or your property.

28 If you are in need of medical treatment, you have
29 the right to request that the officer present assist
30 you in obtaining transportation to the nearest hospital
31 or otherwise assist you.

32 If you believe that police protection is needed for
33 your physical safety, you have the right to request
34 that the officer present remain at the scene until you
35 and other affected parties can leave or until safety
36 is otherwise ensured.

37 2. A peace officer is not civilly or criminally
38 liable for actions pursuant to this section taken
39 reasonably and in good faith.

40 Sec. 17. NEW SECTION. 236A.14 Prohibition against
41 referral.

42 In a criminal action arising from sexual abuse, as
43 defined in section 236A.2, the prosecuting attorney or
44 court shall not refer or order the parties involved
45 to mediation or other nonjudicial procedures prior to
46 judicial resolution of the action.

47 Sec. 18. NEW SECTION. 236A.15 Application for
48 designation and funding as a provider of services for
49 victims of sexual abuse.

50 Upon receipt of state or federal funding designated

1 for victims of sexual abuse by the department, a public
2 or private nonprofit organization may apply to the
3 department for designation and funding as a provider
4 of emergency shelter services and support services
5 to victims of sexual abuse. The application shall
6 be submitted on a form prescribed by the department
7 and shall include but not be limited to information
8 regarding services to be provided, budget, and security
9 measures.

10 Sec. 19. NEW SECTION. 236A.16 Department powers
11 and duties.

12 1. The department shall do all of the following:

13 a. Designate and award grants for existing and
14 pilot programs pursuant to this chapter to provide
15 emergency shelter services and support services to
16 victims of sexual abuse.

17 b. Design and implement a uniform method of
18 collecting data from sexual abuse organizations funded
19 under this chapter.

20 c. Designate and award moneys for publicizing and
21 staffing a statewide, toll-free telephone hotline
22 for use by victims of sexual abuse. The department
23 may award a grant to a public agency or a private,
24 nonprofit organization for the purpose of operating the
25 hotline. The operation of the hotline shall include
26 informing victims of their rights and of various
27 community services that are available, referring
28 victims to service providers, receiving complaints
29 concerning misconduct by peace officers and encouraging
30 victims to refer such complaints to the office of
31 ombudsman, providing counseling services to victims
32 over the telephone, and providing sexual abuse victim
33 advocacy.

34 d. Advertise the toll-free telephone hotline
35 through the use of public service announcements,
36 billboards, print and broadcast media services,
37 and other appropriate means, and contact media
38 organizations to encourage the provision of free or
39 inexpensive advertising concerning the hotline and its
40 services.

41 e. Develop, with the assistance of the entity
42 operating the telephone hotline and other sexual abuse
43 victim services providers, brochures explaining the
44 rights of victims set forth under section 236A.13 and
45 the services of the telephone hotline, and distribute
46 the brochures to law enforcement agencies, victim
47 service providers, health practitioners, charitable and
48 religious organizations, and other entities that may
49 have contact with victims of sexual abuse.

50 2. The department shall consult and cooperate with

1 all public and private agencies which may provide
2 services to victims of sexual abuse, including but not
3 limited to legal services, social services, prospective
4 employment opportunities, and unemployment benefits.

5 3. The department may accept, use, and dispose of
6 contributions of money, services, and property made
7 available by an agency or department of the state or
8 federal government, or a private agency or individual.

9 Sec. 20. NEW SECTION. 236A.17 Sexual abuse
10 training requirements.

11 The department, in cooperation with victim service
12 providers, shall work with various professional
13 organizations to encourage organizations to establish
14 training programs for professionals who work in the
15 area of sexual abuse prevention and services. Sexual
16 abuse training may include but is not limited to the
17 following areas:

18 1. The enforcement of both civil and criminal
19 remedies in sexual abuse matters.

20 2. The nature, extent, and causes of sexual abuse.

21 3. The legal rights and remedies available
22 to sexual abuse victims, including crime victim
23 compensation.

24 4. Services available to sexual abuse victims
25 including the sexual abuse telephone hotline.

26 5. The duties of peace officers pursuant to this
27 chapter.

28 6. Techniques for intervention in sexual abuse
29 cases.

30 Sec. 21. NEW SECTION. 236A.18 Reference to certain
31 criminal provisions.

32 In addition to the provisions contained in this
33 chapter, certain criminal penalties and provisions
34 pertaining to sexual abuse are set forth in chapters
35 664A and 709 and section 726.2 or 728.12.

36 Sec. 22. NEW SECTION. 236A.19 Foreign protective
37 orders ---- registration ---- enforcement.

38 1. As used in this section, "foreign protective
39 order" means a protective order entered by a court of
40 another state, Indian tribe, or United States territory
41 that would be an order or court-approved consent
42 agreement entered under this chapter, an order that
43 establishes conditions of release, or a protective
44 order or sentencing order in a criminal prosecution
45 arising from a sexual abuse if it had been entered in
46 Iowa.

47 2. A certified or authenticated copy of a permanent
48 foreign protective order may be filed with the clerk of
49 the district court in any county that would have venue
50 if the original action was being commenced in this

1 state or in which the person in whose favor the order
2 was entered may be present.

3 a. The clerk shall file foreign protective orders
4 that are not certified or authenticated, if supported
5 by an affidavit of a person with personal knowledge,
6 subject to the penalties for perjury. The person
7 protected by the order may provide this affidavit.

8 b. The clerk shall provide copies of the order as
9 required by section 236A.7, except that notice shall
10 not be provided to the respondent without the express
11 written direction of the person in whose favor the
12 order was entered.

13 3. a. A valid foreign protective order has the
14 same effect and shall be enforced in the same manner as
15 a protective order issued in this state whether or not
16 filed with a clerk of court or otherwise placed in a
17 registry of protective orders.

18 b. A foreign protective order is valid if it meets
19 all of the following:

20 (1) The order states the name of the protected
21 individual and the individual against whom enforcement
22 is sought.

23 (2) The order has not expired.

24 (3) The order was issued by a court or tribunal
25 that had jurisdiction over the parties and subject
26 matter under the law of the foreign jurisdiction.

27 (4) The order was issued in accordance with
28 the respondent's due process rights, either after
29 the respondent was provided with reasonable notice
30 and an opportunity to be heard before the court or
31 tribunal that issued the order, or in the case of an
32 ex parte order, the respondent was granted notice and
33 opportunity to be heard within a reasonable time after
34 the order was issued.

35 c. Proof that a foreign protective order failed
36 to meet all of the factors listed in paragraph "b"
37 shall be an affirmative defense in any action seeking
38 enforcement of the order.

39 4. A peace officer shall treat a foreign protective
40 order as a valid legal document and shall make an
41 arrest for a violation of the foreign protective order
42 in the same manner that a peace officer would make an
43 arrest for a violation of a protective order issued
44 within this state.

45 a. The fact that a foreign protective order has not
46 been filed with the clerk of court or otherwise placed
47 in a registry shall not be grounds to refuse to enforce
48 the terms of the order unless it is apparent to the
49 officer that the order is invalid on its face.

50 b. A peace officer acting reasonably and in good

1 faith in connection with the enforcement of a foreign
2 protective order shall be immune from civil and
3 criminal liability in any action arising in connection
4 with such enforcement.

5 5. Filing and service costs in connection with
6 foreign protective orders are waived as provided in
7 section 236A.3.

8 Sec. 23. NEW SECTION. 236A.20 Mutual protective
9 orders prohibited ---- exceptions.

10 A court in an action under this chapter shall not
11 issue mutual protective orders against the victim and
12 the abuser unless both file a petition requesting a
13 protective order.

14 Sec. 24. Section 331.304, Code 2015, is amended by
15 adding the following new subsection:

16 NEW SUBSECTION. 12. A county shall not adopt or
17 enforce any ordinance or regulation in violation of
18 chapter 562C.

19 Sec. 25. Section 331.424, subsection 1, paragraph
20 a, subparagraph (6), Code 2015, is amended to read as
21 follows:

22 (6) The maintenance and operation of the courts,
23 including but not limited to the salary and expenses
24 of the clerk of the district court and other employees
25 of the clerk's office, and bailiffs, court costs
26 if the prosecution fails or if the costs cannot be
27 collected from the person liable, costs and expenses
28 of prosecution under section 189A.17, salaries and
29 expenses of juvenile court officers under chapter
30 602, court-ordered costs in domestic abuse cases
31 under section 236.5, sexual abuse cases under section
32 236A.7, and elder abuse cases under section 235F.6,
33 the county's expense for confinement of prisoners
34 under chapter 356A, temporary assistance to the county
35 attorney, county contributions to a retirement system
36 for bailiffs, reimbursement for judicial magistrates
37 under section 602.6501, claims filed under section
38 622.93, interpreters' fees under section 622B.7,
39 uniform citation and complaint supplies under section
40 805.6, and costs of prosecution under section 815.13.

41 Sec. 26. Section 364.3, Code 2015, is amended by
42 adding the following new subsection:

43 NEW SUBSECTION. 11. A city shall not adopt or
44 enforce any ordinance or regulation in violation of
45 chapter 562C.

46 Sec. 27. Section 507B.4, subsection 3, paragraph
47 g, subparagraph (3), Code 2015, is amended to read as
48 follows:

49 (3) Making or permitting any discrimination in the
50 sale of insurance solely on the basis of domestic abuse

1 as defined in section 236.2 or sexual abuse as defined
2 in section 236A.2.

3 Sec. 28. NEW SECTION. 562C.1 Title ---- purpose.

4 1. This chapter shall be known and may be cited as
5 the "Right to Assistance Act".

6 2. The purpose of this chapter is to ensure that
7 an owner, lessee, or lessor of property in need of law
8 enforcement assistance or other emergency assistance
9 in the state of Iowa is not penalized for those
10 authorities being contacted, and to provide a remedy
11 for violations of this chapter.

12 Sec. 29. NEW SECTION. 562C.2 Definitions.

13 For purposes of this chapter, unless the context
14 otherwise requires:

15 1. "Commercial landlord" means a person who is the
16 owner, lessor, or sublessor of a property on which a
17 tenant operates or intends to operate a business.

18 2. "Commercial tenant" means a person who leases a
19 property for the purpose of operating a business on the
20 property.

21 3. "Landlord" means a commercial landlord or a
22 residential landlord.

23 4. "Owner" means one or more persons, jointly or
24 severally, in whom is vested either of the following:

25 a. All or part of the legal title to property.

26 b. All or part of the beneficial ownership and a
27 right to present use and enjoyment of the property, and
28 the term includes a mortgagee in possession.

29 5. "Rental agreement" means the same as defined
30 in section 562A.6 or 562B.7, or an oral or written
31 agreement embodying the terms and conditions concerning
32 the use and occupancy of real estate used for
33 commercial purposes, whichever is applicable.

34 6. "Resident" means a residential tenant, a member
35 of such tenant's family, and any other person residing
36 at the premises with the consent of the residential
37 tenant.

38 7. "Residential landlord" means the same as
39 "landlord" in section 562A.6 or 562B.7, whichever is
40 applicable.

41 8. "Residential tenant" means the same as "tenant"
42 in section 562A.6 or 562B.7, whichever is applicable.

43 9. "Tenant" means a commercial tenant or
44 residential tenant.

45 Sec. 30. NEW SECTION. 562C.3 Uniform application.

46 To provide for the uniform application of the
47 provisions of this chapter, the provisions of this
48 chapter shall supersede any local ordinance, rule, or
49 regulation that is inconsistent with or conflicts with
50 the provisions of this chapter.

1 Sec. 31. NEW SECTION. 562C.4 Prohibition of local
2 penalties for emergency assistance contact.

3 1. An ordinance, rule, or regulation of a city,
4 county, or other governmental entity shall not
5 authorize imposition of a penalty against a resident,
6 owner, tenant, or landlord for a contact made for law
7 enforcement assistance or other emergency assistance
8 by or on behalf of a victim of abuse, a victim of a
9 crime, or an individual in an emergency, if either of
10 the following is established:

11 a. The person making the contact had a reasonable
12 belief that the emergency assistance was necessary to
13 prevent the perpetration or escalation of the abuse,
14 crime, or emergency.

15 b. In the event of abuse, crime, or other
16 emergency, the emergency assistance was actually
17 needed.

18 2. Penalties prohibited by subsection 1 include the
19 following:

20 a. The actual or threatened revocation, suspension,
21 or nonrenewal of a rental certificate, license, or
22 permit.

23 b. The actual or threatened assessment of
24 penalties, fines, or fees.

25 c. The actual or threatened eviction, or causing
26 the actual or threatened eviction, from the leased
27 premises.

28 3. This section does not prohibit a city,
29 county, or other governmental entity from enforcing
30 any ordinance, rule, or regulation premised upon
31 grounds other than a contact made for law enforcement
32 assistance or other emergency assistance by or on
33 behalf of a victim of abuse, a victim of a crime, or an
34 individual in an emergency.

35 Sec. 32. NEW SECTION. 562C.5 Prohibition of
36 landlord penalties ---- waiver of rights.

37 1. A landlord may not prohibit or limit a
38 resident's or tenant's rights to summon law enforcement
39 assistance or other emergency assistance by or on
40 behalf of a victim of abuse, a victim of a crime,
41 or an individual in an emergency or may not impose
42 monetary or other penalties on a resident or tenant who
43 exercises that right.

44 2. Any waiver of the provisions of this section is
45 contrary to public policy and is void, unenforceable,
46 and of no force or effect.

47 3. This section shall not be construed to prohibit
48 a landlord from recovering from a resident or tenant an
49 amount equal to the costs incurred to repair property
50 damage if the damage is caused by law enforcement or

1 other emergency personnel summoned by the resident or
2 tenant.

3 4. This section does not prohibit a landlord from
4 terminating, evicting, or refusing to renew a tenancy
5 or rental agreement when such action is premised upon
6 grounds other than a contact made for law enforcement
7 assistance or other emergency assistance by or on
8 behalf of a victim of abuse, a victim of a crime, or an
9 individual in an emergency.

10 Sec. 33. NEW SECTION. 562C.6 Remedies.

11 1. In addition to other remedies provided by
12 law, if a city, county, or other governmental entity
13 violates the provisions of this chapter, a resident,
14 owner, tenant, or landlord is entitled to recover from
15 the city, county, or other governmental entity any of
16 the following:

17 a. An order requiring the city, county, or other
18 governmental entity to cease and desist the unlawful
19 practice.

20 b. Other equitable relief, including reinstatement
21 of a rental certificate, license, or permit, as the
22 court may deem appropriate.

23 c. Actual damages.

24 d. Reasonable attorney fees the resident, owner,
25 tenant, or landlord incurs in seeking enforcement of
26 this chapter.

27 e. Court costs.

28 2. In addition to other remedies provided by law,
29 if an owner or landlord violates the provisions of this
30 chapter, a resident or tenant is entitled to recover
31 from the owner or landlord any of the following:

32 a. A civil penalty in an amount equal to one
33 month's rent.

34 b. Actual damages.

35 c. Reasonable attorney fees the tenant or resident
36 incurs in seeking enforcement of this chapter.

37 d. Court costs.

38 e. Injunctive relief.

39 Sec. 34. Section 600A.8, Code 2015, is amended by
40 adding the following new subsection:

41 NEW SUBSECTION. 11. A biological parent of the
42 child who is the subject of the termination of parental
43 rights has been convicted of sexual abuse against the
44 other biological parent of the child and the child was
45 conceived as a result of the sexual abuse.

46 Sec. 35. Section 664A.1, subsection 2, Code 2015,
47 is amended to read as follows:

48 2. "Protective order" means a protective order
49 issued pursuant to chapter 232, a court order or
50 court-approved consent agreement entered pursuant

1 to this chapter or chapter 235F, a court order or
2 court-approved consent agreement entered pursuant
3 to chapter 236 or 236A, including a valid foreign
4 protective order under section 236.19, subsection 3, or
5 section 236A.19, subsection 3, a temporary or permanent
6 protective order or order to vacate the homestead under
7 chapter 598, or an order that establishes conditions of
8 release or is a protective order or sentencing order in
9 a criminal prosecution arising from a domestic abuse
10 assault under section 708.2A, or a civil injunction
11 issued pursuant to section 915.22.

12 Sec. 36. Section 664A.2, subsection 2, Code 2015,
13 is amended to read as follows:

14 2. A protective order issued in a civil proceeding
15 shall be issued pursuant to chapter 232, 235F, 236,
16 236A, 598, or 915. Punishment for a violation of a
17 protective order shall be imposed pursuant to section
18 664A.7.

19 Sec. 37. Section 664A.3, subsection 1, unnumbered
20 paragraph 1, Code 2015, is amended to read as follows:

21 When a person is taken into custody for contempt
22 proceedings pursuant to section 236.11, taken into
23 custody pursuant to section 236A.12, or arrested for
24 any public offense referred to in section 664A.2,
25 subsection 1, and the person is brought before a
26 magistrate for initial appearance, the magistrate shall
27 enter a no-contact order if the magistrate finds both
28 of the following:

29 Sec. 38. Section 664A.3, subsection 2, Code 2015,
30 is amended to read as follows:

31 2. Notwithstanding chapters 804 and 805, a person
32 taken into custody pursuant to section 236.11 or
33 236A.12 or arrested pursuant to section 236.12 may
34 be released on bail or otherwise only after initial
35 appearance before a magistrate as provided in chapter
36 804 and the rules of criminal procedure or section
37 236.11 or 236A.12, whichever is applicable.

38 Sec. 39. Section 664A.4, subsection 2, Code 2015,
39 is amended to read as follows:

40 2. The clerk of the district court shall
41 provide a notice and copy of the no-contact order
42 to the appropriate law enforcement agencies and the
43 twenty-four-hour dispatcher for the law enforcement
44 agencies in the same manner as provided in section
45 235F.6, ~~or~~ 236.5, or 236A.7, as applicable. The clerk
46 of the district court shall provide a notice and copy
47 of a modification or vacation of a no-contact order in
48 the same manner.

49 Sec. 40. Section 664A.5, Code 2015, is amended to
50 read as follows:

1 664A.5 Modification ---- entry of permanent no-contact
2 order.

3 If a defendant is convicted of, receives a deferred
4 judgment for, or pleads guilty to a public offense
5 referred to in section 664A.2, subsection 1, or is
6 held in contempt for a violation of a no-contact
7 order issued under section 664A.3 or for a violation
8 of a protective order issued pursuant to chapter
9 232, 235F, 236, 236A, 598, or 915, the court shall
10 either terminate or modify the temporary no-contact
11 order issued by the magistrate. The court may enter
12 a no-contact order or continue the no-contact order
13 already in effect for a period of five years from the
14 date the judgment is entered or the deferred judgment
15 is granted, regardless of whether the defendant is
16 placed on probation.

17 Sec. 41. Section 664A.7, subsections 1, 3, and 5,
18 Code 2015, are amended to read as follows:

19 1. Violation of a no-contact order issued under
20 this chapter or a protective order issued pursuant
21 to chapter 232, 235F, 236, 236A, or 598, including a
22 modified no-contact order, is punishable by summary
23 contempt proceedings.

24 3. If convicted of or held in contempt for
25 a violation of a no-contact order or a modified
26 no-contact order for a public offense referred to in
27 section 664A.2, subsection 1, or held in contempt
28 of a no-contact order issued during a contempt
29 proceeding brought pursuant to section 236.11 or
30 236A.12, the person shall be confined in the county
31 jail for a minimum of seven days. A jail sentence
32 imposed pursuant to this subsection shall be served
33 on consecutive days. No portion of the mandatory
34 minimum term of confinement imposed by this subsection
35 shall be deferred or suspended. A deferred judgment,
36 deferred sentence, or suspended sentence shall not
37 be entered for a violation of a no-contact order,
38 modified no-contact order, or protective order and the
39 court shall not impose a fine in lieu of the minimum
40 sentence, although a fine may be imposed in addition to
41 the minimum sentence.

42 5. Violation of a no-contact order entered for the
43 offense or alleged offense of domestic abuse assault
44 in violation of section 708.2A or a violation of a
45 protective order issued pursuant to chapter 232, 235F,
46 236, 236A, 598, or 915 constitutes a public offense and
47 is punishable as a simple misdemeanor. Alternatively,
48 the court may hold a person in contempt of court for
49 such a violation, as provided in subsection 3.

50 Sec. 42. Section 702.11, subsection 1, Code 2015,

1 is amended to read as follows:

2 1. A "forcible felony" is any felonious child
3 endangerment, assault, murder, sexual abuse,
4 kidnapping, robbery, arson in the first degree, ~~or~~
5 burglary in the first degree, or human trafficking.

6 Sec. 43. Section 709.15, subsection 1, paragraph
7 f, Code 2015, is amended by striking the paragraph and
8 inserting in lieu thereof the following:

9 f. (1) "School employee" means any of the
10 following, except as provided in subparagraph (2):

11 (a) A person who holds a license, certificate,
12 authorization, or statement of professional recognition
13 issued by the board of educational examiners under
14 chapter 272.

15 (b) A person employed by a school district or
16 nonpublic school full-time or part-time, or as a
17 substitute employee.

18 (c) A contract employee of a school district or
19 nonpublic school who has significant contact with
20 students enrolled in the school district or nonpublic
21 school.

22 (d) A person who performs services as a volunteer
23 for a school district or nonpublic school and who has
24 significant contact with students enrolled in the
25 school district or nonpublic school.

26 (2) "School employee" does not include the
27 following:

28 (a) A student enrolled in a school district or
29 nonpublic school.

30 (b) A person who holds a coaching authorization
31 issued under section 272.31, subsection 1, if the
32 person is less than four years older than the student
33 with whom the person engages in conduct prohibited
34 under subsection 3, paragraph "a", and the person is
35 not in a position of direct authority over the student.

36 (c) A person who performs services as a volunteer
37 for a school district or nonpublic school and who has
38 significant contact with students enrolled in the
39 school district or nonpublic school, if the person
40 is less than four years older than the student with
41 whom the person engages in conduct prohibited under
42 subsection 3, paragraph "a", and the person is not in a
43 position of direct authority over the student.

44 Sec. 44. Section 709.15, subsection 3, Code 2015,
45 is amended by adding the following new paragraph:

46 NEW PARAGRAPH. c. The provisions of this
47 subsection do not apply to a person who is employed
48 by, volunteers for, or is under contract with a school
49 district or nonpublic school if the student is not
50 enrolled in the same school district or nonpublic

1 school that employs the person or for which the person
2 volunteers or is under contract, and the person does
3 not meet the requirements of subsection 1, paragraph
4 "f", subparagraph (1), subparagraph division (a).

5 Sec. 45. Section 709.21, subsection 1, paragraph a,
6 Code 2015, is amended to read as follows:

7 a. The other person ~~does not have knowledge about~~
8 ~~and~~ does not consent or is unable to consent to being
9 viewed, photographed, or filmed.

10 Sec. 46. Section 709.21, subsection 3, Code 2015,
11 is amended to read as follows:

12 3. A person who violates this section commits a
13 serious an aggravated misdemeanor.

14 Sec. 47. Section 716.7, subsection 2, paragraph
15 a, Code 2015, is amended by adding the following new
16 subparagraph:

17 NEW SUBPARAGRAPH. (7) Intentionally viewing,
18 photographing, or filming another person through the
19 window or any other aperture of a dwelling, without
20 legitimate purpose, while present on the real property
21 upon which the dwelling is located, or while placing
22 on or retrieving from such property equipment to view,
23 photograph, or film another person, if the person
24 being viewed, photographed, or filmed has a reasonable
25 expectation of privacy, and if the person being viewed,
26 photographed, or filmed does not consent or cannot
27 consent to being viewed, photographed, or filmed.

28 Sec. 48. Section 716.8, subsection 1, Code 2015, is
29 amended to read as follows:

30 1. Any person who knowingly trespasses upon the
31 property of another commits a simple misdemeanor,
32 except that any person who intentionally trespasses as
33 defined in section 716.7, subsection 2, paragraph "a",
34 subparagraph (7), commits a serious misdemeanor.

35 Sec. 49. Section 915.22, subsection 5, Code 2015,
36 is amended to read as follows:

37 5. The clerk of the district court shall provide
38 notice and copies of restraining orders issued pursuant
39 to this section in a criminal case involving an
40 alleged violation of section 708.2A to the applicable
41 law enforcement agencies and the twenty-four hour
42 dispatcher for the law enforcement agencies, in the
43 manner provided for protective orders under section
44 236.5 or 236A.7. The clerk shall provide notice and
45 copies of modifications or vacations of these orders
46 in the same manner.

47 Sec. 50. Section 915.50, unnumbered paragraph 1,
48 Code 2015, is amended to read as follows:

49 In addition to other victim rights provided in this
50 chapter, victims of domestic abuse and sexual abuse

1 shall have the following rights:

2 Sec. 51. Section 915.50, subsections 1 and 2, Code
3 2015, are amended to read as follows:

4 1. The right to file a pro se petition for relief
5 from domestic abuse and sexual abuse in the district
6 court, pursuant to sections 236.3 through 236.10 and
7 sections 236A.3 through 236A.11.

8 2. The right, pursuant to ~~section~~ sections 236.12,
9 and 236A.13, for law enforcement to remain on the
10 scene, to assist the victim in leaving the scene,
11 to assist the victim in obtaining transportation to
12 medical care, and to provide the person with a written
13 statement of victim rights and information about
14 domestic abuse and sexual abuse shelters, support
15 services, and crisis lines.

16 Sec. 52. Section 915.94, Code 2015, is amended to
17 read as follows:

18 915.94 Victim compensation fund.

19 A victim compensation fund is established as a
20 separate fund in the state treasury. Moneys deposited
21 in the fund shall be administered by the department
22 and dedicated to and used for the purposes of
23 section 915.41 and this subchapter. In addition, the
24 department may use moneys from the fund for the purpose
25 of the department's prosecutor-based victim service
26 coordination, including the duties defined in sections
27 910.3 and 910.6 and this chapter, and for the award of
28 funds to programs that provide services and support to
29 victims of domestic abuse or ~~sexual assault~~ abuse as
30 provided in chapter 236, to victims of sexual abuse
31 as provided in chapter 236A, to victims under section
32 710A.2, and for the support of an automated victim
33 notification system established in section 915.10A.
34 The department may also use up to one hundred thousand
35 dollars from the fund to provide training for victim
36 service providers. Notwithstanding section 8.33, any
37 balance in the fund on June 30 of any fiscal year shall
38 not revert to the general fund of the state.>

39 2. Title page, line 1, after <to> by inserting
40 <sexual abuse, sexual exploitation, human trafficking,
41 summoning emergency assistance, and invasion of
42 privacy, including>

43 3. By renumbering as necessary.>

By HEARTSILL of Marion

SENATE FILE 494

H-1305

1 Amend the amendment, [H-1270](#), to [Senate File 494](#), as
2 passed by the Senate, as follows:

3 1. Page 6, after line 9 by inserting:

4 <___. a. The moneys appropriated in subsection
5 1 may be used by the department, upon adoption of
6 plans approved by the water resources coordinating
7 council established pursuant to section 466B.3,
8 to provide for the installation, operation, and
9 maintenance of verified best management practices to
10 effectively reduce nitrate and phosphorous loads in
11 priority watersheds identified by the water resources
12 coordinating council.

13 b. As a condition of receiving an appropriation
14 under paragraph "a", the department shall ensure
15 that goals are established for reducing nitrate and
16 phosphorous loads in priority watersheds following
17 the recommendations of the Mississippi river, gulf of
18 Mexico watershed nutrient task force. The department
19 shall identify a series of two-year benchmarks
20 sufficient to achieve those goals, and shall submit a
21 report to the general assembly by December 1, 2015,
22 including a description of the goals and benchmarks
23 established.>

24 2. By renumbering as necessary.

By ISENHART of Dubuque

H-1305 FILED MAY 5, 2015

SENATE FILE 494

H-1306

1 Amend the amendment, [H-1270](#), to [Senate File 494](#), as
2 passed by the Senate, as follows:

3 1. Page 4, by striking lines 31 and 32 and
4 inserting <and miscellaneous purposes:>

5 2. Page 4, by striking line 34.

6 3. Page 19, by striking lines 37 and 38 and
7 inserting <and miscellaneous purposes:>

8 4. Page 19, by striking line 40.

By DRAKE of Cass

H-1306 FILED MAY 5, 2015

SENATE FILE 494

H-1307

1 Amend the amendment, [H-1270](#), to [Senate File 494](#), as
2 passed by the Senate, as follows:
3 1. Page 8, after line 39 by inserting:
4 <SPECIAL APPROPRIATIONS GROUNDWATER PROTECTION FUND
5 Sec. _____. SEWER SYSTEMS AND SERVICES -- ASSISTANCE
6 TO COMMUNITIES. Notwithstanding section 455E.11,
7 subsection 2, paragraph "b", subparagraph (3),
8 subparagraph division (b), of the unobligated and
9 unencumbered moneys remaining in the agriculture
10 management account of the groundwater protection fund
11 that would otherwise be required to be transferred
12 to the Iowa department of public health under that
13 subparagraph division, there is appropriated to the
14 department of natural resources for the fiscal year
15 beginning July 1, 2015, and ending June 30, 2016, the
16 following amount, or so much thereof as is necessary,
17 to be used for the purpose designated:
18 For allocation to utility management organizations
19 to assist incorporated or unincorporated communities in
20 installing sewer systems and providing sewer services
21 to its residents:
22 \$ 50,000>
23 2. By renumbering as necessary.

By DRAKE of Cass

H-1307 FILED MAY 5, 2015

SENATE FILE 494

H-1308

1 Amend the amendment, [H-1270](#), to [Senate File 494](#), as
2 passed by the Senate, as follows:
3 1. Page 6, line 30, by striking <12,500,000> and
4 inserting <12,862,307>
5 2. Page 8, line 28, by striking <1,950,000> and
6 inserting <2,000,000>
7 3. Page 21, line 36, by striking <6,250,000> and
8 inserting <6,431,153 >
9 4. Page 23, line 34, by striking <975,000> and
10 inserting <1,000,000>

By RUFF of Clayton

H-1308 FILED MAY 5, 2015

SENATE FILE 494

H-1309

1 Amend the amendment, [H-1270](#), to [Senate File 494](#), as
2 passed by the Senate, as follows:
3 1. Page 1, line 20, by striking <17,405,804> and
4 inserting <17,655,492>
5 2. Page 16, line 26, by striking <8,702,902> and
6 inserting <8,827,746>

By H. MILLER of Webster

H-1309 FILED MAY 5, 2015

SENATE FILE 494

H-1310

1 Amend the amendment, H-1270, to Senate File 494, as
2 passed by the Senate, as follows:

3 1. Page 6, line 38, after <ranger> by inserting <or
4 park manager>

5 2. Page 21, line 44, after <ranger> by inserting
6 <or park manager>

By OURTH of Warren

H-1310 FILED MAY 5, 2015

SENATE FILE 494

H-1311

1 Amend the amendment, H-1270, to Senate File 494, as
2 passed by the Senate, as follows:

3 1. Page 15, line 44, by striking <13,500,000> and
4 inserting <16,000,000>

By OURTH of Warren

H-1311 FILED MAY 5, 2015

SENATE FILE 494

H-1313

1 Amend the amendment, H-1270, to Senate File 494, as
2 passed by the Senate, as follows:

3 1. Page 4, after line 13 by inserting:
4 <Sec. ____ . AVIAN FLU STUDY.

5 1. There is appropriated from the general fund of
6 the state to the department of agriculture and land
7 stewardship for the fiscal year beginning July 1, 2014,
8 and ending June 30, 2015, the following amount, or
9 so much thereof as is necessary, to be used for the
10 purposes designated:

11 For determining the cause and spread of any virus
12 commonly referred to as avian influenza as transmitted
13 to domesticated fowl:

14 \$ 50,000

15 2. Notwithstanding section 8.33, moneys
16 appropriated for the fiscal year beginning July 1,
17 2014, in this section that remain unencumbered or
18 unobligated at the close of the fiscal year shall not
19 revert but shall remain available to be used for the
20 purposes designated until the close of the succeeding
21 fiscal year.

22 Sec. ____ . EFFECTIVE UPON ENACTMENT. The section
23 of this division of this Act appropriating moneys
24 for determining the cause and spread of any virus
25 commonly referred to as avian influenza, being deemed
26 of immediate importance, takes effect upon enactment.>

27 2. By renumbering as necessary.

By MASCHER of Johnson

H-1313 FILED MAY 5, 2015

SENATE FILE 497

H-1318

1 Amend the amendment, H-1300, to Senate File 497,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, line 19, after <program,> by inserting
5 <human trafficking training,>

6 2. Page 14, line 48, after <program,> by inserting
7 <human trafficking training,>

By WORTHAN of Buena Vista

H-1318 FILED MAY 5, 2015

SENATE FILE 497

H-1323

1 Amend the amendment, H-1300, to Senate File 497,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, line 30, by striking <5,734,400> and
5 inserting <6,734,400>

6 2. Page 15, line 9, by striking <2,867,200> and
7 inserting <3,367,200>

By T. TAYLOR of Linn

H-1323 FILED MAY 5, 2015

SENATE FILE 497

H-1324

1 Amend the amendment, H-1300, to Senate File 497,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 2, after line 26 by inserting:

5 <3. The department of justice in conjunction
6 with the departments of revenue and public safety
7 and any other relevant departments shall study the
8 implementation of new procedures to accurately verify
9 the identity of taxpayers who file tax returns in order
10 to prevent the issuance of fraudulent or erroneous
11 refunds. The departments may study the policies
12 and procedures of other jurisdictions and shall make
13 recommendations to prevent the issuance of fraudulent
14 or erroneous refunds in a report that shall be filed
15 with the general assembly by January 15, 2016.>

By DUNKEL of Dubuque

T. TAYLOR of Linn

H-1324 FILED MAY 5, 2015

SENATE FILE 497

H-1325

1 Amend the amendment, [H-1300](#), to [Senate File 497](#),
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 2, after line 26 by inserting:
5 <3. The department of justice shall coordinate with
6 the state criminalistics laboratory relating to the
7 preparation and distribution of a rape kit survey that
8 is to be sent to all local law enforcement agencies in
9 the state.>

By ANDERSON of Polk

H-1325 FILED MAY 5, 2015

SENATE FILE 497

H-1329

1 Amend the amendment, [H-1300](#), to [Senate File 497](#),
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 13, line 35, by striking <1,111,063> and
5 inserting <1,169,540>
6 2. Page 27, line 14, by striking <555,532> and
7 inserting <584,770>

By THEDE of Scott

H-1329 FILED MAY 5, 2015

SENATE FILE 497

H-1330

1 Amend the amendment, [H-1300](#), to [Senate File 497](#),
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 2, line 2, by striking <2,000,000> and
5 inserting <2,400,000>
6 2. Page 15, line 31, by striking <1,000,000> and
7 inserting <1,200,000>

By T. TAYLOR of Linn

H-1330 FILED MAY 5, 2015

SENATE FILE 497

H-1333

1 Amend the amendment, [H-1300](#), to [Senate File 497](#),
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, line 41, by striking <150,000> and
5 inserting <350,000>

6 2. Page 1, line 43, by striking <program.> and
7 inserting <program and crime victim training. Of the
8 amount transferred \$150,000 shall be used for victim
9 assistance grants and up to \$200,000 shall be used to
10 develop and implement professional and public training
11 related to crime victims.>

12 3. Page 15, line 20, by striking <150,000> and
13 inserting <350,000>

14 4. Page 15, line 22, by striking <program.> and
15 inserting <program and crime victim training. Of the
16 amount transferred \$150,000 shall be used for victim
17 assistance grants and up to \$200,000 shall be used to
18 develop and implement professional and public training
19 related to crime victims.>

By ANDERSON of Polk

H-1333 FILED MAY 5, 2015

SENATE FILE 499

H-1315

1 Amend the amendment, [H-1299](#), to [Senate File 499](#), as
2 passed by the Senate, as follows:

3 1. Page 6, line 47, by striking <4,492,416> and
4 inserting <4,667,416>

5 2. Page 6, line 48, by striking <54.10> and
6 inserting <57.10>

7 3. Page 7, after line 3 by inserting:

8 <c. Of the moneys appropriated under this
9 subsection, the department shall allocate \$175,000 for
10 the purpose of employing additional investigators and
11 support staff to investigate wage enforcement.>

12 4. By renumbering, redesignating, and correcting
13 internal references as necessary.

By RUNNING-MARQUARDT of Linn

H-1315 FILED MAY 5, 2015

SENATE FILE 499

H-1316

1 Amend the amendment, H-1299, to Senate File 499, as
2 passed by the Senate, as follows:

3 1. Page 24, by striking line 11 and inserting <of
4 the succeeding fiscal year.

5 DIVISION _____

6 MISCELLANEOUS PROVISIONS -- WAGE PAYMENT COLLECTION

7 Sec. _____. Section 91A.5, subsection 1, unnumbered
8 paragraph 1, Code 2015, is amended to read as follows:

9 An employer shall have the burden to establish
10 that a deduction from employee wages is lawful. An
11 employer shall not withhold or divert any portion of
12 an employee's wages unless:

13 Sec. _____. Section 91A.5, subsection 1, paragraph b,
14 Code 2015, is amended to read as follows:

15 b. The employer ~~has~~ obtains advance written
16 authorization from the employee to so deduct for any
17 lawful purpose accruing to the benefit of the employee.

18 Sec. _____. Section 91A.6, subsection 1, Code 2015,
19 is amended to read as follows:

20 1. An employer shall ~~after being notified by the~~
21 ~~commissioner pursuant to subsection 2~~ do the following:

22 a. Notify its employees in writing at the time of
23 hiring what wages and regular paydays are designated
24 by the employer.

25 b. Notify its employees in writing whose wages are
26 determined based on a task, piece, mile, or load basis
27 about the method used to calculate wages and when the
28 wages are earned by the employees.

29 ~~b.~~ c. Notify, at least one pay period prior to the
30 initiation of any changes, its employees of any changes
31 in the arrangements specified in this subsection ~~+~~ that
32 reduce wages or alter the regular paydays. The notice
33 shall either be in writing or posted at a place where
34 employee notices are routinely posted.

35 ~~e.~~ d. Make available to its employees upon written
36 request, a written statement enumerating employment
37 agreements and policies with regard to vacation pay,
38 sick leave, reimbursement for expenses, retirement
39 benefits, severance pay, or other comparable matters
40 with respect to wages. Notice of such availability
41 shall be given to each employee in writing or by a
42 notice posted at a place where employee notices are
43 routinely posted.

44 ~~d.~~ e. Establish, maintain, and preserve for three
45 calendar years the payroll records showing the hours
46 worked, wages earned, and deductions made for each
47 employee and any employment agreements entered into
48 between an employer and employee. Failure to do so
49 shall raise a rebuttable presumption that the employer
50 did not pay the required minimum wage under section

H-1316

1 91D.1.

2 Sec. _____. Section 91A.6, subsection 2, Code 2015,
3 is amended by striking the subsection.

4 Sec. _____. Section 91A.6, subsection 4, Code 2015,
5 is amended by striking the subsection and inserting in
6 lieu thereof the following:

7 4. a. On each regular payday, the employer shall
8 send to each employee by mail or shall provide at the
9 employee's normal place of employment during normal
10 employment hours a statement showing the wages earned
11 by the employee, the deductions made for the employee,
12 and the following information, as applicable:

13 (1) For each employee paid in whole or in part on
14 an hourly basis, the statement shall show the hours the
15 employee worked.

16 (2) For each employee paid based on a percentage of
17 sales or based on a percentage of revenue generated for
18 the employer, the statement shall include a list of the
19 amount of each sale or the amount of revenue during the
20 pay period.

21 (3) For each employee whose pay is based on the
22 number of miles or loads performed, the statement shall
23 include the applicable number performed during the pay
24 period.

25 b. An employer who provides each employee access to
26 view an electronic statement of the employee's earnings
27 and provides the employee free and unrestricted access
28 to a printer to print the employee's statement of
29 earnings, if the employee chooses, is in compliance
30 with this subsection.

31 Sec. _____. Section 91A.8, Code 2015, is amended to
32 read as follows:

33 91A.8 Damages recoverable by an employee.

34 When it has been shown that an employer has
35 ~~intentionally~~ failed to pay an employee wages or
36 reimburse expenses pursuant to section 91A.3, whether
37 as the result of a wage dispute or otherwise, the
38 employer shall be liable to the employee for any the
39 unpaid wages or unreimbursed expenses that are so
40 ~~intentionally failed to be paid or reimbursed~~, plus
41 liquidated damages, court costs, and any ~~attorney's~~
42 attorney fees incurred in recovering the unpaid wages
43 or unreimbursed expenses and determined to have been
44 usual and necessary. ~~In other instances the employer~~
45 ~~shall be liable only for unpaid wages or expenses,~~
46 ~~court costs and usual and necessary attorney's fees~~
47 ~~incurred in recovering the unpaid wages or expenses.~~

48 Sec. _____. Section 91A.9, subsection 3, Code 2015,
49 is amended to read as follows:

50 3. The commissioner may employ such qualified

1 personnel as are necessary for the enforcement of this
2 chapter. Such personnel shall be employed pursuant
3 to chapter 8A, subchapter IV. The commissioner shall
4 employ wage investigators for the enforcement of this
5 chapter.

6 Sec. _____. Section 91A.9, Code 2015, is amended by
7 adding the following new subsection:

8 NEW SUBSECTION. 4A. The commissioner shall
9 establish a statewide, toll-free telephone hotline for
10 the purpose of receiving reports of violations of this
11 chapter.

12 Sec. _____. Section 91A.10, subsection 5, Code 2015,
13 is amended to read as follows:

14 ~~5. An employer shall not discharge or in any other~~
15 ~~manner discriminate against any employee because the~~
16 ~~employee has filed a complaint, assigned a claim, or~~
17 ~~brought an action under this section or has cooperated~~
18 ~~in bringing any action against an employer.~~

19 5. a. An employer or other person shall not
20 discharge or in any other manner discriminate or
21 retaliate against any of the following:

22 (1) An employee or other person for exercising any
23 right provided under this chapter or any rules adopted
24 pursuant to this chapter.

25 (2) Another employee or person for providing
26 assistance to an employee or providing information
27 regarding the employee or person.

28 (3) Another employee or person for testifying or
29 planning to testify in any investigation or proceeding
30 regarding the employee or person.

31 b. Taking adverse action against an employee or
32 other person within ninety days of an employee's or
33 other person's engaging in any of the activities in
34 paragraph "a" raises a presumption that such action was
35 retaliation, which may be rebutted by evidence that
36 such action was taken for other permissible reasons.

37 c. Any employee may file a complaint with the
38 commissioner alleging discharge, ~~or~~ discrimination,
39 or retaliation within thirty days after such
40 violation occurs. Upon receipt of the complaint, the
41 commissioner shall cause an investigation to be made
42 to the extent deemed appropriate. If the commissioner
43 determines from the investigation that the provisions
44 of this subsection have been violated, the commissioner
45 shall bring an action in the appropriate district court
46 against such person. The district court shall have
47 jurisdiction, for cause shown, to restrain violations
48 of this subsection and order all appropriate relief
49 including rehiring or reinstatement of the employee to
50 the former position with back pay.

1 Sec. _____. Section 91A.10, Code 2015, is amended by
2 adding the following new subsection:

3 NEW SUBSECTION. 6. A civil action to enforce
4 subsection 5 may also be maintained in any court of
5 competent jurisdiction by the commissioner or by any
6 party injured by a violation of subsection 5. An
7 employer or other person who retaliates against an
8 employee or other person in violation of subsection 5
9 shall be required to pay the employee or other person
10 an amount set by the commissioner or a court sufficient
11 to compensate the employee or other person and to deter
12 future violations, but not less than one hundred fifty
13 dollars for each day that the violation occurred.

14 Sec. _____. NEW SECTION. 91A.12A Erroneous
15 violations.

16 If an employer erroneously violates the provisions
17 of this chapter or the rules adopted pursuant to this
18 chapter, the employer shall not be subject to liability
19 to an employee pursuant to section 91A.8, the violation
20 shall not constitute an enforceable claim as provided
21 in section 91A.10, and the employer shall not be
22 subject to a civil money penalty pursuant to section
23 91A.12, if all of the following conditions are met:

24 a. The commissioner determines that the violation
25 was erroneous and that the employer attempted in good
26 faith to comply with the provisions of this chapter and
27 the rules adopted pursuant to this chapter.

28 b. The commissioner, after considering any history
29 of violations of this chapter or the rules adopted
30 pursuant to this chapter by the employer, determines
31 that the violation was isolated in nature.

32 c. The employer corrects the violation to the
33 satisfaction of the labor commissioner within fourteen
34 days of the occurrence of the violation.

35 Sec. _____. NEW SECTION. 91A.15 Commissions earned
36 date.

37 An employer shall not require that a person be a
38 current employee to be paid a commission that the
39 person otherwise earned.

40 Sec. _____. NEW SECTION. 91A.16 Inconsistency with
41 federal law.

42 A provision of this chapter shall not apply to any
43 employer or employee if such provision would conflict
44 with federal law or regulation.

45 Sec. _____. NOTIFICATION REQUIREMENTS. The labor
46 commissioner shall provide for the notification of
47 each employer in this state of the requirements for
48 employers provided in this division of this Act by
49 September 1, 2015. Such notification shall include
50 suggested forms and procedures that employers may

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Page 5

1 use for purposes of compliance with the notice and
2 recordkeeping requirements of section 91A.6, as amended
3 by this division of this Act.

4 Sec. ____ . EFFECTIVE DATE. This division of this
5 Act takes effect January 1, 2016.>>

6 2. Page 24, lines 13 and 14, by striking
7 <institutions, and> and inserting <institutions,
8 providing penalties and remedies,>

9 3. Page 24, line 14, after <atters> by inserting
10 <, and including effective date provisions>

11 4. By renumbering, redesignating, and correcting
12 internal references as necessary.

By HUNTER of Polk

H-1316 FILED MAY 5, 2015

SENATE FILE 499

H-1317

1 Amend the amendment, H-1299, to Senate File 499, as
2 passed by the Senate, as follows:

3 1. Page 5, after line 33 by inserting:

4 <7. HOME BASE IOWA MARKETING

5 There is appropriated from the general fund of the
6 state to the economic development authority for the
7 fiscal year beginning July 1, 2015, and ending June 30,
8 2016, the following amount to be used for the purposes
9 of marketing to attract veterans to the state:

10 \$ 500,000>

11 2. Page 17, after line 11 by inserting:

12 <7. HOME BASE IOWA MARKETING

13 There is appropriated from the general fund of the
14 state to the economic development authority for the
15 fiscal year beginning July 1, 2016, and ending June 30,
16 2017, the following amount to be used for the purposes
17 of marketing to attract veterans to the state:

18 \$ 250,000>

19 3. By renumbering as necessary.

By DUNKEL of Dubuque

H-1317 FILED MAY 5, 2015

SENATE FILE 499

H-1319

1 Amend the amendment, H-1299, to Senate File 499, as
2 passed by the Senate, as follows:

3 1. Page 24, by striking line 11 and inserting <of
4 the succeeding fiscal year.

5 DIVISION _____

6 MISCELLANEOUS PROVISIONS ----- PAYROLL DEBIT CARDS

7 Sec. _____. Section 91A.3, subsection 3, Code 2015,
8 is amended to read as follows:

9 3. a. The wages paid under subsection 1 shall be
10 paid using a method authorized by this section.

11 b. Wages due may be paid at the employee's normal
12 place of employment during normal employment hours
13 or at a place and hour mutually agreed upon by the
14 employer and employee, ~~or the employee may elect~~
15 ~~to have the wages sent for direct deposit, on or by~~
16 ~~the regular payday of the employee, into a financial~~
17 ~~institution designated by the employee.~~

18 c. Upon written request by the employee, wages due
19 may be sent to the employee by mail. The employer
20 shall maintain a copy of the request for as long as it
21 is effective and for at least two years thereafter.

22 d. The employee may elect to have wages due sent
23 for direct deposit, on or by the regular payday of the
24 employee, into a financial institution designated by
25 the employee. An employee hired on or after July 1,
26 2005, may be required, as a condition of employment, to
27 participate in direct deposit of the employee's wages
28 in a financial institution of the employee's choice
29 unless any of the following conditions exist:

30 (1) The costs to the employee of establishing
31 and maintaining an account for purposes of the direct
32 deposit would effectively reduce the employee's wages
33 to a level below the minimum wage provided under
34 section 91D.1.

35 (2) The employee would incur fees charged to the
36 employee's account as a result of the direct deposit.

37 (3) The provisions of a collective bargaining
38 agreement mutually agreed upon by the employer and
39 the employee organization prohibit the employer from
40 requiring an employee to sign up for direct deposit as
41 a condition of hire.

42 e. (1) An employer may offer payment of wages by
43 debit card or pay card pursuant to this section only if
44 all of the following requirements are met:

45 (a) The employee voluntarily agrees in writing to
46 payment by debit card or pay card after the employer
47 offers to pay the employee's wages by debit card or pay
48 card and notifies the employee in writing that receipt
49 of payment by debit card or pay card is voluntary on
50 the employee's part and listing the other method or

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1 methods of payment offered by the employer.

2 (b) The employee has the option of withdrawing all
3 wages due once per pay period, but not more frequently
4 than once per week, without incurring any charge, if
5 such withdrawal of wages is conducted at a financial
6 institution's office location. For purposes of this
7 subparagraph division, "financial institution" means
8 the same as defined in section 537.1301.

9 (2) The employer shall retain copies of the
10 employee's written consent and the notice of charges
11 for the period for which the consent is effective and
12 for at least two years thereafter.

13 (3) The employer shall substitute another payment
14 method in accordance with this section no later than
15 two pay periods after receiving a request from an
16 employee for termination of payment by debit card or
17 pay card.

18 b. f. If the employer fails to pay an employee's
19 wages on or by the regular payday in accordance with
20 this subsection, the employer is liable for the amount
21 of any overdraft charge if the overdraft is created
22 on the employee's account because of the employer's
23 failure to pay the wages on or by the regular payday.
24 The overdraft charges may be the basis for a claim
25 under section 91A.10 and for damages under section
26 91A.8.

27 Sec. ____ . Section 91A.6, subsection 4, Code 2015,
28 is amended to read as follows:

29 4. On each regular payday, the employer shall
30 send to each employee by mail or shall provide at the
31 employee's normal place of employment during normal
32 employment hours a statement showing the beginning and
33 ending dates of the pay period to which the statement
34 applies, the hours the employee worked, the wages
35 earned by the employee, and deductions made for the
36 employee. However, the employer need not provide
37 information on hours worked for employees who are
38 exempt from overtime under the federal Fair Labor
39 Standards Act, as defined in 29 C.F.R. pt. 541, unless
40 the employer has established a policy or practice of
41 paying to or on behalf of exempt employees overtime, a
42 bonus, or a payment based on hours worked, whereupon
43 the employer shall send or otherwise provide a
44 statement to the exempt employees showing the hours the
45 employee worked or the payments made to the employee by
46 the employer, as applicable. An employer who provides
47 each employee access to view an electronic statement
48 of the employee's earnings and provides the employee
49 free and unrestricted access to a printer to print
50 the employee's statement of earnings, if the employee

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Page 3

1 chooses, is in compliance with this subsection.>>

2 2. By renumbering, redesignating, and correcting

3 internal references as necessary.

By STAED of Linn

H-1319 FILED MAY 5, 2015

SENATE FILE 499

H-1320

1 Amend the amendment, H-1299, to Senate File 499, as
2 passed by the Senate, as follows:

3 1. Page 24, by striking line 11 and inserting <of
4 the succeeding fiscal year.

5 DIVISION _____
6 MISCELLANEOUS PROVISIONS ---- VETERAN-OWNED BUSINESSES
7 Sec. _____. Section 15.102, subsection 10, paragraph
8 a, unnumbered paragraph 1, Code 2015, is amended to
9 read as follows:

10 "Targeted small business" means a small business
11 which is fifty-one percent or more owned, operated,
12 and actively managed by one or more women, minority
13 persons, service-disabled veterans, or persons with
14 a disability provided the business meets all of the
15 following requirements:

16 Sec. _____. Section 15.102, subsection 10, paragraph
17 b, Code 2015, is amended by adding the following new
18 subparagraph:

19 NEW SUBPARAGRAPH. (4) "Service-disabled veteran"
20 means the same as defined in 15 U.S.C. {632.

21 Sec. _____. Section 73.14, subsection 1, Code 2015,
22 is amended to read as follows:

23 1. The state, board of regents institutions,
24 counties, townships, school districts, community
25 colleges, cities, and other public entities, and
26 every person acting as contracting agent for any such
27 entity, shall, when issuing bonds or other obligations,
28 make a good-faith effort to utilize minority-owned,
29 service-disabled veteran-owned, and female-owned
30 businesses for attorneys, accountants, financial
31 advisors, banks, underwriters, insurers, and other
32 occupations necessary to carry out the issuance of
33 bonds or other obligations by the entity.

34 Sec. _____. Section 73.14, subsection 2, Code 2015,
35 is amended by adding the following new paragraph:

36 NEW PARAGRAPH. c. "Service-disabled veteran-owned
37 business" means a business that is fifty-one percent or
38 more owned, operated, and actively managed by one or
39 more service-disabled veterans, as defined in 15 U.S.C.
40 {632.

41 Sec. _____. Section 73.16, subsection 2, paragraph d,
42 Code 2015, is amended to read as follows:

43 d. Of the total value of anticipated procurements
44 of goods and services under this subsection, an
45 additional goal shall be established to procure at
46 least forty percent from minority-owned businesses, and
47 forty percent from female-owned businesses and forty
48 percent from service-disabled veteran-owned businesses,
49 as defined in section 73.14, that are targeted small
50 businesses.>>

H-1320

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1 2. By renumbering, redesignating, and correcting
2 internal references as necessary.

By HALL of Woodbury

H-1320 FILED MAY 5, 2015

SENATE FILE 499

H-1322

1 Amend the amendment, H-1299, to Senate File 499, as
2 passed by the Senate, as follows:
3 1. Page 1, line 18, by striking <161,482> and
4 inserting <91,482>
5 2. Page 1, line 39, by striking <1,233,764> and
6 inserting <1,133,764>
7 3. Page 1, line 41, by striking <\$300,000> and
8 inserting <\$200,000>
9 4. Page 3, line 11, by striking <14,720,459> and
10 inserting <15,320,459>
11 5. Page 5, line 3, by striking <800,000> and
12 inserting <700,000>
13 6. Page 6, line 30, by striking <1,335,452> and
14 inserting <1,305,452>
15 7. Page 7, line 26, by striking <9,143,698> and
16 inserting <8,843,698>
17 8. Page 9, by striking lines 20 through 38 and
18 inserting:
19 <a. ECONOMIC DEVELOPMENT AUTHORITY
20 (1) For the purposes of providing assistance under
21 the high quality jobs program as described in section
22 15.335B:
23 \$ 16,900,000
24 (2) From the moneys appropriated in this lettered
25 paragraph "a", the economic development authority may
26 use not more than \$1,000,000 for purposes of providing
27 infrastructure grants to mainstreet communities under
28 the main street Iowa program.
29 (3) As a condition of receiving moneys appropriated
30 in this lettered paragraph "a", an entity shall
31 testify upon the request of the joint appropriations
32 subcommittee on economic development regarding the
33 expenditure of such moneys.>
34 9. Page 12, line 46, by striking <80,741> and
35 inserting <45,741>
36 10. Page 13, line 17, by striking <616,882> and
37 inserting <566,882>
38 11. Page 13, line 19, by striking <\$300,000> and
39 inserting <\$200,000>
40 12. Page 14, line 39, by striking <7,360,230> and
41 inserting <7,660,230>
42 13. Page 16, line 31, by striking <400,000> and
43 inserting <350,000>
44 14. Page 18, line 8, by striking <667,726> and
45 inserting <652,726>
46 15. Page 19, line 5, by striking <4,571,849> and
47 inserting <4,421,849>
48 16. By striking page 20, line 49, through page 21,
49 line 17, and inserting:
50 <a. ECONOMIC DEVELOPMENT AUTHORITY

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Page 2

1 (1) For the purposes of providing assistance under
2 the high quality jobs program as described in section
3 15.335B:
4 \$ 8,450,000

5 (2) From the moneys appropriated in this lettered
6 paragraph "a", the economic development authority may
7 use not more than \$1,000,000 for purposes of providing
8 infrastructure grants to mainstreet communities under
9 the main street Iowa program.

10 (3) As a condition of receiving moneys appropriated
11 in this lettered paragraph "a", an entity shall
12 testify upon the request of the joint appropriations
13 subcommittee on economic development regarding the
14 expenditure of such moneys.>

15 17. By renumbering as necessary.

By DEYOE of Story

H-1322 FILED MAY 5, 2015

SENATE FILE 499

H-1326

1 Amend the amendment, H-1299, to Senate File 499, as
2 passed by the Senate, as follows:

3 1. Page 8, after line 43 by inserting:
4 <Sec. ____ . DEPARTMENT OF WORKFORCE DEVELOPMENT JOB
5 POSTINGS. The department of workforce development
6 shall post job openings of employers receiving
7 financial assistance or tax credits which total more
8 than ten thousand dollars from the economic development
9 authority for all jobs created during the length of
10 the agreement with the economic development authority.
11 Such job postings shall be posted on the workforce
12 development internet site prior to being advertised
13 nationally or internationally.>

14 2. Page 20, after line 22 by inserting:
15 <Sec. ____ . DEPARTMENT OF WORKFORCE DEVELOPMENT JOB
16 POSTINGS. The department of workforce development
17 shall post job openings of employers receiving
18 financial assistance or tax credits which total more
19 than ten thousand dollars from the economic development
20 authority for all jobs created during the length of
21 the agreement with the economic development authority.
22 Such job postings shall be posted on the workforce
23 development internet site prior to being advertised
24 nationally or internationally.>

25 3. By renumbering, redesignating, and correcting
26 internal references as necessary.

By KEARNS of Lee

H-1326 FILED MAY 5, 2015

SENATE FILE 499

H-1327

1 Amend the amendment, H-1299, to Senate File 499, as
2 passed by the Senate, as follows:

3 1. Page 24, by striking line 11 and inserting <of
4 the succeeding fiscal year.

5 DIVISION _____
6 MISCELLANEOUS PROVISIONS ---- NUISANCE PROPERTIES AND
7 ABANDONED BUILDINGS

8 Sec. _____. Section 15.335B, subsection 2, paragraph
9 a, Code 2015, is amended by adding the following new
10 subparagraph:

11 NEW SUBPARAGRAPH. (8) For deposit in the nuisance
12 property remediation fund created pursuant to section
13 15.338.

14 Sec. _____. NEW SECTION. 15.338 Nuisance property
15 remediation assistance ---- fund.

16 1. a. The economic development authority shall
17 establish a nuisance property remediation fund pursuant
18 to section 15.106A, subsection 1, paragraph "o",
19 for purposes of providing financial assistance to
20 cities for the remediation of nuisance properties
21 and abandoned buildings and other structures. The
22 authority shall administer the fund in a manner
23 designed to make funds annually available to cities for
24 purposes of this section.

25 b. The authority may administer a fund established
26 for purposes of this section as a revolving fund. The
27 fund may consist of any moneys appropriated by the
28 general assembly for purposes of this section and
29 any other moneys that are lawfully available to the
30 authority, including moneys transferred or deposited
31 from other funds created pursuant to section 15.106A,
32 subsection 1, paragraph "o".

33 c. The authority shall use any moneys specifically
34 appropriated for purposes of this section only for the
35 purposes of this section. The authority may use all
36 other moneys in the fund, including interest, earnings,
37 recaptures, and repayments for purposes of this section
38 or the authority may transfer the other moneys to other
39 funds created pursuant to section 15.106A, subsection
40 1, paragraph "o".

41 d. Notwithstanding section 8.33, moneys in the
42 nuisance property remediation fund at the end of each
43 fiscal year shall not revert to any other fund but
44 shall remain in the fund for expenditure for subsequent
45 fiscal years.

46 e. The authority may use not more than five percent
47 of the moneys in the fund at the beginning of the
48 fiscal year for purposes of administrative costs,
49 finance, compliance, marketing, and program support.

50 2. The authority shall use moneys in the fund

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1 to provide financial assistance to cities for the
2 remediation of nuisance properties and abandoned
3 buildings and other structures. Such financial
4 assistance may include grants, loans, forgivable loans,
5 or other forms of financial assistance as necessary to
6 effectuate the purposes of this section. The authority
7 may provide financial assistance under this section
8 using a competitive scoring process.

9 3. In providing financial assistance under this
10 section, the authority may give priority to cities
11 with severe blighted areas, widespread dilapidated
12 housing stock, or high rates of low or moderate income
13 residents.

14 4. The authority shall enter into an agreement with
15 each city for the receipt of financial assistance under
16 this section. The authority may negotiate the terms
17 of the agreement.

18 5. In providing financial assistance under this
19 section, the authority shall coordinate with a city to
20 develop a plan for the use of funds that is consistent
21 with the community development, housing, and economic
22 development goals of the city. The terms of the
23 agreement entered into pursuant to subsection 3 and the
24 use of financial assistance provided under this section
25 shall reflect the plan developed based on a city's
26 goals.

27 6. If a city receives financial assistance under
28 this section, the amount of any lien created for costs
29 related to remediation of the property, shall not
30 include any moneys that the city received pursuant to
31 this section to remediate the property.

32 7. The authority shall submit a report to the
33 general assembly and the governor's office on or
34 before January 31, 2019, describing the results of the
35 program implemented pursuant to this section and making
36 recommendations for additional program changes.

37 Sec. _____. Section 657A.1, subsections 1 and 3, Code
38 2015, are amended to read as follows:

39 1. "Abandoned" or "abandonment" means that a
40 building has remained vacant and has been in violation
41 of the housing code or building code of the city in
42 which the property is located or the housing code or
43 building code applicable in the county in which the
44 property is located if outside the limits of a city for
45 a period of six consecutive months.

46 3. "Building" means a building or structure located
47 in a city or outside the limits of a city in a county,
48 which is used or intended to be used for commercial
49 or industrial purposes or which is used or intended
50 to be used for residential purposes, and includes a

1 building or structure in which some floors may be used
2 for retail stores, shops, salesrooms, markets, or
3 similar commercial uses, or for offices, banks, civic
4 administration activities, professional services, or
5 similar business or civic uses, and other floors are
6 used, designed, or intended to be used for residential
7 purposes.

8 Sec. _____. Section 657A.10A, subsection 1, paragraph
9 b, Code 2015, is amended to read as follows:

10 b. The petition shall be filed in the district
11 court of the county in which the property is located.
12 Service on the owner and any other named respondents
13 shall be by personal service or certified mail and or,
14 if service cannot be made by either method, by posting
15 the notice in a conspicuous place on the building and
16 by publication in a newspaper of general circulation in
17 the city. The action shall be in equity.

18 Sec. _____. Section 657A.10A, subsection 3,
19 paragraphs d, f, and j, Code 2015, are amended to read
20 as follows:

21 d. Whether the building meets the city's housing
22 code ~~for~~ as being fit for human habitation, occupancy,
23 or use.

24 f. Whether the building is boarded up or otherwise
25 secured from unauthorized entry.

26 j. Past and current compliance with orders of the
27 local housing or building code official.

28 Sec. _____. Section 657A.10A, subsection 3,
29 Code 2015, is amended by adding the following new
30 paragraphs:

31 NEW PARAGRAPH. 0e. Whether the building meets the
32 city's building code as being fit for occupancy or use.

33 NEW PARAGRAPH. 0h. Whether those claiming an
34 interest in the property have, prior to the filing
35 of the petition, demonstrated a good-faith effort to
36 restore the property to productive use.

37 Sec. _____. Section 657A.10A, subsections 4 and 5,
38 Code 2015, are amended to read as follows:

39 4. In lieu of the considerations in subsection 3,
40 if the city can establish to the court's satisfaction
41 that all parties with an interest in the property have
42 received proper notice and either consented to the
43 entry of an order awarding title to the property to the
44 city or did not make a ~~good-faith~~ good-faith effort to
45 comply with the order of the local housing or building
46 code official within sixty days after the filing of the
47 petition, the court shall enter judgment against the
48 respondents granting the city title to the property.

49 5. If the court determines that the property has
50 been abandoned or that subsection 4 applies, the court

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Page 4

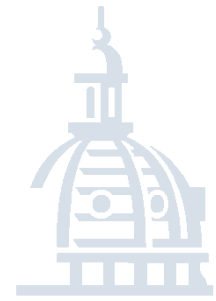
1 shall enter judgment and order awarding title to the
2 city. The title awarded to the city shall be free and
3 clear of any claims, liens, or encumbrances held by the
4 respondents.>

5 2. Page 24, line 13, after <institutions,> by
6 inserting <modifying programs and duties of the
7 economic development authority,>

8 3. By renumbering, redesignating, and correcting
9 internal references as necessary.

By STECKMAN of Cerro Gordo

H-1327 FILED MAY 5, 2015



HF 661 – Probate and Trust Law Amendments (LSB1061HZ)
Analyst: Jeff Robinson (Phone: (515) 281-4614) (jeff.robinson@legis.iowa.gov)
Fiscal Note Version – New

Description

House File 661 relates to probate and estate-related laws and the Bill provides a new exemption from the State inheritance tax. The exemption begins with deaths occurring on or after July 1, 2016.

Background and Assumptions

Under current Iowa inheritance tax law, the inheritance of a stepchild of the decedent is exempt from Iowa inheritance tax, but an inheritance received by any children of stepchildren is not exempt. **House File 661** exempts the lineal descendants of stepchildren of a decedent from inheritance tax.

To estimate the impact of exempting the inheritance of lineal descendants of stepchildren, the Department of Revenue examined a sample of inheritance tax returns filed in calendar years 2012 and 2013. The sample covered approximately 15.0% of all inheritance tax collections during the examined time frame. From the sample, 1.2% of the taxes due were traced to lineal descendants of stepchildren of the deceased. Based on the sample, the new inheritance tax exemption contained in the Bill is assumed to reduce State inheritance tax revenue 1.2%, beginning with deaths occurring on or after July 1, 2015.

Inheritance tax returns are due nine months after death and the tax is generally paid at that time. Therefore, there is not a full year's fiscal impact in the first year (FY 2016).

Fiscal Impact

Exempting the lineal descendants of stepchildren from the State inheritance tax will reduce net General Fund revenue by an estimated \$0.5 million in FY 2016, \$1.2 million in FY 2017, and \$1.5 million in FY 2018 and subsequent years.

The remaining provisions of the Bill are not expected to have a significant impact on government revenues or expenditures.

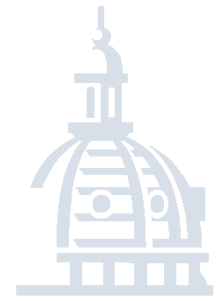
Source

Iowa Department of Revenue

/s/ Holly M. Lyons

May 4, 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.



HF 653 – Iowa Department of Revenue 2015 Tax Policy Bill (LSB1309HV)
Analyst: Jeff Robinson (Phone: (515) 281-4614) (jeff.robinson@legis.iowa.gov)
Fiscal Note Version – New

Description

House File 653:

- Expands the definition of “livestock” as it is used for determining sales/use tax exemptions to include preserve whitetail deer (whitetail deer kept on a hunting preserve). This change is effective on enactment and applies retroactively to July 1, 2005.
- Expands a current sales/use tax exemption for certain all-terrain and off-road utility vehicles. This change is effective July 1, 2015.
- Modifies the Disabled Veteran Homestead Tax Credit by allowing an extension of the application deadline. This change is effective on enactment and applies retroactively to March 5, 2015.
- Provides a property tax exemption for agricultural land owned by a cemetery association and leased to another person. This change is effective July 1, 2015.
- Provides a property tax exemption for up to 50 acres of property owned by a religious institution or society that receives monetary or in-kind profits from the property. To receive the exemption, all monetary or in-kind profits must be used exclusively for the appropriate objects of the institution or society. This exemption applies first to assessment year 2016 (taxes paid in FY 2018).

The Bill makes Iowa Code section [25B.7](#) (State funding of property tax credits and exemptions) inapplicable to the property tax exemptions provided in the Bill for cemetery associations and religious institutions and societies.

Fiscal Impact

Division I - Whitetail Preserve Exemption - The provision is retroactive to July 1, 2005. While the Bill prohibits tax refunds to taxpayers that remitted tax since that date, enactment of the provision will mean any taxpayer that has not yet remitted the tax on whitetail preserve deer purchases made between July 1, 2005, and June 30, 2015, will no longer have to remit the tax. The provision also exempts future purchases related to whitetail preserve deer from the sales/use tax. An estimate of the back taxes that are currently owed, as well as an estimate of the future taxes that will be collected from whitetail preserve deer purchases, is not known so a fiscal impact estimate cannot be completed at this time.

Division I - All-Terrain and Off-Road Vehicles - The Department of Revenue estimates the change to the sales/use tax exemption for all-terrain and off-road utility vehicles will reduce net State General Fund revenue by an estimated \$190,000 per year, and local option sales tax revenue by an estimated \$27,000 per year, beginning in FY 2016.

Division II - Disabled Veteran Homestead Credit - This provision amends [HF 166](#) (Disabled Veteran Homestead Tax Credit Act). The change will allow eligible veterans to apply for the credit through June 30, 2015, and receive the benefit as if they had applied by the normal due date for Homestead Tax Credit applications. The application deadline extension is projected to increase the FY 2016 State General Fund standing unlimited appropriation for the Homestead

Tax Credit by \$1.8 million. This fiscal impact is in addition to the \$560,000 FY 2016 impact cited in the [Fiscal Note for HF 166](#). The change in this Bill does not have an additional fiscal impact beyond FY 2016.

Division III - Cemetery Association Property Tax Exemption - This exemption applies only to agricultural land owned by a cemetery association and leased to another person. An average acre of taxed Iowa farmland pays \$23.71 per acre in property tax (FY 2015 average). For the property tax fiscal impact of the exemption to equal \$50,000 or more per year statewide, the impacted acres must exceed 2,100. This is not assumed to be the case. Therefore, this provision is projected to have an annual property tax impact of less than \$50,000 per year.

Division III - Religious Institution and Societies Property Tax Exemption - If a qualified institution is currently paying property tax on 50 acres of Iowa agricultural land, the tax savings for that single institution at an average agricultural tax rate of \$23.71 per acre is \$1,186. The taxes owed on an average nonagricultural acre of property are not known, so a tax savings on 50 acres of nonagricultural property cannot be calculated.

The number of acres currently owned by religious institutions or societies that are rented or otherwise used for profit is not known, and the number of acres that might be owned in the future is also not known. Therefore, a fiscal impact of this provision cannot be accurately estimated at this time.

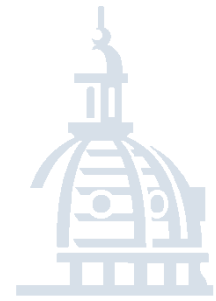
Sources

Iowa Department of Revenue
Department of Management property tax files

/s/ Holly M. Lyons

May 4, 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.



HF 635 – 2015 Transportation Omnibus (LSB1339HZ.2)

Analyst: Adam Broich (Phone: (515) 281-8223) (adam.broich@legis.iowa.gov)

Fiscal Note Version – As amended and passed by the Senate

Description

House File 635 as amended and passed by the Senate, updates several Iowa Code chapters to comply with federal law, reorganizes Iowa Code chapters **307** and **307A**, adopts changes for consistency, and changes fees. Changes are described below:

- **Division One** eliminates a reference to the State aircraft pool that no longer exists and eliminates requirements related to the presentation of an aircraft certificate.
- **Division Two** amends and reorganizes Iowa Code chapters related to duties of the Department of Transportation (DOT) and the Transportation Commission. Amendments separate the duties of the DOT and the Commission into separate Iowa Code chapters and update language to reflect current organization. This Division also requires the Department to study the most cost-effective policies to reduce the number of uninsured motorists operating in Iowa.
- **Division Three** adopts the following provisions:
 - Clarifies that federal authorities are eligible for plates other than official registration plates.
 - Increases the fee for issuance of a replacement driver's license for licensees between the ages of 18 and 21 from \$1 to \$10. License cards for licensees age 21 and under are vertically displayed.
 - Allows an individual with a suspended license for operating-while-intoxicated (OWI) and for other violations to be eligible for a temporary restricted license (TRL). The licensee must be eligible for a TRL under both provisions. The fee to reinstate a TRL is \$20.
 - Decreases the penalty for filing registration fees related to the International Registration Plan (IRP). A registration reciprocity agreement exists among 48 states and Canada.
 - Allows annual oversize and overweight permits for vehicles that haul bagged livestock bedding.
 - Allows vehicles for sale to be displayed at the Iowa State Fair.
 - Extends the allowable length of travel and fifth-wheel trailers from 40 to 45 feet.
 - Requires newly issued disability parking permits to display "Remove from mirror before operating vehicle."
 - Allows law enforcement to stop a motorist solely for writing and sending messages on a cell phone while operating a motor vehicle.
- **Division Four** repeals several Iowa Code sections related to rail transportation that are not in use.
- **Division Five** adopts the following provisions:
 - Updates the definitions of a commercial driver's license (CDL) and a commercial learner's permit (CLP) to match federal regulations.
 - Requires the DOT to adopt rules to implement federal changes to CDLs and CLPs.
 - Requires applicants for a CDL to hold a learner's permit prior to being issued a CDL. The learner's permit must be held a minimum of 14 days. The fee for a commercial learner's permit is \$12.
 - Allows the DOT to waive the requirement of a driving skills test if the applicant has been separated from the military one year or less.
 - Requires the DOT to disqualify the CDL of a person suspected or convicted of fraud.

- Allows the DOT to adopt rules requiring additional proof, information, or certification to qualify for a CDL.
- Clarifies that the DOT will presume that CLP applicants are a resident of Iowa if certain conditions are met.

Assumptions

- The DOT estimates that contracting a vendor to verify the insurance policies of registered vehicles will cost \$2.0 million. The cost of notifying vehicle owners is unknown.
- An estimated 58,000 licensees were between the ages of 18 and 21 in 2014. The number of license holders that may acquire a replacement license is unknown. However, this estimate assumes that 33.0% of the population will acquire a replacement license.
- The number of additional temporary restricted licenses (TRLs) that may be issued is unknown. However, additional applicants may apply for a TRL, and revenue to the Statutory Allocations Fund (SAF) will increase.
- The DOT identified an average of \$257,000 in IRP late fees collected between FY 2012 and FY 2014. Fee collections vary substantially, and it is impossible to exactly predict future collections. The DOT anticipates that a reduced fee may increase collection rates.
- All new CDLs and CDL owners applying for an endorsement will be required to first own a commercial learner's permit (CLP) for 14 days and pay a \$12 fee. This estimate assumes an additional 4,000 CDL applicants will acquire a CLP.
- Provisions related to CDL requirements implement federal requirements. Failure to implement these changes may threaten federal funding to the DOT.
- Redesigning the placards will require minimal additional one-time expenditure by the DOT.
- The DOT will conduct a study related to uninsured motorists with current staff resources.
- Additional tickets will be issued due to allowing law enforcement to stop motorists for sending electronic messages while driving. However, the additional number of tickets is expected to minimally increase revenue to the General Fund, Victim Compensation Fund, and local governments.

Fiscal Impact

The DOT will expend an additional \$2.0 million per year beginning in FY 2016 to contract with a vendor to verify if registered vehicles maintain valid insurance. The number of additional TRLs that will be issued due to [House File 635](#) is unknown. However, additional applicants will apply for a TRL and revenue to the SAF will increase. The Bill will decrease the dollar amount of fines levied pursuant to the IRP. The impact of this change is unknown.

Increasing the fee for replacement licenses will increase revenue to the SAF by an estimated \$174,000 each fiscal year beginning in FY 2016. Requiring learner's permits will increase revenue to the SAF by an estimated \$48,000 each fiscal year beginning in FY 2016. Year-end SAF resources are transferred to the Road Use Tax Fund (RUTF) the following fiscal year. Therefore, these changes will increase RUTF revenue beginning in FY 2017.

The DOT estimates that failure to comply with federal requirements will reduce federal funding by \$17.2 million in FY 2016 and \$34.3 million in FY 2017. [House File 635](#) adopts changes that will meet federal requirements and secure federal National Highway Performance Program (NHPP) and Surface Transportation Program funding.

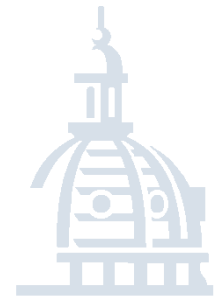
Sources

Department of Transportation
LSA Calculations

/s/ Holly M. Lyons

May 5, 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.



SF 484 – Medical Cannabis Program (LSB2576SV.1)
Analyst: Kenneth Ohms (Phone: (515) 725-2200) (kenneth.ohms@legis.iowa.gov)
Fiscal Note Version – As amended and passed by the Senate

Description

Senate File 484, as amended and passed by the Senate, creates a Medical Cannabis Act and provides for civil penalties, criminal penalties, and fees. A patient with a debilitating medical condition will obtain certification from their health care practitioner and use this to submit an application to the Iowa Department of Public Health (DPH) for a medical cannabis registration card. Debilitating medical conditions are defined as cancer, multiple sclerosis, epilepsy, AIDS or HIV, glaucoma, hepatitis C, Crohn's disease or ulcerative colitis, amyotrophic lateral sclerosis, Ehlers-Danlos syndrome, post-traumatic stress syndrome, severe chronic pain caused by underlying medical conditions not responsive to conventional treatment or conventional treatment that produces debilitating side effects, and any other chronic or debilitating disease or medical condition approved by the DPH. A health care practitioner is defined as a licensed doctor, licensed physician assistant, or licensed advanced registered nurse practitioner.

The Bill provides for a maximum of four licenses to manufacture medical cannabis, issued by the DPH. The DPH will also license a maximum of 12 dispensaries located across Iowa. Selections for both of these licenses will be conducted through a competitive bidding procedure. A Cannabis Medical Advisory Board is established to review additional debilitating medical conditions for approval, advise the DPH, and provide other general oversight. The Bill repeals the Medical Cannabidiol Act in Iowa Code chapter **124D**.

Background

Possession of Medical Cannabidiol for patients diagnosed with intractable epilepsy was enacted in 2014 Iowa Acts chapter **1125**. As of April 1, 2015, the **Medical Cannabidiol Act Registration Card Program** had received 21 applications for cannabidiol registration cards; 20 applications were approved and one was denied. These applications have resulted in the approval of 50 registration cards and 29 have been issued.

Assumptions

- For the number of Iowa residents with chronic conditions outlined in the Bill, the DPH estimates 7.7% (9,808 patients) will apply for Medical Cannabis Cards.
- The Bill sets the fee for Medical Cannabis Registration Cards at \$100. If the patient attests to receiving Social Security Disability benefits, Supplemental Security Insurance payments, or is enrolled in Medical Assistance, the fee is \$25. The DPH estimates 11.7% of the anticipated applicants will qualify for the reduced fee.
- The Department of Transportation reports that it costs an estimated \$10 per card issued.
- It is unknown how many business entities will apply to become licensed medical cannabis manufacturers and medical cannabis dispensaries. Comparisons to other states are difficult due to provisions allowing patients to grow their cannabis plants, or unrestricted cultivation and production. Generally, other states have experienced many applications per Medical Cannabis manufacturing or dispensary license, as high as seven applications per eligible license. This *Fiscal Note* assumes three applications per eligible license in the first year and

only renewals for licensees in the second year. The application fee is \$7,500 for licensure for manufacturers and \$5,000 for dispensaries.

- The Chronic Conditions appropriation to the DPH includes \$25,000 for the Medical Cannabidiol Program. It is assumed the appropriation will continue.
- The DPH will require staff to implement and administer the Program. There will also be costs associated with promotion and education to health care providers; processing applications; database development, update, and maintenance; drug formulary development; board administration; and oversight.
- The Department of Transportation will incur costs for updating the database for issuing Medical Cannabis registration cards.
- Based on the timelines for licensure in the Bill, fee revenue for manufacturing applications will likely not be available until the second quarter of FY 2016. Dispensary application fees will likely not be received until the third quarter. Registration card application fees will not become available until after that.
- The Board of Regents reported no fiscal impact associated with the report required in the Bill.
- To implement a real-time statewide medical cannabis registry management sale tracking system that is available to medical cannabis dispensaries on a 24-hour-a-day, seven-day-a-week basis, the DPH will need to either develop or purchase a system capable of this function. It is assumed an information system of this scale will be similar to the initial cost of the Immunization Registry Information System (IRIS) operated by the DPH.

Fiscal Impact

The following table outlines the estimated budget of the Medical Cannabis Program.

	Estimated FY 2016	Estimated FY 2017
Resources		
General Fund	\$ 25,000	\$ 25,000
Manufacturing License Application Fees	90,000	30,000
Dispensary License Application Fees	180,000	60,000
Registration Card Application and Renewal Fees	894,700	894,700
Total Resources	\$ 1,189,700	\$ 1,009,700
Expenses		
Salaries		
Program Administrator (EO2: 1.0 FTE)	\$ 75,748	\$ 75,748
Clerk Specialists (2.25 FTE to start, 3.0 FTE)	101,901	135,867
Supervision (PSE 3: 0.1 FTE)	8,322	8,322
Support Expenditures and Processing	327,162	292,416
Capital Outlay		
DPH Database Development	1,290,902	651,590
DOT Database and Card Development	60,000	0
Total Expenses	\$ 1,864,035	\$ 1,163,943
Net Impact	\$ -674,335	\$ -154,243
EO2 - Executive Officer 2		
PSE 3 - Public Service Executive 3		

Due to the delay in fee revenue and initial work associated with reviewing licensing, developing and updating databases, developing drug formularies, provider education and promotion, and processing applications, first-year initial funding needs are estimated at \$1.7 million.

Correctional Impact

It is unknown at this time how many violations under Iowa Code chapters [124](#) (Controlled Substances) and [453B](#) (Excise Tax on Unlawful Dealing in Certain Substances) will occur.

Sources

Iowa Department of Public Health
Department of Transportation
Criminal and Juvenile Justice Planning Division
Board of Regents

/s/ Holly M. Lyons

May 5, 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.
