

**EIGHTY-FIFTH GENERAL ASSEMBLY  
2014 REGULAR SESSION  
DAILY  
SENATE CLIP SHEET**

MARCH 5, 2014

**HOUSE AMENDMENT TO  
SENATE FILE 2056**

**S-5045**

1 Amend Senate File 2056, as passed by the Senate, as  
2 follows:

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

4 <Section 1. Section 257.3, subsection 2, paragraph  
5 d, Code 2014, is amended to read as follows:

6 d. For purposes of this section, a reorganized  
7 school district is one which absorbs at least thirty  
8 percent of the enrollment of the school district  
9 affected by a reorganization or dissolved during  
10 a dissolution and in which action to bring about a  
11 reorganization or dissolution is initiated by a vote  
12 of the board of directors or jointly by the affected  
13 boards of directors to take effect on or after July  
14 1, 2007, and on or before July 1, ~~2014~~ 2019. Each  
15 district which initiated, by a vote of the board of  
16 directors or jointly by the affected boards, action to  
17 bring about a reorganization or dissolution to take  
18 effect on or after July 1, 2007, and on or before July  
19 1, ~~2014~~ 2019, shall certify the date and the nature  
20 of the action taken to the department of education  
21 by January 1 of the year in which the reorganization  
22 or dissolution takes effect. ~~For a reorganization or~~  
23 ~~dissolution that took effect on or after July 1, 2002,~~  
24 ~~and on or before July 1, 2006, the reorganized school~~  
25 ~~district shall continue to receive the benefits of~~  
26 ~~paragraphs "a" and "b" of this subsection for the time~~  
27 ~~specified in those paragraphs.>~~

28 2. Page 1, after line 22 by inserting:

29 <Sec. \_\_\_\_ Section 257.11, subsection 5, Code 2014,  
30 is amended by striking the subsection.

31 Sec. \_\_\_\_ Section 257.11A, Code 2014, is amended to  
32 read as follows:

33 257.11A Supplementary weighting and school  
34 reorganization.

35 1. In determining weighted enrollment under section  
36 257.6, if the board of directors of a school district  
37 has approved a contract for sharing pursuant to section  
38 257.11 and the school district has approved an action  
39 to bring about a reorganization to take effect on and  
40 after July 1, 2007, and on or before July 1, ~~2014~~  
41 2019, the reorganized school district shall include,  
42 for a period of three years following the effective  
43 date of the reorganization, additional pupils added by  
44 the application of the supplementary weighting plan,  
45 equal to the pupils added by the application of the  
46 supplementary weighting plan in the year preceding the  
47 reorganization. For the purposes of this subsection,  
48 the weighted enrollment for the period of three  
49 years following the effective date of reorganization  
50 shall include the supplementary weighting in the base

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1 year used for determining the combined district cost  
2 for the first year of the reorganization. However,  
3 the weighting shall be reduced by the supplementary  
4 weighting added for a pupil whose residency is not  
5 within the reorganized district.

6 2. For purposes of this section, a reorganized  
7 district is one in which the reorganization was  
8 approved in an election pursuant to sections 275.18  
9 and 275.20 and takes effect on or after July 1, 2007,  
10 and on or before July 1, ~~2014~~ 2019. Each district  
11 which initiates, by a vote of the board of directors or  
12 jointly by the affected boards, action to bring about  
13 a reorganization or dissolution to take effect on or  
14 after July 1, 2007, and on or before July 1, ~~2014~~ 2019,  
15 shall certify the date and the nature of the action  
16 taken to the department of education by January 1 of  
17 the year in which the reorganization or dissolution  
18 takes effect.

19 3. A school district shall be eligible for a  
20 combined maximum total of six years of supplementary  
21 weighting under the provisions of this section and  
22 section 257.11, subsection 2, paragraph "c". ~~A school~~  
23 ~~district participating in a whole grade sharing~~  
24 ~~arrangement during the budget year beginning July 1,~~  
25 ~~2001, that adopted a resolution jointly with other~~  
26 ~~affected boards to study the question of undergoing~~  
27 ~~a reorganization or dissolution to take effect on or~~  
28 ~~after July 1, 2002, and on or before July 1, 2006,~~  
29 ~~shall continue to receive the supplementary weighting~~  
30 ~~to which it was entitled pursuant to the provisions~~  
31 ~~of this section and section 257.11, subsection 2,~~  
32 ~~paragraph "c".>~~

33 3. Title page, by striking lines 1 and 2 and  
34 inserting <An act relating to incentives for whole  
35 grade sharing and reorganization or dissolution by  
36 school districts.>

RECEIVED FROM THE HOUSE

S-5045 FILED MARCH 4, 2014

SENATE FILE 2204

S-5046

- 1 Amend Senate File 2204 as follows:  
2 1. Page 1, by striking lines 10 through 17.  
3 2. Page 1, line 22, by striking <benefits> and  
4 inserting <benefit>  
5 3. Page 2, by striking lines 16 through 22.  
6 4. Title page, line 1, by striking <benefits> and  
7 inserting <benefit>  
8 5. By renumbering as necessary.

By MATT McCOY

S-5046 FILED MARCH 4, 2014

ADOPTED

SENATE FILE 2262

S-5043

1 Amend Senate File 2262 as follows:

2 1. Page 2, by striking line 15 and inserting <of  
3 public health within five days. The department of  
4 public health shall publish the submitted results on  
5 the department's internet site for public review and  
6 shall provide the submitted results to the department  
7 of education.>

**By** TOD R. BOWMAN

S-5043 FILED MARCH 4, 2014

ADOPTED

S-5044

1 Amend Senate File 2289 as follows:

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

4 <Section 1. Section 321.210, subsection 2,  
5 paragraph e, Code 2014, is amended by striking the  
6 paragraph.

7 Sec. 2. Section 321.276, subsections 1 and 2, Code  
8 2014, are amended to read as follows:

9 1. For purposes of this section:

10 a. "Engage in a call" means talking or listening  
11 on a mobile telephone or other portable electronic  
12 communication device.

13 b. ~~"Hand-held electronic~~ "Electronic communication  
14 device" means a mobile telephone, portable or mobile  
15 computer, or other portable electronic ~~communication~~  
16 device capable of being used to ~~write~~ compose, send,  
17 or read ~~a text~~ an electronic message. ~~"Hand-held~~  
18 ~~electronic~~ "Electronic communication device" does not  
19 include a voice-operated or hands-free device which  
20 allows the user to ~~write~~ compose, send, or read ~~a text~~  
21 an electronic message without the use of either hand  
22 except to activate or deactivate a feature or function.  
23 ~~"Hand-held electronic~~ "Electronic communication device"  
24 does not include a wireless communication device used  
25 to transmit or receive data as part of a digital  
26 dispatch system. ~~"Hand-held electronic~~ "Electronic  
27 communication device" includes a device which is  
28 temporarily mounted inside the motor vehicle, unless  
29 the device is a voice-operated or hands-free device.

30 c. ~~"Text~~ "Electronic message" means a self-contained  
31 piece of digital communication that is designed  
32 or intended or be transmitted by electronic means.  
33 "Electronic message" includes but is not limited to a  
34 text-based message, an instant message, and electronic  
35 mail an electronic mail message, and a communication  
36 designed to initiate access to an internet site.

37 d. The terms ~~"write"~~ "compose", "send", and "read",  
38 with respect to ~~a text~~ an electronic message, mean the  
39 manual entry, transmission, and retrieval of ~~a text~~ an  
40 electronic message, respectively, to communicate with  
41 any other person or device.

42 2. A person shall not use ~~a hand-held~~ an electronic  
43 communication device to ~~write~~ compose, send, or read  
44 ~~a text~~ an electronic message while driving a motor  
45 vehicle unless the motor vehicle is at a complete stop  
46 off the traveled portion of the roadway.

47 a. A person does not violate this section by using  
48 a global positioning system or navigation system  
49 or when, for the purpose of engaging in a call,  
50 the person selects or enters a telephone number or

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1 name in a hand-held mobile telephone or activates,  
2 deactivates, or initiates a function of a hand-held  
3 mobile telephone.

4 b. The provisions of this subsection relating to  
5 reading ~~a text~~ an electronic message do not apply to  
6 the following persons:

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

9 (2) A health care professional in the course of an  
10 emergency situation.

11 (3) A person receiving safety-related information  
12 including emergency, traffic, or weather alerts.

13 Sec. 3. Section 321.276, subsection 4, Code 2014,  
14 is amended to read as follows:

15 4. a. A person convicted of a violation of this  
16 section is guilty of a simple misdemeanor punishable as  
17 a scheduled violation under section 805.8A, subsection  
18 ~~14~~ 6, paragraph ~~"l"~~ "0c".

19 ~~b. A violation of this section shall not be  
20 considered a moving violation for purposes of this  
21 chapter or rules adopted pursuant to this chapter.~~

22 Sec. 4. Section 321.276, subsection 5, Code 2014,  
23 is amended by striking the subsection.

24 Sec. 5. Section 321.555, subsection 2, Code 2014,  
25 is amended to read as follows:

26 2. Six or more of any separate and distinct  
27 offenses within a two-year period in the operation of a  
28 motor vehicle, which are required to be reported to the  
29 department by section 321.491 or chapter 321C, except  
30 equipment violations, parking violations as defined  
31 in section 321.210, violations of registration laws,  
32 violations of sections 321.445 and 321.446, ~~violations~~  
33 ~~of section 321.276~~, operating a vehicle with an expired  
34 license or permit, failure to appear, weights and  
35 measures violations and speeding violations of less  
36 than fifteen miles per hour over the legal speed limit.

37 Sec. 6. Section 805.8A, subsection 6, Code 2014, is  
38 amended by adding the following new paragraph:

39 NEW PARAGRAPH. 0c. Section 321.276 ..... \$30

40 Sec. 7. Section 805.8A, subsection 14, paragraph 1,  
41 Code 2014, is amended by striking the paragraph.>

42 2. Title page, line 1, by striking <texting while  
43 driving as> and inserting <electronic messaging while  
44 driving as a moving violation and>

45 3. Title page, line 2, after <enforcement> by  
46 inserting <, and making penalties applicable>

47 4. By renumbering as necessary.

**By** TOD R. BOWMAN

SENATE FILE 2301

S-5042

1 Amend Senate File 2301 as follows:

2 1. By striking page 4, line 24, through page 5,  
3 line 5, and inserting <the polls close on election day  
4 or, for a voter included within the term "armed forces  
5 of the United States" under section 53.37, be clearly  
6 postmarked by an officially authorized postal service  
7 not later than the day before the election and received  
8 by the commissioner not later than noon on the Monday  
9 following the election.>

10 2. By renumbering as necessary.

**By** RANDY FEENSTRA  
MARK CHELGREN

S-5042 FILED MARCH 4, 2014

LOST

S-5040

1 Amend Senate File 2309 as follows:

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

4 <Section 1. Section 902.1, subsection 2, Code 2014,  
5 is amended by striking the subsection and inserting in  
6 lieu thereof the following:

7 2. a. Notwithstanding subsection 1, a person  
8 convicted of murder in the first degree in violation of  
9 section 707.2, who was under the age of eighteen at the  
10 time the offense was committed shall receive one of the  
11 following sentences:

12 (1) Commitment into the custody of the director  
13 of the department of corrections for the rest of the  
14 defendant's life with no possibility of parole unless  
15 the governor commutes the sentence to a term of years.

16 (2) (a) Commitment into the custody of the  
17 director of the department of corrections for the  
18 rest of the defendant's life with the possibility of  
19 parole after serving a minimum term of confinement of  
20 thirty-five years.

21 (b) Earned time shall not reduce the mandatory  
22 minimum term of confinement under this subparagraph.

23 b. (1) The prosecuting attorney shall provide  
24 reasonable notice to the defendant, after conviction  
25 and prior to sentencing, of the state's intention to  
26 seek a life sentence with no possibility of parole  
27 under paragraph "a", subparagraph (1).

28 (2) In determining which sentence to impose, the  
29 court shall consider all circumstances including but  
30 not limited to the following:

31 (a) The impact of the offense on each victim, as  
32 defined in section 915.10, through the use of a victim  
33 impact statement, as defined in section 915.10, under  
34 any format permitted by section 915.13. The victim  
35 impact statement may include comment on the sentence  
36 of the defendant.

37 (b) The impact of the offense on the community.

38 (c) The threat to the safety of the public or any  
39 individual posed by the defendant.

40 (d) The degree of participation in the offense by  
41 the defendant.

42 (e) The nature of the offense.

43 (f) The defendant's remorse.

44 (g) The defendant's acceptance of responsibility.

45 (h) The severity of the offense, including any of  
46 the following:

47 (i) The commission of the offense while  
48 participating in another felony.

49 (ii) The number of victims.

50 (iii) The heinous, brutal, cruel manner of the

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1 offense, including whether the offense was the result  
2 of torture.

3 (iv) The capacity of the defendant to appreciate  
4 the criminality of the conduct.

5 (i) Whether the ability to conform the defendant's  
6 conduct with the requirements of the law was  
7 substantially impaired.

8 (j) The level of maturity of the defendant.

9 (k) The intellectual and mental capacity of the  
10 defendant.

11 (l) The nature and extent of any prior juvenile  
12 or criminal history of the defendant, including  
13 the success or failure of previous attempts at  
14 rehabilitation.

15 (m) The mental history of the defendant.

16 (n) The level of compulsion, duress, or influence  
17 exerted upon the defendant, but not to such an extent  
18 as to constitute a defense.

19 (o) The likelihood of the commission of further  
20 offenses by the defendant.

21 (p) The chronological age of the defendant and the  
22 features of youth, including immaturity, impetuosity,  
23 and failure to appreciate risks and consequences.

24 (q) The family and home environment that surrounded  
25 the defendant.

26 (r) The circumstances of the offense including  
27 the extent of the defendant's participation in the  
28 conduct and the way familial and peer pressure may have  
29 affected the defendant.

30 (s) The incompetencies associated with youth,  
31 including but not limited to the defendant's inability  
32 to deal with police officers or the prosecution or  
33 the defendant's incapacity to assist the defendant's  
34 attorney in the defendant's defense.

35 (t) The possibility of rehabilitation.

36 (u) Any other information considered relevant by  
37 the sentencing court.

38 (3) The court may consider evidence presented  
39 at trial and additional evidence presented by the  
40 prosecution or defense at the sentencing hearing. The  
41 court shall specify on the record the circumstances  
42 considered by the court and the reasons supporting the  
43 sentence imposed.

44 Sec. 2. Section 902.1, Code 2014, is amended by  
45 adding the following new subsections:

46 NEW SUBSECTION. 3. Notwithstanding subsections  
47 1 and 2, a person convicted of a class "A" felony,  
48 other than murder in the first degree in violation of  
49 section 707.2, who was under the age of eighteen at the  
50 time the offense was committed shall be eligible for

1 parole after serving a minimum term of confinement of  
2 twenty-five years.

3 NEW SUBSECTION. 4. a. If a person is paroled  
4 pursuant to subsection 2 or 3, the person shall be  
5 subject to the same set of procedures set out in  
6 chapters 901B, 905, 906, and 908, and rules adopted  
7 under those chapters for persons on parole.

8 b. Earned time shall not reduce the mandatory  
9 minimum term of confinement under this subsection.

10 Sec. 3. RETROACTIVE APPLICABILITY. The sentencing  
11 provisions of this Act shall apply to a person who was  
12 convicted of a class "A" felony prior to, on, or after  
13 the effective date of this Act and who was under the  
14 age of eighteen at the time the offense was committed.

15 Sec. 4. EFFECTIVE UPON ENACTMENT. This Act, being  
16 deemed of immediate importance, takes effect upon  
17 enactment.>

18 2. Title page, line 2, after <juveniles> by  
19 inserting <, and including effective date and  
20 retroactive applicability provisions>

**By** JULIAN GARRETT

SENATE FILE 2328

S-5041

- 1 Amend Senate File 2328 as follows:  
2 1. Page 4, line 15, by striking <is consistent> and  
3 inserting <are consistent>  
4 2. Page 5, line 3, after <authority.> by inserting  
5 <The division may also be referred to as Iowa title  
6 guaranty.>  
7 3. Page 5, line 7, before <board> by inserting  
8 <division>  
9 4. Page 5, line 13, before <board> by inserting  
10 <division>  
11 5. Page 5, lines 21 and 22, by striking <displaced  
12 farmers,>  
13 6. Page 5, line 31, by striking <such>  
14 7. Page 6, by striking lines 24 and 25 and  
15 inserting:  
16 <1. The powers of the agricultural development  
17 division>  
18 8. Page 6, line 32, by striking <Iowa finance>  
19 9. Page 7, line 4, by striking <Iowa finance>  
20 10. Page 8, line 6, by striking <Iowa finance>  
21 11. Page 10, lines 27 and 28, by striking <Iowa  
22 finance>  
23 12. Page 10, line 30, by striking <Iowa finance>  
24 13. Page 11, line 15, by striking <Iowa finance>  
25 14. Page 11, line 27, by striking <Iowa finance>  
26 15. Page 12, line 2, by striking <Iowa finance>  
27 16. Page 14, line 29, by striking <selection> and  
28 inserting <the selection>  
29 17. Page 15, by striking lines 11 through 14.  
30 18. Page 17, line 19, by striking <subchapter,> and  
31 inserting <subchapter>  
32 19. Page 17, line 27, by striking <A complete  
33 report shall include> and inserting <The complete  
34 annual report shall contain>  
35 20. Page 19, line 1, by striking <Iowa finance>  
36 21. By striking page 23, line 23, through page 24,  
37 line 19.  
38 22. By striking page 24, line 20, through page 25,  
39 line 21.  
40 23. Page 27, line 30, by striking <which>  
41 24. Page 39, line 15, by striking <under the  
42 authority of the Iowa finance> and inserting <under the  
43 control of the>  
44 25. Page 39, line 25, by striking <Iowa finance>  
45 26. By striking page 40, line 32, through page 41,  
46 line 3.  
47 27. Page 41, line 21, by striking <Iowa finance>  
48 28. Page 52, line 21, before <any> by inserting  
49 <that>  
50 29. Page 52, line 23, by striking <its prior> and

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- 1 inserting <the authority's prior>
- 2 30. Page 52, line 23, by striking <consent> and
- 3 inserting <consent,>
- 4 31. Page 52, line 25, by striking <its prior> and
- 5 inserting <the authority's prior>
- 6 32. Page 53, line 21, by striking <the beginning>
- 7 and inserting <a beginning>
- 8 33. Page 53, line 23, by striking <furnish> and
- 9 inserting <to furnish>
- 10 34. Page 56, line 2, by striking <improvements> and
- 11 inserting <improvements,>
- 12 35. Page 56, line 8, by striking <must> and
- 13 inserting <shall>
- 14 36. Page 58, line 1, by striking <attached to> and
- 15 inserting <included with>
- 16 37. Page 62, line 10, by striking <attached to> and
- 17 inserting <included with>
- 18 38. Page 64, lines 20 and 21, by striking <notes
- 19 and investments thereon> and inserting <notes, and the
- 20 investments on the proceeds,>
- 21 39. Page 69, line 12, by striking <Iowa finance>
- 22 and inserting <~~Iowa finance~~>
- 23 40. Page 70, by striking lines 15 and 16 and
- 24 inserting:
- 25 <Sec. \_\_\_\_ . Section 16.105, subsection 13, Code
- 26 2014, is amended by striking the subsection.>
- 27 41. Page 78, lines 9 and 10, by striking <sections
- 28 16.26 and 16.27 as amended in this Act,> and inserting
- 29 <section 16.26 as amended in this Act, section 16.27,>
- 30 42. Page 78, lines 23 and 24, by striking <and
- 31 sections 16.55 through> and inserting <reserved section
- 32 16.55, and sections 16.56 and>
- 33 43. Page 79, lines 6 and 7, by striking <and
- 34 sections 16.55 through> and inserting <reserved section
- 35 16.55, and sections 16.56 and>
- 36 44. Page 88, line 31, by striking <attached to> and
- 37 inserting <included with>
- 38 45. By renumbering as necessary.

**By** JEFF DANIELSON

S-5041 FILED MARCH 4, 2014

ADOPTED

HOUSE FILE 2297

S-5047

- 1 Amend House File 2297, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 14, by striking <benefit> and
- 4 inserting <benefits>
- 5 2. Title page, line 1, by striking <benefit> and
- 6 inserting <benefits>

**By** MATT McCOY

S-5047 FILED MARCH 4, 2014

ADOPTED



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**SF 2227** – Home and Community-Based Services Ongoing Exception to Policy (LSB 5323SV)  
Analyst: Jess Benson (Phone: (515) 281-4611) ([jess.benson@legis.iowa.gov](mailto:jess.benson@legis.iowa.gov))  
Fiscal Note Version – New

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**Description**

**Senate File 2227** directs the Department of Human Services (DHS) to adopt rules specifying that a recipient of services under the Medicaid Home and Community-Based Services (HCBS) waiver, through an exception to policy, must have those services renewed when they come due for review if the individual's primary health care provider submits a confirmation to the DHS stating that there is little or no probability that the individual's status related to the existing exception to policy was granted will significantly change in the period until the next review.

**Background**

The DHS grants a wide variety of exceptions to policy requests for individuals on the HCBS waivers that include items such as additional services to keep an individual in their home, temporary rate increases due to a lack of providers in an area, or out-of-state placements for specialized providers. Exceptions to policy are generally a year in length, but in some cases they are reviewed more frequently.

**Assumptions**

- The DHS received 2,305 renewal requests for exceptions to policy in FY 2013.
- Based on historical review, 8.0% of exception to policy renewal requests were either denied or withdrawn.
- The DHS spends an average of \$2,250 per month above the allowed amount for exception to policy cases.
- The DHS believes this legislation is in conflict with federal law because the exception to policy request will no longer be subject to approval by the Medicaid agency. Because of this, it is unknown if federal funding will be available.
- It is unknown how many of the 8.0% of individuals denied will seek a renewal through a primary care provider or how many individuals will have a change in their condition making them ineligible for renewal.

**Fiscal Impact**

The fiscal impact for **SF 2227** cannot be determined. It is unknown how many of the 8.0% of individuals denied will seek a renewal through a primary care provider or how many individuals will have a change in their condition making them ineligible for renewal. In addition, due to the complexity and wide variety of exception to policy requests, a primary care provider may not be in the best position to know if the circumstances leading to the exception to policy request have changed. It is also unknown if federal funding will be available. If the 8.0% of exception to policy cases that were previously denied are now renewed based on a primary care physician's approval and no federal funding is available, it could cost the State up to \$5.0 million in FY 2015. The DHS believes this change in policy will increase the number of exception to policy requests in the future and could increase costs.

**Source**

Department of Human Services

/s/ Holly M. Lyons

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March 3, 2014

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

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